



ANOKA COUNTY ADMINISTRATION RULES AND PROCEDURES

These rules and procedures have been promulgated by County Administration and affect all departments and offices within the county.

ITEM COVERED – **Animals in County building**

APPROVED - June 5, 2017

Jerry Soma

County Administrator

Rule:

In compliance with state and federal anti-discrimination laws, including the Americans with Disabilities Act, individuals with disabilities may be accompanied by a service animal in all county facilities accessible to members of the public or participants in services, programs, and activities. Animals accompanying law enforcement officers as part of their work assignments are also allowed access to county facilities. All other animals are strictly prohibited from county facilities.

Definitions:

State and federal laws define a “**service animal**” as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” 28 C.F.R. §35.104; Minn. Stat. §363A.19(c). A “miniature horse” may also qualify as a service animal under certain conditions set forth below. All other species of animal, whether wild or domestic, trained or untrained, do not qualify as service animals.

A **miniature horse** may qualify as a service animal if: (1) the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability; (2) the public facility can accommodate the miniature horse accounting for its type, size and weight; (3) the handler maintains sufficient control of the miniature horse; (4) the miniature horse is housebroken; and (5) the presence of the miniature horse does not compromise legitimate safety requirements that are necessary for safe operations. 28 C.F.R. §36.302.

A “**therapy animal**” is an animal whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits or to promote emotional well-being. A therapy animal is not a service animal. 28 C.F.R. Part 35, App. A. Therapy animals are not permitted in county facilities except in special circumstances determined on a case-by-case basis.

Enforcement:

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) Is the animal a service animal required because of a disability? and (2) What work or task has the animal been trained to perform?

Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

A person with a disability must always keep a service animal under control. A service animal shall have a harness, leash or other tether, unless the handler is unable because

of a disability to use a harness or the use of a harness would interfere with the service animal's safe and effective performance of its work. If the use of a harness is not feasible for one of these reasons, the handler must maintain control of the animal through voice command, signals, or other effective means.

A person with a disability cannot be asked to remove a service animal from the premises unless: (1) the animal is out of control and the handler does not take effective action to control it; or (2) the animal is not housebroken.

When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain services without the animal's presence. In such a situation, staff should work with their supervisor, Facilities Management, or Risk Management to remove the service animal.