



IACUC Responsibilities Regarding Service Animals



OLAW Webinar
June 10, 2021

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[Akst 2018](#)

Disclaimer

The examples presented in this webinar constitute recent information found in the public domain concerning service animals. The presentation is not intended to provide direct or implied legal interpretation. The examples presented may or may not be compliant with Department of Justice regulations and are provided only as an illustration of the types of policies that a variety of institutions have developed. Please consult your legal department to develop compliant policies that meet the needs of your institution.

The PHS Policy applies to live vertebrate animals used in work conducted or supported by...

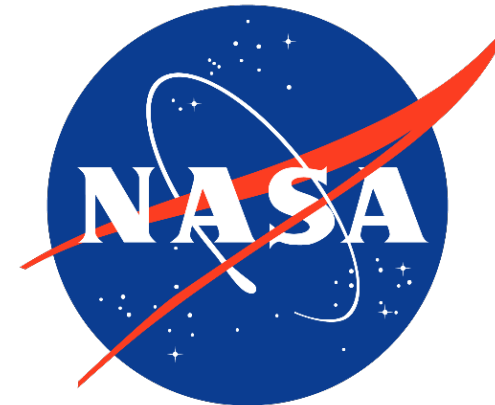
PHS agencies and...

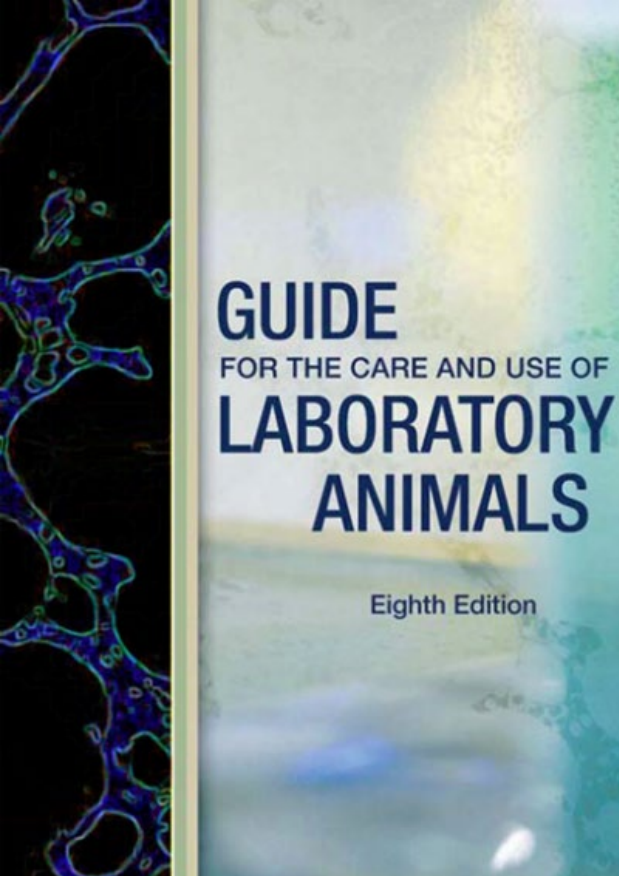


National Institutes of Health
Office of Laboratory Animal Welfare



...agencies that have an MOU with OLAW.





AVMA Guidelines for the Euthanasia of Animals: 2020 Edition*

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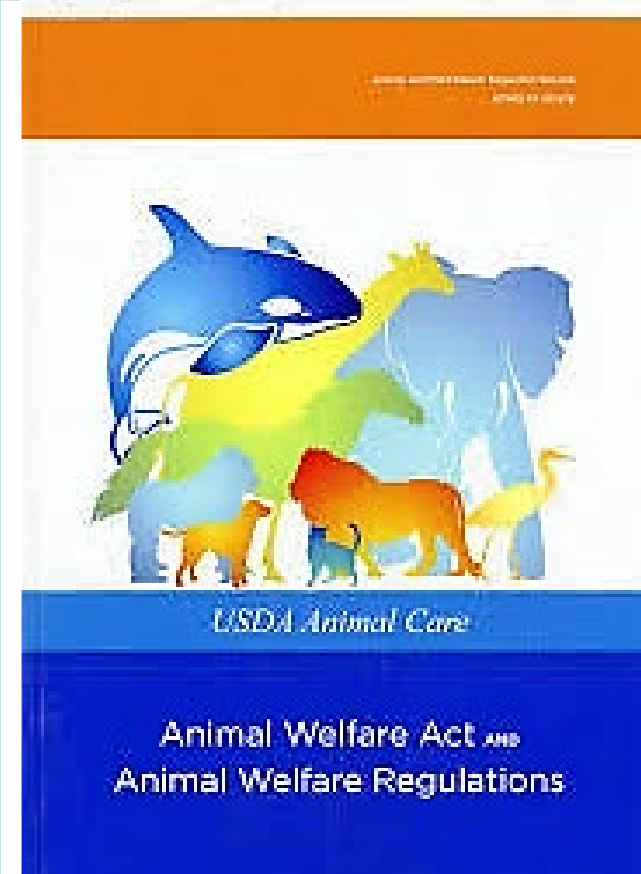
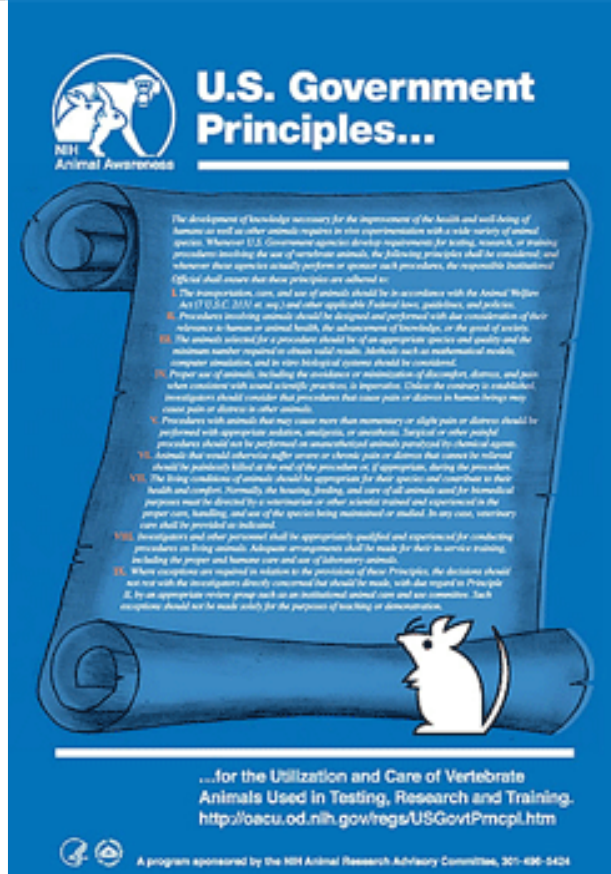
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*The AVMA Panel on Euthanasia develops the content of the guidelines, with support from its working groups. The panel is required to do
a comprehensive review and update of the report at least every 10 years, although more frequent major revisions are possible based on
substantive information gleaned from new research and experience with practical implementation. To ensure the guidelines remain as up-to-
date as possible, interim revisions (reflecting substantive updates, but of a less extensive nature than a major revision) are also accommodated.

