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## Implementing a Service Dog Registration in the United States

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UNIVERSITY OF KENTUCKY  
LEWIS HONORS COLLEGE

**Implementing a Service Dog Registration in the United States**

by

**Avary Marin**

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## **Implementing a Service Dog Registration in the United States**

### **Abstract**

The presence of fake service animals in public spaces is increasing every day. These mislabeled dogs are posing a great danger to working service dogs and the rights of the handlers that utilize them. In order to reduce the number of fake service dogs in public and ensure equal accessibility to service dog users, a service dog registration should be implemented across the United States. Requiring a public access test to be conducted before a dog can be registered would ensure that any dog working in public has reached the standard of behavior required to be a service dog. This would reduce any abuses of the system, reduce potential health risks for service animals in public, and would provide businesses with a way to verify the legitimacy of the working dogs entering their establishments. All of this would work to prevent pets and ESAs from entering places they do not belong which would in turn protect working service dogs and their handlers.

### **Introduction**

Service animals are defined by the Americans with Disabilities Act as “dogs that are individually trained to do work or perform tasks for an individual with disabilities” (U.S. Department of Justice, 2020). These animals go through years of rigorous training and socialization to be able to work and behave in an unobtrusive manner in public settings. The assistance they provide to their handlers can range from guiding an individual with visual

impairment to detecting and alerting to changes in blood sugar levels for those with diabetes. They often save the life of their handlers many times over, throughout their working career. However, no matter what tasks the dog is trained to perform for their handler, the benefit is the same. The handler gains more independence than they would without the dog. The handler is often able to go places, find employment, and experience new things that they would not have been able to previously without the assistance provided to them by a service dog (Yamamoto et al., 2015). They are an essential component of fair access to the disabled community.

Emotional support animals are dogs or other species of animals, not limited to canines, that provide comfort to their owner simply by existing. They are not required to be trained to perform any tasks, behave in public settings, or be of sound behavior. Therefore, they are not considered service dogs under the Americans with Disabilities Act. Emotional support animals can often decrease symptom severity for individuals with anxiety and depression and are important resources for many struggling with various mental health issues. The distinguishing factor of a service dog when compared to an emotional support animal is the high level of training and the intentional performance of tasks by the dog. Because of their lack of training, emotional support animals do not have public access rights meaning they are not allowed into any establishment that is not pet friendly. The only difference between an emotional support animal and a pet is their housing rights. The Fair Housing Act protects both service animals and emotional support animals as reasonable accommodations. This means that a not-pet-friendly house, apartment, or condo may need to allow an animal to live there despite a no-pets policy and without a pet deposit (Brennan and Nguyen, 2014). This is the only right that an emotional support animal has that a pet does not.

Service animals that aid the disabled and allow them equal access to necessary resources are in danger now more than ever. The largest threat to the well-being of these highly trained animals and the people utilizing them is the increasing presence of mislabeled pets and emotional support animals in public places (Von Bergen, 2015). The presence of untrained animals in public is detrimental for many reasons and action needs to be taken to resolve this issue and protect the freedom that service animals provide to their handlers. The issue is whether a registry for service animals should be implemented to decrease the presence of fake service animals in public and protect legitimate service animals and their handlers.

### **Analysis**

The risks that mislabeled service animals impose on legitimate ones are as follows. Firstly, these animals have not had the years of extensive socialization, desensitization and training required to prepare a service animal for their working career. Due to this lack of preparation, they are typically unable to handle being in new public environments and present behavioral issues. This can include fear or stress-based aggression and reactivity (Howell et al., 2015). This can be dangerous to the health and safety of legitimate working dogs when they unintentionally cross paths. It can lead to the fake service animal lunging at, attacking, or otherwise aggressively engaging with the legitimate dog (Howell et al., 2015). On top of potential physical harm that could result from this, a single negative interaction with a mislabeled dog can be enough to cause a fear or stress-related issue for the service animal team. If the incident is severe enough, one interaction can end a service animal's entire career, a career that requires years of work, large financial investment, and emotional taxation from the handler before it can even begin (Brooks and Moxon, 2010).

Additionally, animals that are disruptive, destructive, or distracting that are being labeled as service dogs and brought into public places harm the reputation of legitimate service animal teams. This then causes access issues for subsequent service animal teams trying to enter the same public spaces (Hogle and Elliot, 2013). Businesses understandably do not want to accommodate dogs that could be detrimental to the goals of their establishments, and they should not have to. However, it is imperative that accessibility for legitimate service animals is not affected by the misuse of the label “service animal”. Many businesses understand this and since they are not educated on what a legitimate service animal is they overcompensate by allowing any dog that is claiming to be a service animal into their establishment. This creates a very harmful cycle that allows the practice of mislabeling a pet as a service animal and bringing it into a store to flourish.

The reason behind this continually increasing abuse of the system is the vague legislation currently in place and the lack of accountability. The Americans with Disabilities Act, which outlines the federal laws surrounding service animals and their handlers leaves the responsibility of holding the handlers accountable for their dog’s behavior in the hands of the business owners and employees (Hogle and Elliot, 2013). This responsibility is in the hands of the wrong people as they are not educated on the legislation relating to service animals, service animal behavior, what task-trained behaviors are that mitigate disabilities, or the difference between service animals, emotional support animals, and pets (Goren, 2014). Since there is no registration for these employees, businesses, or organizations to use to check the validity of the training of animals entering public places, there is a perpetuated cycle of abuse that is putting the safety of the animals and rights of the handlers at risk.

