Service Dogs

If you spend much time in airports, you’ve probably noticed a significant increase in the number of dogs wearing suspiciously new service dog vests while travelling with their owners.

Incidents involving poorly trained service dogs and emotional support animals have skyrocketed in the last several years, along with public demands for a solution. The Government Relations Department (GR) reports that it tracked two bills addressing service dog issues in 2016. In 2018, 48 bills were introduced. To date in 2019, more than 285 bills have been introduced, making service dogs one of the top 5 issue categories (numerically) that AKC GR is addressing this year.

AKC’s concern about the misuse of service dogs is not new. In 2015 the Board released the following legislative position statement condemning misuse of service dogs and supporting laws that identify and penalize service dog fraud: Service dogs are defined as dogs that are individually trained to work or perform tasks for people with disabilities. The AKC® strongly supports public accommodations that allow individuals with disabilities to use service dogs. The AKC strongly condemns characterizing dogs as service animals when they are not, or attempting to benefit from a dog’s service dog status when the individual using the dog is not a person with a disability.

At the Delegates Legislative Caucus in June, AKC Vice President, Government Relations Sheila Goffe presented the outline of a new AKC initiative to help address the issue of fake or poorly trained Service Dogs or Emotional Support Animals (ESAs) that are inundating U.S. airports, hotels, and other public facilities.

AKC Government Relations is working with members of Congress to develop relationships with service dog and transportation/hospitality industry groups attempting to find ways to address these issues. Complex federal laws and disability rights’ issues make a simple solution to this problem extremely difficult.

Multiple federal laws provide special accommodation to individuals with disabilities. However, these individual laws use differing definitions and interpretations to establish what a service dog is, which creates widespread confusion and the opportunity for abuse. For example, The Americans with Disabilities Act (ADA), the most far-reaching of these laws, requires special accommodation for dogs (and miniature horses) that are individually trained to do work or perform tasks for people with disabilities. It limits the permissible questions asked to determine whether the animal is required because of a disability and what work it is trained to perform. By contrast, the Air Carrier Access Act (ACAA), which specifically addresses air travel for people with disabilities and assistance dogs, defines assistance animals “as any animal... that is able to provide assistance to a qualified person with a disability; or any animal shown by documentation to be necessary for the emotional well-being of a passenger.” The Act does not define what legitimate documentation is acceptable, and a host of questionable sources now provide vests and cards to anyone who can use a computer and the Internet to obtain the “required credentials.” Other laws require certain accommodations for housing and so forth. As a result, these laws are extremely difficult to enforce and easily abused. The most common abuse occurs in air travel.

Abuse of the laws requiring accommodation is not a victimless crime. When accommodation laws are abused, it harms the truly disabled by undermining their credibility and creating confusion about their legitimate need for assistance dogs. This makes day-to-day activities more difficult for those legitimate
Service Dogs

Service dogs. Numerous cases have been reported where service dog users—particularly those who have dogs for invisible disabilities such as PTSD—have experienced reduced access or direct harm as a result of others’ abuse of accommodation laws. Some individuals with service dogs report that they no longer feel comfortable going out in public. In many cases a space for a service dogs is limited and “fake” service dogs may end up taking the accommodations rightfully reserved for disabled individuals and their dogs. Abuse of accommodation laws also confuses the public and harms the reputation of working dogs overall. AKC works hard to advance the reputation and credibility of working and purpose bred dogs. When the public sees poorly behaved dogs presented as working dogs, it reflects poorly on all working dogs and dog owners.

In an ideal world, this situation could be remedied through new federal legislation. Legislation (supported by AKC) to harmonize various laws has been introduced in Congress for a number of years, but has not advanced. Entrenched interests that benefit from the laws in their existing format oppose such changes. The U.S. Department of Transportation is currently studying possible changes to regulations that implement current law and govern how they are enforced. In early August, it released interim guidelines to help guide enforcement of certain requirements under the ACA, but substantive changes to the rules or underlying laws are likely years away.

In the meantime, the problem has become sufficiently well-recognized that a number of groups, including national humane societies that do not support purpose bred and working dogs, are attempting to create service dog registries and “access” programs. AKC believes that such groups’ philosophical perspectives and lack of experience in registries, training, credentialing, animal husbandry or other aspects of working dogs make them an inappropriate choice to lead on these issues.

The American Service Dog Access Coalition (ASDAC), led by the American Kennel Club, is a 501 (c) 3 not-for profit organization comprised of industry leaders for service dog trainers and providers, and representatives from service dog access providers (the major airlines, ride apps, hospitality/ theme parks and technology providers). ASDAC is establishing an opt-in, verifiable service dog credential designed to addresses misrepresentation of service dogs and incentivize compliance with a behavioral standard for service dogs. Specifically, the credential:

- Creates a baseline behavioral standard for dogs represented as service dogs.
- Streamlines and improves access for credentialed service dog teams.
- Is simple and legal for access providers (gate agents, hotel clerks, drivers etc.) to verify.
- Ensures proper training for valid service dogs.
- Provides assurance that a service dog is inoculated against rabies.
- Discourages misrepresentation as service dogs.

Verifiability is achieved through an app that allows access providers to quickly and easily check that individual service dog teams have valid credentials. Like the TSA pre-check program, this reduces the need for additional questions and checks that can be troublesome for both the service dog team and access providers.

How it Works

- A behavioral and task-based exam developed by leading assistance dog and canine behavioral experts, along with verifications, provides assurance that dogs meet specific credentialing standards.
- Highly experienced certified trainer/evaluators conduct credentialing exams.
- An online App enables users to quickly scan or check for validity of a credentialed service dog team’s unique ID number, photograph, inoculation verification & expiration date.
Service Dogs

- Retesting and re-credentialing every two years assures that standards and inoculations remain up to date.
- Specifics of disabilities, doctors’ letters etc. need not be revealed to access providers.
- Standard protocols address potential investigation and referral in the unlikely event of a negative behavioral incident.
- AKC maintains data records, provides technical/data development.

- Beta testing starts in 2019 with military/veteran service dogs, dogs from initial participating service dog trainers and the airline industry; participation expands thereafter.

Stay tuned for regular updates on this program.

To learn more, contact AKC Government Relations at doglaw@akc.org.