AVMA GUIDELINES FOR THE EUTHANASIA OF ANIMALS: 2020 EDITION

1



PHS Policy Standards for Animal Care and Use



Laws Addressing Service Animals

- Americans with Disabilities Act
- Section 504 of the Rehabilitation Act

Both laws protect the right of people with service animals to enter areas that are open to the public.

Guidance Documents are Silent on this Topic

- The handling of service animals is an institutional responsibility.
- It crosses various departments with different jurisdictional responsibilities.



Photo by [AbsolutVision](#) on [Unsplash](#)

Responsible Institutional Entities

1) Institutional Animal Care and Use Committee

Especially the Institutional Veterinarian to address biosecurity, status of service animal (vaccine status, temperament, areas for water/relieving)

2) Occupational Health and Safety

To oversee the occupational health and safety aspects of the individual using the animal



[Nepomuceno et al. 2016](#)



Responsible Institutional Entities



3) The legal department

To ensure compliance with the Americans with Disabilities Act

4) The Institutional Biosafety Committee

To assess the hazards encountered by the service animal

5) The Institutional Official/senior administration

To coordinate the various departments and develop compliant institutional policies

Other Factors

The *Guide* (p. 105) states,

“Physical separation of animals by species is recommended to prevent interspecies disease transmission and to eliminate the potential for anxiety and physiological and behavioral changes due to interspecies conflict.”



Other Factors

The Animal Welfare Act and Regulations state:

“separation by species...may be necessary for the humane handling, care, and treatment of animals.” § 2143 (a) (2) (A)





Institutional Responsibility

The key institutional entities listed should consider all applicable laws, regulations, and policies regarding this issue and their impact on:

- potential adverse effects on laboratory animal welfare,
- scientific data integrity, and
- risk to the biosecurity of the animal care and use program.

References

Akst J. [“The Challenges of Bringing Service Dogs into the Lab.”](#) The Scientist, September 18, 2018

Bruner K. [“Xenna the service dog helps Navy vet do laboratory research.”](#) Colorado Arts and Sciences Magazine, December 9, 2019

Nepomuceno GM, Decker DM, Shaw JD et al. (2016) [The value of safety and practicality: Recommendations for training disabled students in the sciences with a focus on blind and visually impaired students in chemistry laboratories](#). Journal of Chemical Health and Safety. 23(1): 5-11





Service Animals, Emotional Support Animals, & Pets

On Campus & in the Research Facility?

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Goals

Goals of this Activity

1. Define the issue
2. Review legal foundations
3. Identify categories of animals
4. Consider institutional positions

Define the Issue

- Approximately 61.5 million (**1:4**) experience mental health impairment.
- Approximately 13.6 million (**1:17**) live with schizophrenia, depression, or bipolar disorder.
- Increasing numbers of claims for discrimination because of their mental disability.
- Psychological disorders now account for the second greatest number of disability claims.



Legal Foundations

Laws affecting physical & mental health afflictions:

- Americans with Disabilities Act of 1990 (ADA)
- Americans With Disabilities Act Amendments Act of 2008 (ADAAA)
- Veterans Assistance Act of 2008
- State Law
- Local (city/county) Statutes





Legal Foundations

- The ADA and associated laws/regulations are *CIVIL RIGHTS* laws and regulations.
- There are no research-specific provisions in the law.
- They are not designed to fully consider operational, procedural, or research implications.
- Even so, rights, privileges, benefits, and services are still not required if such modifications cannot be made “without much difficulty or expense” (42 U.S.C. § 12181(9)).

Service Animal

Psychiatric Service Animal (PSA)

Emotional Support Animal (ESA)

Visitation Animal

Assistance Animal

Companion Animal

Pet

Categories of Animals

Categories of Animals - Service Dog

Service Animal (DoJ Definition):

- Any dog [rare exceptions a [miniature horse](#)] that is individually trained to do work or perform tasks for the benefit of an individual with a disability.
- The task must be directly related to the person's disability, and may include a physical, sensory, psychiatric, intellectual, or other mental disability.
- Guide dogs (visual impairments or blindness) are the archetypal example of a service animal.



Categories of Animals - Service Dog

The DOJ is explicit that other animals are not service animals under the ADA / ADAAA:

- Any animal besides dogs (or maybe miniature horses in certain circumstances);
- Animals that serve solely to provide a crime deterrent effect; and
- Emotional support, comfort, or companionship animals (DOJ, 2011).



