



The American Legion
Hopewell Memorial Post 146
Hopewell, VA 23860

Animals at Post

Approved by Executive Committee - October 6, 2020

References -

- a. Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) as listed in the Federal Register on September 15, 2010
- b. Code of Virginia, § 51.5-44. Rights of persons with disabilities in public places and places of public accommodation
- c. Virginia Administrative Code, Title 12. Health; Agency 5. Department of Health, Chapter 421. Food Regulations

Definitions -

Service animal: The ADA defines a service animal as “a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person’s disability.”

Emotional support animal: According to the U.S. Department of Housing and Urban Development (HUD), an emotional support animal is “any animal that provides emotional support alleviating one or more symptoms or effects of a person’s disability. Emotional support animals are not limited to dogs.”

Comfort animal: The ADA defines comfort animals as those animals which work during active crises. They offer a calming distraction to those impacted in an active disaster or emergency. While these types of animals may receive extensive training and may interact with all sorts of people, including an individual with a disability, they are not trained to perform a specific task for an individual with a disability.

Background –

Many people with disabilities use a service animal to enable them to fully participate in everyday life. Dogs can be trained to perform many important tasks which assist people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, preventing a child with autism from wandering away, or alerting a person who has hearing loss when someone is approaching from behind.

The Americans with Disabilities Act (ADA) requires State and local government agencies, businesses, and non-profit organizations (covered entities) that provide goods or services to the public to make “reasonable modifications” in their policies, practices, or procedures when necessary to accommodate people with disabilities. The service animal rules fall under this general principle.

Only dogs who have received specialized training to perform a specific task or tasks for an individual with a disability are considered “service animals”. This is the key difference between a service animal and all other types of working animals, including therapy, comfort animals, and emotional support animals.

Neither the ADA nor Virginia’s service animal law (reference b, above) includes pets or what some people call “emotional support animals”; i.e., animals that provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions. Virginia law specifically states that providing companionship, emotional support, well-being, or comfort does not qualify as performing work or tasks for a person with a disability.

Under the ADA and Virginia law, owners of public accommodations are not required to allow emotional support animals on the premises, only service animals.

Applicable Food Regulations (reference c, above) state that “live animals shall not be allowed on the premises of a food establishment”, with the following exceptions:

1. “Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas...”
2. “In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person if a health or safety hazard will not result from the presence or activities of the service animal.”

Policy -

1. Only an ADA recognized “service animal” is allowed to accompany a member or guest in the Post facility.
2. Virginia law (Reference b, above) requires that service dogs be identified in particular ways: “a guide dog must be in harness. a hearing dog must be on a blaze orange leash, and. a service dog must be in a backpack, harness, or vest that identifies it as a trained service dog.”
3. Other animals, such as “support” or “comfort” animals are prohibited. As they have not been trained to perform a specific job or task, they do not qualify as “service animals” under the ADA and Virginia law.
4. Should a member or guest enter the Post facility with other than an ADA recognized service animal, they will be asked to leave the facility. They may only re-enter the facility when not accompanied by an animal.

Changes –

This policy may be changed, amended or updated at any regular meeting of the Executive Committee. Proposed changes, amendments, or updates must first be presented to the full Executive Committee for review and discussion at least one regular meeting prior to taking a vote on accepting the proposed change, amendment or updates.

 /s/

Robert H. Brown, Jr.
Adjutant