

Ala. Code § 21-7-4

Current with legislation from 2023 effective as of September 1, 2023.

Section 21-7-4 - Right of a person with a disability to be accompanied by service animal; liability for damages; violations

(a) An individual with a disability has the right to be accompanied by a service animal in all areas of a public accommodation, including a public or private school, that the public or customers are normally permitted to occupy.

(b) A service animal shall be under the control of its handler and shall have a harness, collar, leash, or other tether, unless either the handler is unable because his or her disability prevents him or her from the use of a harness, collar, leash, or other tether, or the use of a harness, collar, leash, or other tether would interfere with the safe, effective performance of work or tasks by the service animal, in which case the service animal shall be otherwise under the control of the handler by means of voice control, signals, or other effective means.

(c)(1) The trainer of a service animal, while engaged in the training of the animal, has the same rights and privileges with respect to access to areas of public accommodation and the same liability for damage as is provided for an individual with a disability who is accompanied by a service animal.

(2)a. A dog that is a service animal in training shall wear a harness, collar, leash, cape, or backpack that identifies in writing that the dog is a service animal in training.**b.** Other service animals in training shall be identifiable by written identification as a service animal in training.**c.** The written identification for a service animal in training shall be visible and legible from a distance of at least 20 feet.

(3) To determine the difference between a service animal in training and a pet, a public accommodation may ask any of the following:

a. If a trainer is an owner trainer with a disability or a qualified trainer with at least one year's experience training animals.

b. For photo identification stating that the trainer is an employee, volunteer, agent, or graduate of a school for seeing eye, hearing, service, or guide dogs or an organization generally recognized by agencies involved in the rehabilitation of individuals with disabilities as reputable and competent to provide dogs with training, and who is actually involved in the training process.

c. What task the animal is being trained to perform, and if the trainer is currently engaged in the training of the animal.

d Documentation that the service animal is trained is not a precondition for providing service to an individual accompanied by a service animal.

(1) A public accommodation may not ask about the nature or extent of the disability of an individual.

(2) To determine the difference between a service animal and a pet, a public accommodation may ask if an animal is a service animal required because of a disability and what work or tasks the animal has been trained to perform.

(3) A public accommodation may not impose a deposit or surcharge on a trainer or an individual with a disability as a precondition to permitting a service animal to accompany the individual with a disability, even if a deposit is routinely required for pets.

(e) In the case of a minor with a disability, including a minor diagnosed on the autism spectrum, any aide assigned to assist the minor shall be trained with the service animal in basic commands in order to assist the minor as a team.

(f) An individual with a disability is liable for damage caused by a service animal if it is the regular policy and practice of the public accommodation to charge an individual who is not disabled for damages caused by a pet.

(g) The care or supervision of a service animal is the responsibility of the individual owner of the service animal.

(1) A public accommodation may not be required to provide care or food or a special location for a service animal or assistance with removing animal excrement.

(2) A public accommodation may exclude or remove an animal from the premises, including a service animal, if the animal is out of control and the handler of the animal does not take effective action to control the animal, the animal is not housebroken, or the behavior of the animal poses a direct threat to the health and safety of others.

(3) Allergies and fear of animals are not valid reasons for denying access or refusing service to an individual with a service animal.

(4) If a service animal is excluded or removed for being a direct threat to others, the public accommodation shall provide the individual with a disability the option of continuing access to the public accommodation without having the service animal on the premises.

(h) A person who knowingly and willfully misrepresents himself or herself, through conduct or verbal or written notice, as using a service animal and being qualified to use a service animal or as a trainer of a service animal is guilty of a Class C misdemeanor, and in addition to any fines and penalties provided by law, shall perform 100 hours of community service for an organization that serves individuals with disabilities, or for another entity or organization, at the discretion of the court, to be completed in not more than six months.

(i) A person convicted of a second or subsequent violation of subsection (h) shall be guilty of a Class B misdemeanor and shall be fined one hundred dollars (\$100).

Ala. Code § 21-7-4 (1975)

Amended by Act 2019-478, § 1, eff. 9/1/2019. Acts 1975, No. 869, p. 1711, §2; Acts 1982, No. 82-527, p. 877, §1; Act 99-698, 2nd Sp. Sess., p. 298, §1; Act 2001-344, p. 446, §1; Act 2011-578, § 1.