Categories of Animals - Service Dog

No:

- Registration required
- Special tag required
- Vest to identify a service animal required



Yes:

Must be harnessed, leashed, or tethered ...

- unless these devices interfere with the animal's work or
- the individual's disability prevents using a harness, etc.



The person must maintain control of the animal through voice, signal, or other effective controls.

Categories of Animals

Service Dog

DoJ FAQ 14: Does a hospital have to allow an in-patient with a disability to keep a service animal in his or her room?

“Generally, yes. Service animals must be allowed in patient rooms and anywhere else in the hospital the public and patients are allowed to go. They cannot be excluded on the grounds that staff can provide the same services.”



Categories of Animals - Service Dog



[Journal of Emergency Medical Services](#)

US DOJ FAQ 16: Must a service animal be allowed to ride in an ambulance with its handler?

“Generally, Yes. However, if the space in the ambulance is crowded and the dog’s presence would interfere with the emergency medical staff’s ability to treat the patient, staff should make other arrangements to have the dog transported to the hospital.”

Categories of Animals - Service Dog

Summary of Critical Points

Service animals must generally be provided access to all campus locations where the public (staff or students) can go.

NOTE: Safety considerations for denying entry into a space or an accommodation for access must be based on actual risks, rather than on mere speculation, stereotypes, or generalizations about individuals with disabilities or about a dog's breed.

!!! A perceived threat without evidentiary basis will not support exclusion of a Service Animal (e.g., Pit Bull dogs) !!!

Categories of Animals - Service Dog

You may only ask **2** questions (according to ADA):

1. Is the service animal required because of a disability?
2. What work or task has the dog been trained to perform?



Photo by [Kristaps Grundsteins](#) on [Unsplash](#)

*Any inquiry beyond these **2** questions opens your institution to litigation.*

Categories of Animals - Service Dog

You CANNOT:

- Ask about the person's disability;
- Require medical documentation to validate the need for a service dog;
- Require a special identification card or training documentation for the dog; or
- Ask that the dog demonstrate its ability to perform the work or task.



Photo by [Daniel Herron](#) on [Unsplash](#)

42 U.S.C. § 12181(9):

Accommodations involving modifications or adjustments in policies, practices, procedures, or environments that enable qualified individuals with a disability to enjoy equal opportunities and access to university rights, privileges, benefits, and services are still not required if they cannot be made “without much difficulty or expense”

Categories of Animals - Service Dog



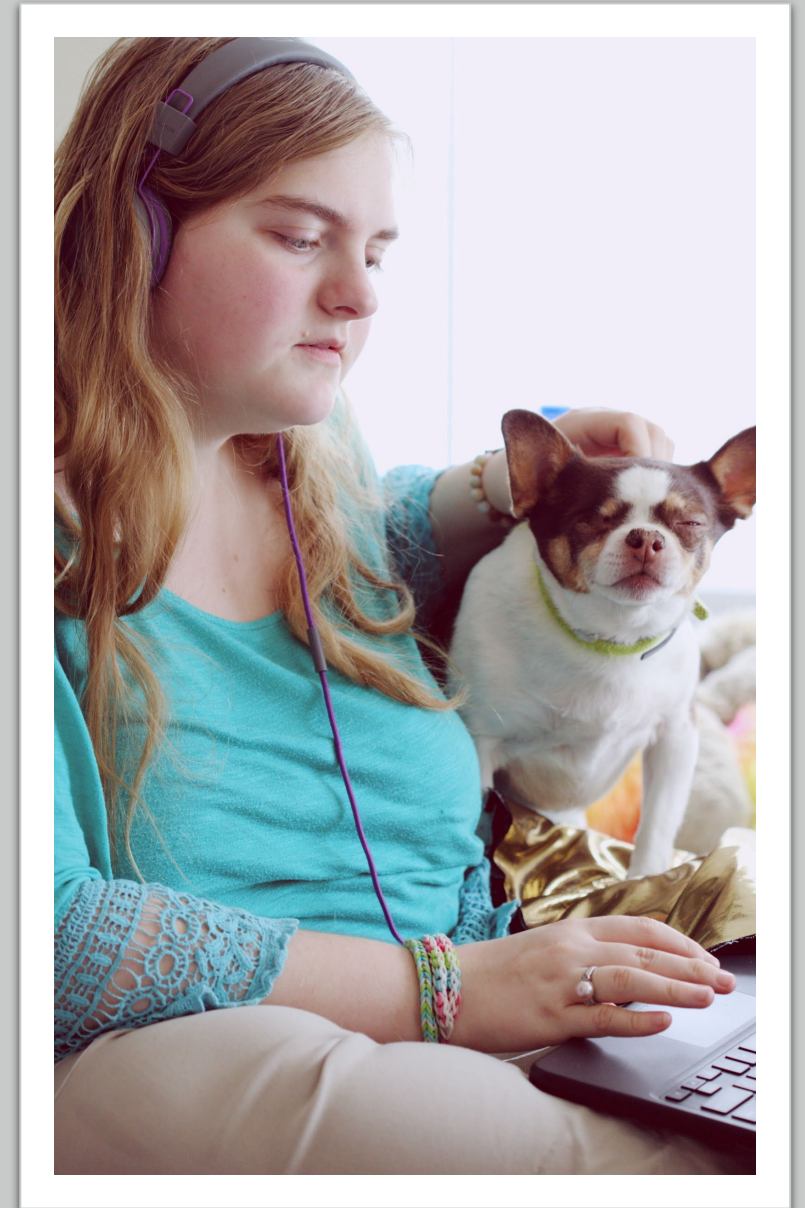
The real questions are:

- What degree of difficulty to provide accommodation?
- How much expense to provide accommodation?

