

## Animals in the Library Policy

The Starkville-Oktibbeha County Public Library recognizes that patrons with disabilities may have service dogs that are trained to assist or accommodate a person with a sensory, mental, or physical disability or to perform tasks for the benefit of a disabled individual. The SOCPLS recognizes legal rights under federal and state laws regarding use of service dogs. The SOCPLS also considers the safety and health of all its patrons, the public, and library staff to be of utmost priority.

### Background and Definitions

#### Service Dog

Dogs that are individually trained to do work or perform tasks for people with disabilities (Americans with Disabilities Act).

Examples of such work or tasks include: guiding people who are blind; alerting people who are deaf; pulling a wheelchair; alerting and protecting a person who is having a seizure; reminding a person with mental illness to take prescribed medications; calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack; or performing other duties.

Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. Beginning on March 15, 2011, only dogs are recognized as service animals under Titles II and III of the ADA.

#### Disability

The term "disability" means, with respect to an individual:

- a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- b) A record of such an impairment; or
- c) Being regarded as having such an impairment.

If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the ADA.

#### Other Species

Under RCW 49.60.218, other species of animals, whether wild or domestic, trained, or untrained, are not service animals, except for miniature horses.

#### Miniature Horses

Notwithstanding the limitation of only dogs being recognized as service animals, federal regulations do allow the consideration of a miniature horse to also be recognized as a lawful service animal. Therefore, an individual with a disability may be allowed to utilize a miniature horse as a service animal, subject to all restrictions stated in this policy, but also subject to additional considerations. When determining

whether to allow a miniature horse to function as a service animal, the SOCPLS may consider the following before permission is granted to utilize a miniature horse as a service animal.

- a) The horse in question may be no more than 34 inches tall measured at its shoulder and it may weigh no more than 100 pounds.
- b) As with dogs, the horse must have been individually trained to do work or perform tasks for the benefit of the individual with a disability.
- c) As with dogs, the handler of the horse must be able to be in sufficient control of the horse and the horse must be housebroken.
- d) The presence of the horse may not compromise legitimate safety requirements that are necessary for the safe operation of library service.

## Policy

No pets or animals other than service dogs, miniature horses (see sections 2.1 and 2.4), or service dogs/miniature horses in training, are allowed in the library. Owners of pets will be asked to remove them from the library.

Individuals with disabilities may bring their service dogs into all areas of the library where members of the public are normally allowed to go. All service dogs must be under the full custody and control of their handler at all times. Also, all service dogs must be on a leash or harness at all times unless the handler is unable to leash or harness the dog because of a disability or use of a leash or harness would interfere with the dog's safe, effective performance of work or tasks. If the service dog cannot be leashed or harnessed, it must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). Owners of the service dog are solely responsible for the supervision and care of the service dog. Therefore, owners must keep the service dog directly with them at all times.

Users of service dogs are not required to show papers or to prove a disability. Service dogs are not required to be licensed or certified by a state or local government or training program or be identified by a special harness or collar.

Staff may ask two questions: (1) Is the dog a service animal required because of a disability? and (2) What work or task has the dog been trained to perform? Owners of service dogs or service dogs in training will indicate that they are working dogs and not pets. Terms used may include assistance, service, guide, hearing, or helping dog. Staff may not ask about the owner's disability.

A person with a disability may not be asked to remove his or her service dog or service dog in training from the library unless the presence, behavior or actions of the service dog constitutes an unreasonable risk of injury or harm to property or other persons, or the dog is disruptive, and the owner does not take effective action to control it. In these cases, library staff must give the person with the disability the option to obtain library services without having the service dog or service dog in training on the premises. Fear of allergies, annoyance on the part of other patrons or employees, or fear of dogs are generally not valid reasons for denying access or refusing service to people with service dogs or service dogs in training.

## Exceptions for Library Offerings

Pending approval by the Director or his/her designee, the SOCPLS may have animals in the building as part of its educational and recreational offerings.

## Animal Endangerment

The SOCLPS does not condone leaving non-service animals outside the library in a way that may endanger the animal or Library patrons. The SOCPLS reserves the right to contact the police regarding any unattended animals on its premises. The SOCPLS also reserves the right to ban patrons who endanger animals in such a way, in accordance with the Library's Safety Policy and Suspension of Patron Access Policy.

## Grievances

The SOCPLS is committed to the equitable use of the SOCPLS for all its patrons. Any patron who feels their use of the SOCPLS has been compromised due to this policy should report grievances to the Director or his/her designee.

## Citations and Related References

- i) Americans with Disabilities Act (ADA) of 1990, Title II, Section 35.136 (Revised September 15, 2010); Beginning on March 5, 2011, only dogs are recognized as service animals under Titles II and III of the ADA.
- ii) RCW 49.60.218, Use of guide dog or service animal