While the way the Americans with Disabilities Act was written has allowed for this issue to prevail, there are a few reasons it was designed in this manner. The laws are vague to ensure accessibility of service dogs to those that need them. It protects individuals from having to disclose any personal information about their disabilities or medical conditions to anyone who may question them about their service dog. It also protects handlers from being discriminated against while out in public when their dog might be having an off day or make a momentary behavioral mistake. Service dogs are not robots and even the most well-trained service dogs will make mistakes during their working career. The legislation also allows individuals to have flexibility when obtaining a service dog. There are many large companies and organizations that train and place various types of service dogs but people seeking a service dog are not required to get their dog from one of these organizations. An individual may not meet the requirements or be able to pay the upfront cost required by these large institutions. Handlers can choose to train their own service dogs instead if they have the time, resources, and ability to train their dog to be unobtrusive in public. This allows for more individuals that need them to utilize a service dog. There are no breed restrictions imposed by the Americans with Disabilities Act either. Some dog breeds may have characteristics that make them better suited for specific tasks or lifestyles and not for others. This allows handlers to choose a dog breed that is best suited for their needs and capabilities since there are many different types of disabilities that a service dog could help to mitigate. In many ways the vagueness of the laws is very beneficial to the disabled community. It is important that implementing a registration would not negate or change any of these benefits. However, it is possible to implement a registration while protecting people's accessibility to service dogs.

### **Policy Recommendations**

To resolve this issue, I propose the implementation of a service animal registration across the United States. In order for a dog and handler team to become registered the handler would first need to provide proof of their disability or diagnosis. This would establish the legitimacy of their need for a service dog. Additionally, the dog would need to be up to date on all vaccinations, pass a health examination by a veterinarian and provide proof of both. Then the handler would need to sign up to take a public access test conducted by hired officials. A public access test is a method of evaluating the behavior and training progress of a service dog in training to ensure that it is prepared for its working career with its handler (Hogle and Elliot, 2013). It was first developed by Assistance Dogs International (Assistance Dogs International: Accreditation Process Description). It is set up in the format of a typical shopping or restaurant outing starting with unloading from the vehicle, proceeding into the establishment to perform various applicable commands and behaviors, and ending with reloading into the vehicle. It emphasizes that the handler must always be in control of the dog, have a positive working relationship with the dog, give ample praise when the dog does well, and the dog must be unobtrusive to the public and the environment. It is an automatic failure of the evaluation if the dog is at any point not under control or displays any aggressive behavior such as growling, barking, or lunging. Those hired for the evaluator position would need to be educated on service dog conduct, legislation, and safety.

Once the team has passed the public access test, they will be able to receive their registration number and have their service animals' information entered into a database of all the current working teams in the United States. This information would include the health verifications, a photo of the service dog, and the score sheet form from their completed public access test. The registration would not need to include any information about the handler's



disability or what tasks the dog is trained to perform. This would protect the medical privacy of the handler.

### **Implications**

By implementing a service animal registration across the nation, the number of mislabeled pets and emotional support animals in public places would decrease. Businesses would have a way to verify the validity of the service animals entering their establishments without having to worry about overstepping. A registration would take the responsibility of determining service animal legitimacy from the employees and business owners and would place it on the educated evaluators conducting the public access tests. It would also act as a deterrent to the individuals who are so easily taking advantage of the system currently. Having a process in place that requires the handlers to have concrete proof of their legitimacy (the registration number) that is easily verified would prevent many from trying to pass their ESAs or pets off as service dogs in the first place. This would function similarly to requiring someone to show their ID when drinking alcohol to verify their age. In addition, having to pass a public access test would weed out individuals that simply do not know any better and are mistakenly misrepresenting their emotional support animals as service animals. A registration would help to create a much safer environment for the legitimate service animals that the handlers rely on immensely for their freedom and independence.

Those who tend to argue against the implementation of a service dog registration often claim that a system of this sort would make service dogs less accessible to those who could benefit from one. The current legislation is written very open-ended to allow for as many people as possible to be able to obtain and utilize a service animal. It is important that this accessibility not be decreased when attempting to solve the issue of fake service animals. However, by not

requiring the dog to perform any tasks during the public access test and simply demonstrating that they are unobtrusive and under control in public settings, the same dogs will qualify as service animals that do currently. In addition, the registry would not have to contain any information invasive to the handler. It would only contain information about the dog as described above. This would ensure that employees who can access the registration would not have access to any sensitive information and would prevent any potential discrimination due to their disability.

An additional consideration that would need to be addressed is the cost required to set up a program as described above. Financial accessibility is just as important as any other aspect of accessibility. To keep expenses minimal to those requiring a service animal, there would have to be either an increase or reallocation of taxes. The employees trained and hired to run the registration would be paid by the government. There could still be a fee to take the test to help supplement some of the expenses of implementing the program, but a reasonable fee would likely not cover all of the costs. Requiring some type of financial investment from teams wanting to complete a public access test will ensure that individuals understand the importance of completing the test within a few tries and prioritize their dogs training and behavior prior to the test.

Implementing a nationwide service animal registration would decrease the presence of pets and emotional support animals in public places being mislabeled as service animals. This would protect legitimate working service dogs and the rights of the handlers. The benefits of this increased safety for working teams would outweigh any potential decreases in accessibility that would accompany a registry.

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