Note: This statement does NOT consider research outcomes impact. Why?

Categories of Animals – ESA

- ESA = Emotional Support Animal
- Any species that provide:
 - Support, well-being, comfort, aid, or a calming influence.
 - Generally, through companionship, non-judgmental positive regard, affection, or focus by being close to their handler.
- ESAs do not require specific training!
- Because they are not individually trained to perform work or tasks, ESAs are not service animals!!!



Categories of Animals – ESA

- May or may not be **well-behaved**. For example: ESAs may bark and smell other people, whereas service dogs are trained not to.
- What distinguishes ESAs from pets is that the **owner/handler has been diagnosed** by a medical professional as having a verifiable disability (physical or mental) that is not transitory and minor.
- ESAs are virtually indistinguishable from the family pet ... and may in fact be the family pet!

It turns out pigs can fly
... and turtles and dogs
too!

And for a fee you too
can obtain on-line ESA
documentation!

Categories of Animals – ESA



[Home](#) [Select Plan](#) [Shop](#) [Information](#) [Contact Us](#)

PLAN SELECTION

INFORMATION

SELECT FORMS

ACCESSORIES

DELIVERY OPTIONS

ORDER SUMMARY

Select Plans *



\$129.⁰⁰

Primary Coverage

- ☒ Mental Health Evaluation
- ☒ ESA Letter on Official Letterhead
- ☒ Housing and Travel Forms Available
- ☒ 48 Hour PDF Delivery

SELECT COVERAGE



\$179.⁰⁰

Advanced Coverage

- ☒ Mental Health Evaluation
- ☒ ESA Letter on Official Letterhead
- ☒ Choice of Housing or Airline Form
- ☒ 48 Hour PDF Delivery

SELECT COVERAGE



\$299.⁰⁰

Comprehensive Coverage

- ☒ Mental Health Evaluation
- ☒ ESA Letter on Official Letterhead
- ☒ Choice of 3 Completed Housing or Travel Forms
- ☒ Express 24 Hour PDF Delivery

SELECT COVERAGE

Flying with an *Animal*

- **Service dogs** are permitted in all cabins.
- **Pets** are generally allowed if caged and within certain sizes, species.
- As of January 11th, 2021, the U.S. Department of Transportation (DOT) *no longer required* airlines to accommodate **emotional support animals**.
 - Previously, airlines were required by law to accommodate owners of ESAs with proper documentation from a licensed mental health professional.



Photo by [Kevin Hackert](#) on [Unsplash](#)

Flying with an ESA

- As of March 1st, 2021, most if not all **U.S. airlines** have discontinued their ESA programs.
- Some **international airlines** will still accept ESAs if the passenger can provide an ESA letter.
- Passengers with **psychiatric service dogs (PSD)** continue boarding the cabin of flights free of charge.



Flying with an ESA (Special Exception)

Psychiatric Service Dog (PSD)

- A PSD (special exception ESA) must be individually trained to perform tasks related to the handler's disability (e.g., retrieving medication, providing pressure therapy during moments of crisis, helping the handler maintain daily routines, etc.).
- Only **dogs** can serve as PSDs.
- **ESAs** have no specific training requirements and alleviate symptoms of mental illness just through their presence.

Domestic

Alaska Airlines
Allegiant Air
American Airlines
Air Canada
Delta Air Lines
Frontier Airlines
Hawaiian Airlines
Jet Blue
Southwest Airlines
Spirit Airlines
Sun Country
United Airlines

**Flying with an ESA?
Not on these!**

<https://esadoctors.com/airlines-allowing-emotional-support-animals/>

International

Air China
Air New Zealand
All Nippon Airways
Cathay Pacific
China Eastern
Airlines
China Southern
Airlines
Emirates
Eva Air
Korean Air
Qatar Airways
Turkish Airlines



Categories of Animals - Pet

Legal definition: Animals kept for pleasure, ordinary use, or companionship.

- Pets are not Service Animals.
- Pets may be ESAs.

Institutional Positions

Just a few examples of published institutional positions regarding animals on campus.

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Institutional Positions

Indiana University

- Guidance developed by: Environmental Health and Safety (not IACUC)
- Operational Assistance by: Disability Services Office (not IACUC)
 - Assists with laboratory access request
 - Prepares 'Needs Assessment' for EHS review



Institutional Positions

Indiana University

Animal & Personnel Safety Recommendations:



Faculty / Supervisor / Staff:

- Ensure dog handler is following requirements
- Responds to initial disruptions (if occur)
- Report behavior problems to Disability Services Office (DSO)

Service Dog Owner:

- Register through the Disability Services Office
- Meet with area leaders to discuss accommodations prior to need
- Ensure dog behaves and does not cause disruption or injury to others
- Follow requirements and recommendations
- Provide any PPE for dog

Institutional Positions

Indiana University

Dogs must have appropriate PPE:

- Disposable or reusable boots
- Disposable lab coat
- Absorbent lab paper or pet pads to lie on

Can be excluded from lab if:

- Labs utilizing any Risk Group 2 (or higher) agents
- Labs utilizing radioactive materials
- Not housebroken or out of control.
- Not controllable by voice command (stay, leave it)
- Barks or growls inappropriately
- Snapping, snarling, charging, etc.
- Jumps on people



Institutional Positions

Brigham Young University

The University may prohibit access due to:

- Health and safety restriction (where the animal may be in danger), or
- Where their use may compromise the integrity of research.

Restricted areas may include:

- Custodial closets,
- Boiler rooms,
- Facility equipment rooms,
- Research laboratories,
- Classrooms with research/demonstration animals, areas where protective clothing is necessary ...



Institutional Positions – University of Alaska

Service animals are permitted to accompany people with disabilities in **all areas of a facility** where the person is allowed to go.

