

## **Service Animal Final Rule FAQs**

Q: When will the final rule be published in the Federal Register? When will it take effect?

A: The Traveling by Air with Service Animals final rule will become effective 30 days after the date of publication in the Federal Register. Airlines are required to comply with the final rule once it becomes effective. We don't have a publication date yet, but it will go into effect early next year.

Q: What are the most significant changes as far as the USDOT is concerned?

A: The Department's service animal final rule makes a number of significant changes to its current Air Carrier Access Act service animal rule. This includes: (1) defining a service animal as a dog and no longer requiring airlines to accommodate miniature horses, cats, rabbits, birds and all other service animals that airlines are currently required to transport; (2) permitting airlines to treat emotional support animals as a pet and not requiring airlines to recognize emotional support animals as service animals; (3) requiring airlines to treat psychiatric service animals the same as other service animals that are trained to do work or perform tasks to assist a qualified individual with a disability and no longer allowing airlines to impose additional requirements on individuals traveling with psychiatric service animals as a condition of transport; and (4) allowing airlines to require service animal users to provide a form developed by DOT attesting to the dog's health, behavior, and training to assist the airline in determining if the dog poses a direct threat to the health or safety of others but prohibiting other forms.

Q: What are the reasons for emotional support animals not being considered a service animal?

A: The Department decided to exclude from the service animal definition all non-task-trained animals, such as emotional support animals, for various reasons. First, this approach reduces confusion among airlines, passengers, airports, and other stakeholders by more closely aligning the Department's definition of a service animal under the Air Carrier Access Act with DOJ's definition of a service animal under the Americans with Disabilities Act. Also, task-trained service animals are generally provided enhanced training in how to behave in public, while emotional support animals may not have received this degree of training. The Department also found persuasive the information provided by airlines and other stakeholders indicating that emotional support animals, or animals being presented to the airline as emotional support animals, are responsible for a significant percentage of the incidents of animal misbehavior onboard aircraft. Finally, Department predicts that its exclusion of emotional support animals will result in an overall reduction in the number of uncrated animals onboard aircraft, thereby reducing the overall number of animal misbehavior incidents (and the overall number of potential allergic reactions) onboard aircraft.

Q: Will travelers still be allowed to fly with small non-service pets (dogs or otherwise) that can fit in carriers under seats?

A: The Department's final rule defines a service animal as a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of a qualified individual

with a disability. Although emotional support animals and other pets are not service animals, the rule does not prohibit their transport. An airline may choose to transport them as pets pursuant to its established policy.

Q: What is the bar for “psychiatric service animal”? If not emotional support, does the person need to be diagnosed with a psychiatric condition?

A: The Department’s final rule recognizes dogs that are individually trained to do work or perform tasks for the benefit of a qualified individual with a disability. Because psychiatric service animals are individually trained to do work or perform tasks for the benefit of an individual with a disability, they are subject to the same regulations as other service animals. Airlines would no longer be permitted to require psychiatric service animal users to provide a letter from a licensed mental health professional of the passenger’s need for the animal.

Q: What documentation would a person need to provide to prove their emotional support animal meets the requirements to be considered a psychiatric service animal?

A: The Department’s final rule defines a service animal as a dog that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability. Because psychiatric service animals are individually trained to do work or perform tasks for the benefit of an individual with a disability, they are subject to the same regulations as other service animals. The Department does not classify emotional support animals as service animals because providing emotional support, comfort, or companionship does not constitute work or tasks. An airline may treat an emotional support animal as a pet. With respect to documentation, airlines are permitted to require passengers traveling with service animals provide, (1) a DOT form attesting to the animal’s health, behavior, and training, and (2) a DOT form attesting that the animal can either not relieve itself or can relieve itself in a sanitary manner, if the animal will be on a flight that is 8 or more hours.

Q: Is the DOT taking any action or will it take any action to enforce the prohibition of airlines banning certain breeds of service dogs? What type of enforcement is the DOT taking on that?

A: Airlines are permitted to deny transport to an animal, regardless of breed, if the animal poses a direct threat to the health or safety of others. However, as the Department’s service animal final rule makes clear, airlines are prohibited from refusing to transport a service animal based solely on breed, as distinct from an individualized assessment of the animal’s behavior and health. The Department’s Office of Aviation Consumer Protection investigates all disability-related complaints that it receives involving airline service, including complaints from passengers alleging that an airline refused to carry their service dog based on the animal’s breed, to determine the extent to which regulated entities are complying with the laws that DOT enforces and to track trends or spot areas of concern that may warrant further action. In enforcing the requirements of Federal law, the Department is committed to ensuring that our air transportation system is safe and accessible for everyone. As a matter of practice, the Department does not comment on any investigation that may be pending.