

Colorado Service Animal Laws

Ø Under federal law, service animals are protected under Titles II and III of the Americans with Disabilities Act (ADA).

Ø Service animals in training are not protected by the ADA, however, they are protected under Colorado Revised Statute 24-34-803.

Ø Under Colorado state law HB16-1426 (effective January 2017), it is a crime to knowingly misrepresent an animal as a service animal. For example, indicating a non-service animal is a service animal to bring it into a public business that generally would not allow animals on the premises.

Ø A person must have received a previous verbal or written warning to be charged. Fines can range from \$50 - \$500.

Ø Pursuant to Colorado Ordinance, Section 25-4-1604, the mere presence of a service animal in a place of public accommodation shall not be grounds for any violation of a sanitary standard, rule, or regulation. This includes restaurants, dispensaries, and designated areas within medical centers.

Ø Per several city-specific ordinances in Colorado, pit bulls are a banned breed of canines. This ban does not include trained service animals.



DISABILITY RIGHTS
DENVER HUMAN RIGHTS &
COMMUNITY PARTNERSHIPS



**COMMISSION
FOR PEOPLE WITH
DISABILITIES**
DENVER HUMAN RIGHTS &
COMMUNITY PARTNERSHIPS

Additional Questions or Concerns

Should you have additional questions pertaining to concerns within the City and County of Denver, you may visit the website for the **Agency for Human Rights & Community Partnerships (HRCP)** at www.denvergov.org/DisabilityRights

Housing Concerns

For additional housing questions or concerns related to companion or service animals, contact **Denver Metro Fair Housing Center** at (720) 279-4291.

You may also contact the **U.S. Department of Justice Information Line** at **1-800-514-0301**.

Service & Assistance Animals: Guidance for Businesses and Public Entities in Colorado



Provided by the
City and County of Denver



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Service Animal Quick Facts

Ø Service animals, as defined by the Americans with Disabilities Act (ADA), are either trained canines or miniature horses ONLY. There are no specific requirements about height and weight of canines, however, such specifications exist for miniature horses.

Ø A broader definition of service animal applies exclusively to air travel.

Ø Therapy or crime prevention animals do not qualify as service animals and are not protected under the ADA.

Ø Service animals are individually trained to perform a task for the benefit of an individual with a disability. Professional training is common, but not required.

Ø Service animals are not required to be listed on a registry, possess paperwork declaring the animal as a service animal, or wear a service animal vest.

Ø Service animals are working animals, not pets. They should not be pet, fed, or instructed to perform tasks by individuals other than their handler.

Ø Service animals must always be under the handler's control. Service animals must have a harness, leash, or other tether unless the handler's disability prohibits their use or if the animal's tasks would be directly hindered by such equipment.

Ø Businesses may ask a handler to remove their service animal if the animal is disruptive, aggressive, or not housebroken.

Ø It is the responsibility of the handler, not businesses, to provide care and control for a service animal.

Is This A Service Animal?

A service animal is categorized as such because it is tasked with performing services directly related to a person's disability. *A person's disability may not always be visible.*

Ø **Businesses and public entities are only legally allowed to ask two questions to inquire about a service animal:**

1. Is this a service animal?
2. What task has the animal been trained to perform?

*Exception: These questions may not be asked when it is obvious what service the animal provides.

Ø **Businesses and public entities are not permitted to require:**

- An individual to specify their disability.
- The animal to demonstrate the task it has been trained to perform.
- Documentation proving the animal is on a registry or has been professionally trained.

Service Animal Tasks

Services rendered by the animal may include but not be limited to the following:

For individuals with visible disabilities

- Ø Picking up or retrieving objects.
- Ø Guiding an individual who is blind or visually impaired.
- Ø Providing balance and/or physical support.

For individuals with hidden/invisible disabilities

- Ø Aiding an individual who has hearing loss.
- Ø Performing various tasks during a seizure.
- Ø Interrupting impulsive behaviors for someone

Companion Animals ≠ Service Animals

Ø An animal that primarily provides emotional support, comfort, and/or companionship for a person with a disability is commonly referred to as a companion or assistance animal.

Ø Companion or assistance animals do not qualify as service animals and are not protected under the ADA, however, they are protected under federal and state housing laws.

Ø Companion or assistance animals do not require training.

Ø Only individuals with disabilities are entitled to have companion or assistance animals, however, they are only allowed within the individual's home.

Ø Housing providers are permitted to ask for documentation to provide evidence of a person's disability for companion or assistance animals if the disability is not obvious

Ø Under Colorado state law HB16-1426 (effective January 2017), it is a crime to knowingly misrepresent a companion, assistance, or emotional support animal to avoid pet fees or have an animal in housing that otherwise does not allow animals.

Ø Businesses and other public entities are not required to allow companion or assistance animals into their businesses.