The employee can ask 2 questions:

- Is the animal a service animal required because of a disability?
- What work or task has the animal been trained to perform?

Service animals can be **excluded** if:

- The animal is out of control and the handler does not take effective action to control it,
- The animal is not housebroken.
- For miniature horses, if the size, weight and type of horse cannot be accommodated in the lab.



<https://www.uaa.alaska.edu/about/administrative-services/departments/environmental-health-and-safety/documents/service-animal-policy.pdf>

Institutional Positions

University of Wisconsin

Generally permitted in **all facilities and programs** on the UW–Madison campus with limits.

Requirements for Service Dogs (City of Madison ordinances):

- Vaccination
- Licensing
- Owner ID and Other Tags
- Rabies tag
- Leash
- Under Control
- Health

https://compliance.wiscweb.wisc.edu/wp-content/uploads/sites/102/2017/07/Service-dog-policy.AMENDED.therapy.ESA_.12.14.17.pdf




Institutional Positions

University of Wisconsin

Two specific questions:

1. Is the dog/service animal a service animal required because of a disability? And if yes,
2. What work or task has the dog/service animal been trained to perform?

If either response is “no”, the animal is only permitted on campus as defined under Wisconsin Administrative Code 18.08 or as an approved accommodation as an emotional support animal (ESA) by a campus authority under the UW-Madison ESA Policy.

The background of the slide is a photograph of Bascom Hall at the University of Wisconsin-Madison. The building is a large, classical-style structure with a prominent portico supported by white columns. Above the columns, the words "BASCOM HALL" are inscribed. Several large red and white banners hang from the balcony, featuring the University of Wisconsin "W" logo and other designs. In the foreground, there is a bronze statue of a man sitting in a chair, and a red flag with the "W" logo is visible on the right side. The sky is clear and blue.

— Institutional Positions

University of Wisconsin

Dept. of Chemistry

“If you anticipate working with a service animal in the laboratory at any time over the course of your enrollment, we want to make sure that both you and the members of the department are able to provide that opportunity without endangering the safety of you, your fellow students, or your animal.”

“In order to achieve this goal, we will need to know the specifics of the service the animal provides with enough advance notice to make the appropriate arrangements.”



Institutional Positions University of Utah

<https://oehs.utah.edu/topics/service-animals-in-laboratories>

In general, Service Animals are not allowed in laboratories.

- The presence of a service animal has the potential to introduce organisms detrimental to experiments in the laboratory.
- Chemicals or organisms used in the laboratory may be harmful to the animal.
- Research conducted with animal subjects may be compromised by the presence of a service animal.

Access to a laboratory space may be granted on a **case-by-case basis** upon review and approval by OEHS and the Principal Investigator.

Institutional Positions

University of Utah



A request for a service animal in laboratories working with:

- pathogenic microorganisms or materials requiring containment at Biosafety Level 2 or higher,
- radioactive materials, or
- working with or housing research animals

... must also be approved by:

- University of Utah Institutional Biosafety Committee (IBC),
- Radiation Safety Office (RSO), and/or
- Office of Comparative Medicine (OCM).

Institutional Positions

University of Washington

Students with disabilities should be allowed to bring their service animals into the lab.

Determine what service the animal provides. If the animal is trained to pick up items or alert the user, could materials used in the lab be harmful?

What safety equipment is needed? Examples include dog goggles, booties, or raincoats or a mat to lie on may be appropriate.

Is there a place for the animal to stay away from potential spills and hazards while allowing the service animal to keep the student in their line of sight and not creating an obstacle to other students?

If a lab is not safe, the student could choose between participating without the animal or participating in a comparable assignment or experiment.

[https://www.washington.edu/doit/
how-can-service-animals-be-safely-included-lab-classes](https://www.washington.edu/doit/how-can-service-animals-be-safely-included-lab-classes)



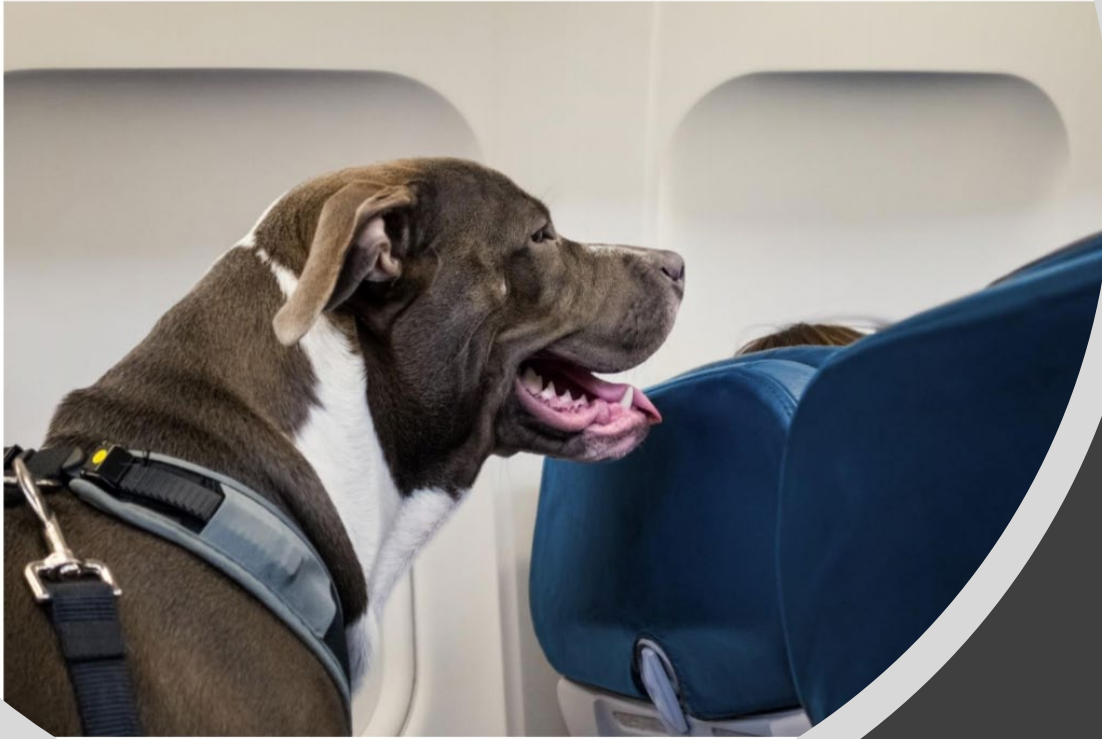
Photo by [Ashley Whitlatch](#) on [Unsplash](#)

Now What???



