



## Service Animals in Restaurants



- Restaurants are **generally considered public accommodations** and must follow Title III of the Americans with Disabilities Act (“ADA”), which provides that service animals must be allowed to accompany people with disabilities in places open to the public.
- Restaurants **may ask only two questions** when a person enters the restaurant with a service animal:
  - 1) “Is the animal required because of your disability?” and
  - 2) “What task does it perform?” These are the only questions that may be asked regarding the person’s disability and their need for the animal.
- If the person answers the above questions appropriately, the person and their animal **must be given equal access** to the restaurant – this means they cannot be asked to stay outside on the patio or required to sit in a certain area within the restaurant.
- Service animals **must be housebroken and must be under the person’s control**. If the animal is not housebroken or is out of control, the animal – even a legitimate service animal – can be asked to leave so long as the restaurant continues to offer their services to the person with a disability.
- Service animals are **not allowed to eat off the table** – the ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are not required to allow an animal to sit or be fed at the table.
- **Breed bans do not apply to service animals** – even if you are in a city that bans a certain type of dog, such as Pit Bulls, if an animal is a service animal it is specifically excluded from this ban.
- In Colorado, it is a **class two petty offense to intentionally misrepresent** an animal as a service animal, but prior to being charged, a person must have received a **verbal or written warning** regarding the fact that it is illegal to intentionally misrepresent an animal as a service or assistance animal. If the person continues to misrepresent their animal after being warned, the police may be called.
- Please note that this fact sheet pertains only to members of the public entering a restaurant and **does not cover employment situations in restaurants** – the law regarding service animals in the employment context is different and is covered by Title I of the ADA and Colorado state law specific to employment.

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