



FEDERAL, STATE, & LOCAL LAWS: WHICH ONE TO FOLLOW

Did You Know...

- In Florida, It is a legal violation to intentionally interfere with the training of a service animal by a person authorized to train the service animal.
- Louisiana exempts service dogs from any state or local license fee.
- In Kentucky the definition of a service animals includes a "bomb detection dog".

None of these regulations are covered in the ADA's Title II and III regulations covering service animals. However, they are just a few of the many state laws that cover service or assistance animals that are not included in Title II and III of the ADA. **Can states have their own laws covering service animals and if they do can these laws be different from ADA regulations? The answer to both questions is "yes".** As a Federal law, the ADA sets minimum regulations regarding the rights of people with disabilities to use service animals, which under the ADA definition is a dog that has been individually trained to perform work or tasks to assist a person with a disability. Following is further clarification between Federal, State and local service (or assistance) animal laws.

Federal Laws

Title II and III of the ADA Applies nationwide. States cannot pass laws that are in conflict with Title II and III regulations covering

people with disabilities' rights to use service animals. In other words, since the ADA establishes service dogs should be allowed in places such restaurants and movie theatres, a state could not pass a law restricting service dogs from these types of establishments.

State Laws

As stated earlier, state laws may expand the definition of a service animal as well as the rights of people with disabilities in how and where they use service animals. States may also establish laws on areas not covered by the ADA such as fraudulent use of a service animal, intentionally injuring a service animal, and service dogs in training. These state laws apply to residents of that particular state or anyone visiting or working in the state. Since state laws are not supposed to be conflict with ADA regulations, entities should be able to follow state laws without fear of violating the ADA.

Local Laws

Cities and counties may also pass their own laws regarding service animals. These laws should not conflict with both federal (ADA) and any state laws and would only apply to the jurisdiction of the city or county. Enforcement Service animal regulations are enforced at the level they represent. If a city expands its definition of a service animal to animals other than dogs, then any complaint involving an animal other than a dog would be enforced at that local level. Laws only covered at the state or local level, such as fraudulent use of a service animal, would also be enforced at that level.

Note: Many states incorporate the ADA

regulations into their own regulations or statutes. In these cases, complaints of discrimination could be made at both the federal and state level.

How Do You Know If Your State has Laws Regarding Service Animals?

Michigan State University provides a Table of State Assistance Animal Laws with links to texts of each law. This table was updated and last published in 2016. It can be accessed at <https://www.animallaw.info/topic/table-state-assistance-animal-laws>



Great Plains ADA Center

University of Missouri-Architectural Studies Department
100 Corporate Lake Ave.
Columbia MO. 65203
1-800-949-4232 (IA, KS, MO, NE) 573-882-3600
adacenter@missouri.edu

The Great Plains ADA Center is part of the [ADA National Network](#), a project of the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). NIDILRR is a program of the Administration for Community Living (ACL), Department of Health and Human Services (HHS). Our grant (#90DPAD0007) is awarded through the [Dept. of Architectural Studies](#) at the University of Missouri. The contents of this website do not necessarily represent the policy of NIDILRR, ACL, HHS, and you should not assume endorsement by the Federal Government.