ASSISTANCE ANIMALS: RIGHTS OF ACCESS AND THE PROBLEM OF FRAUD

04/21/17



How Do We Craft an Institutional Plan?

(AVMA's Public Policy / Animal Welfare Division)

There are several challenges:

- Lack of a centralized or standardized **form of proof** (makes fraudulent animals difficult to identify)
- Unstandardized legal and regulatory **definitions** for assistance animals
- A legal and regulatory **framework** that is complex and poorly understood by those who must implement it
- Difficulties in objectively or accurately **categorizing animals** when implementing admission policies, enabling widespread fraudulent access
- A **lack of access** for some who legitimately needs an assistance animal



How Do We Craft an Institutional Plan?

(AAVMC Guidelines For Service Animal Access To Veterinary Teaching Facilities)

“Policies governing service animal access to veterinary teaching facilities must balance the benefits a service animal provides for its handler with the risks posed by the service animal to other animals and humans.”

In human health care settings, the following areas are usually recognized to have restricted access to service animals:

- Areas of the hospital not open to the public, and
- Areas in which protective attire (e.g., masks, gowns, gloves) is required.

<https://www.aavmc.org/resources/guidelines-for-service-animal-access/>



How Do We Craft an Institutional Plan?

(AAVMC Guidelines For Service Animal Access To Veterinary Teaching Facilities)

Risks associated with animals in animal settings:

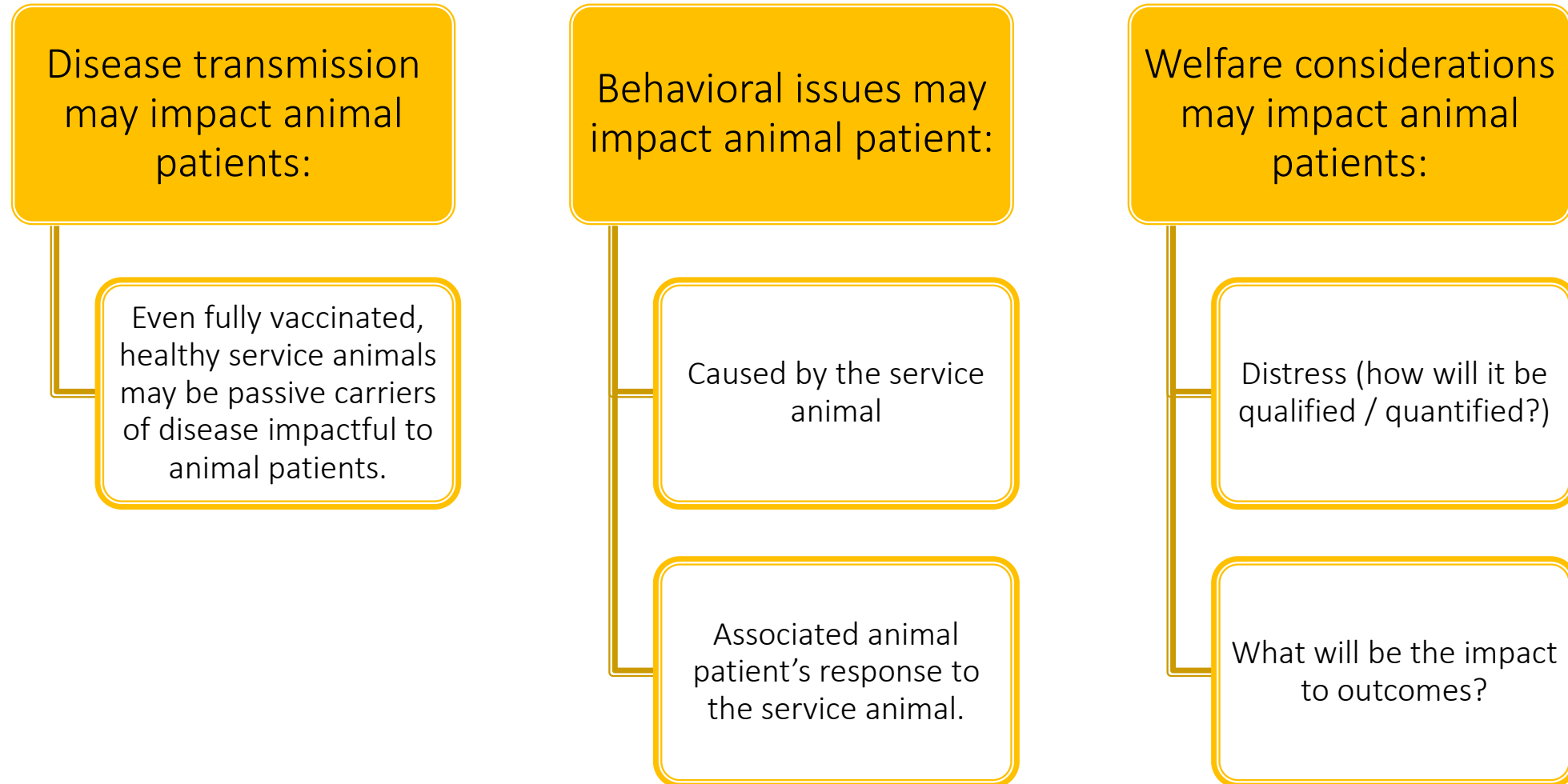




Photo by [Owen Beard](#) on [Unsplash](#)

How Do We Craft an Institutional Plan?

(AAVMC Guidelines For Service Animal Access To
Veterinary Teaching Facilities)

It may be necessary to restrict service animals from:

- **Exam rooms** where patients are being evaluated or treated
- **Procedure rooms** where patients are undergoing diagnostic procedures or treatment (example: radiology, anesthesia prep areas, treatment rooms)

But



What about research animal settings?

How Do We Craft an Institutional Plan?

(Your Institution)?

Risks associated with animals in research settings:

Disease transmission
may impact animal
patients:

Behavioral issues may
impact animal
patient:

Welfare considerations
may impact animal
patients

Assumption that any of these MAY occur is likely not sufficient justification to prohibit service animals from animal research areas.

It might be necessary (it depends) to restrict service animals from:

Holding spaces
where animals are
housed

Procedure rooms
where hazardous
agents exist

Research spaces
where discrete data
collection is required

Necropsy rooms
where blood or
tissues may impact
the service animal

Takeaway:

OUTSIDE

THINK

THE

BOX

Pilot studies, parallel provisions, and mutually agreeable resources.



Service Dog in the Vivarium

OLAW Scenario

The IACUC at Great Eastern University receives a request from a graduate student and his faculty advisor.

- The student has a PhD project that requires experimental work with **rats**.
- Owing to a physical disability, the student also requires the use of a **service dog**.
- The student would like permission to bring the service dog with him into the **vivarium**, and to have the service dog at his side as he performs his experiments with the rats.



Service Dog in the Vivarium

OLAW Scenario

The student and his faculty advisor have submitted a protocol for a **pilot study** to monitor the stress levels of the rats, with the goal of establishing that the presence of this **service dog is not stressful to the rats**. Their hope is that the pilot study will clear the way for the graduate student to get started on his research with the rats.

Service Dog in the Vivarium

OLAW Scenario

U.S. Department of Health
and Human Services

National Institutes of Health
Office of Laboratory Animal Welfare

Public Health Service Policy on Humane Care and Use of Laboratory Animals



QUESTION 1: Is the service dog a study animal under the PHS Policy?

- A. Yes
- B. No
- C. I don't know

Service Dog in the Vivarium

OLAW Scenario

U.S. Department of Health
and Human Services

National Institutes of Health
Office of Laboratory Animal Welfare

Public Health Service Policy on Humane Care and Use of Laboratory Animals



QUESTION 1: Is the service dog a study animal under the PHS Policy?

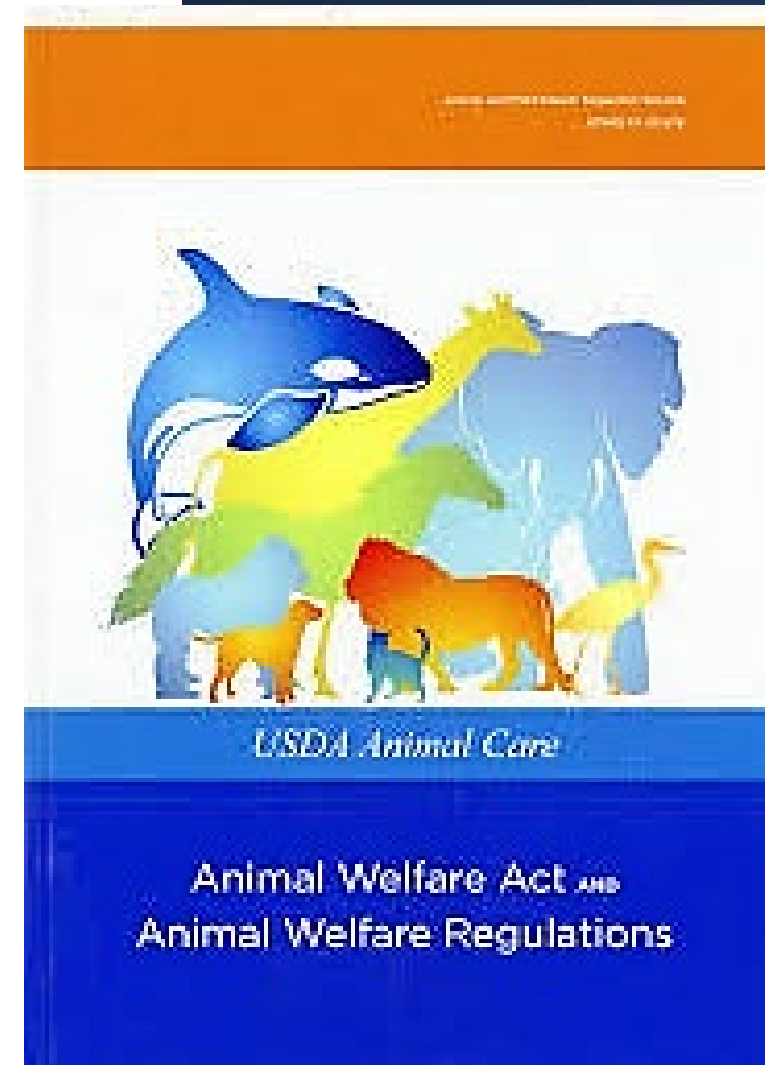
- A. Yes
- B. No
- C. I don't know

Service Dog in the Vivarium

OLAW Scenario

QUESTION 2: Is the service dog a study animal under the Animal Welfare Act?

- A. Yes
- B. No
- C. I don't know

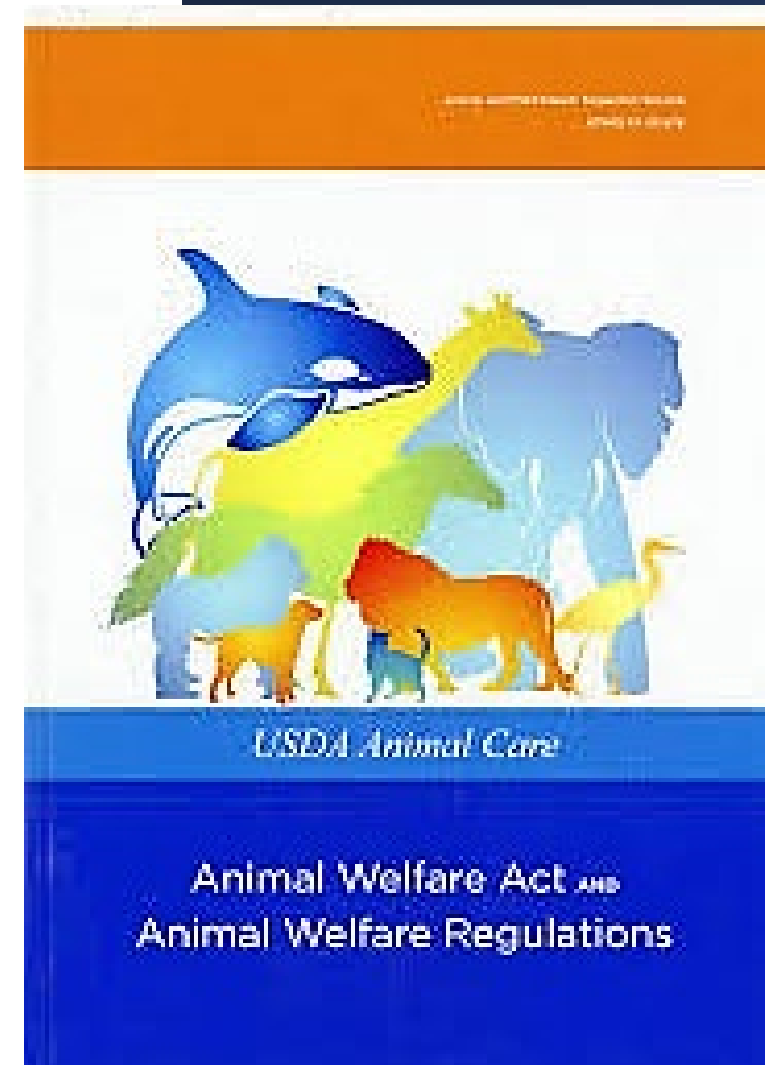


Service Dog in the Vivarium

OLAW Scenario

QUESTION 2: Is the service dog a study animal under the Animal Welfare Act?

- A. Yes
- B. No
- C. I don't know





Service Dog in the Vivarium

OLAW Scenario

QUESTION 3: Is it the IACUC's responsibility to ensure that the graduate student's education complies with the Americans with Disabilities Act?

- A. Yes
- B. No (it is an institutional responsibility)
- C. I don't know



Service Dog in the Vivarium

OLAW Scenario

QUESTION 3: Is it the IACUC's responsibility to ensure that the graduate student's education complies with the Americans with Disabilities Act?

- A. Yes
- B. No (it is an institutional responsibility)
- C. I don't know

Service Dog in the Vivarium

OLAW Scenario: OLAW Response

The AAVMC reference links to their policy issued in 2019 on service animal access in veterinary teaching hospitals.

References:

- Taboada, J.; Kogan, L.; Schoenfeld, R.; Hart, L.; Sellon, D.; Tennison, A.; Mashima, T. (2019) [AAVMC Guidelines for Service Animal Access to Veterinary Teaching Facilities](#). Washington, D.C.: Association of American Veterinary Medical Colleges.
- www.aavmc.org/assets/site_18/files/about_aavmc/service_animal_access.pdf
- <https://www.avma.org/resources-tools/animal-health-welfare/service-emotional-support-and-therapy-animals>
- For more information on accommodating students with disabilities in lab courses, visit the American Chemical Society's [Teaching Chemistry to Students with Disabilities: A Manual for High Schools, Colleges, and Graduate Programs 4th Edition](#).

Questions





Question 1a:

Is the IACUC responsible for service animals within the clinical/hospital setting? If so, how?



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Part of Assured institution?

- IACUC should be involved
- Other institutional entities as discussed

Not part of Assured institution?

- May address how they choose

The IACUC or the animal owner may serve as their advocate.



[Washington Post](#)

Question 1b

Does it matter if there is a contract with the service animal providers to do this service on behalf of the organizations?



[Washington Post](#)

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No – animal welfare and policy developing regarding animals in these different settings are the key.

Question 2

Rather than allowing access for a service animal, may an institution propose other accommodations / an alternate method to achieve the same outcomes?



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That's generally not considered to be a great idea. Under some circumstances – including for animal welfare – it may be the only reasonable option. This is similar to if a person can offer the same service as the animal – it's not true access rights.



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Question 3

What is the best way to handle a situation where someone wants to bring a service animal into a lab and one of the laboratory workers is either allergic or afraid of dogs?



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What is the best way to handle a situation where someone wants to bring a service animal into a lab and one of the laboratory workers is either allergic or afraid of dogs?

This is why it's so important to have many departments involved (e.g., Occupational Health and Safety, General Counsel) to weigh the risks and benefits of the humans, animals, and research involved.

It depends:

- potential extent of injury
- opportunities to provide alternate but equal resources
- potential for emotional distress



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Next OLAW Online Seminar:
TBD Fall 2021



National Institutes of Health
Office of Laboratory Animal Welfare