



## **Service Animal Policy of Nez Perce County Fair Board**

**Approved by Board of Directors on August 9, 2023**

### **General Policy**

Service animals provide many individuals with disabilities a way to participate in daily life activities. Service animals are trained to perform specific tasks for a variety of disabilities. While not all inclusive, this could include guiding those who are blind, alerting and protecting someone during a seizure, or calming someone with Post Traumatic Stress Disorder (PTSD) during an anxiety attack. Assistance animals are often confused with service animals. Assistance animals, whose sole function is to provide comfort or emotional support, do not meet the requirements of a service animal under ADA (Americans with Disabilities Act) and therefore, are not allowed on grounds during Fair.

Service animals and dogs-in-training are permitted in most fairgrounds facilities that are open to the public. During fair, this includes but is not limited to, the Pavilion, Animal Show Spectator Areas, and the Carnival Area. Due to the fight or flight instincts of livestock and small animals (ie rabbits and chickens), and dogs being a natural predator to these animals, no dogs are permitted in the animal barns. If an animal were to go into fight or flight mode, there are serious concerns for the safety of the dog, the dog's handler, the livestock, the youth livestock exhibitors as well as any others who are in the area.

Service animals and dogs-in-training must be under control. Typically this means it could be harnessed or leashed, but a tether is not required so long as the individual is able to maintain control of the animal through effective means (i.e., voice, visual signal, etc.).

The animal does not need to wear anything to identify it as a service animal. However, a dog-in-training must wear identification.

### **When a staff member or other authorized person contacts an Individual with an animal**

If an animal is a dog or miniature horse under the control of the handler, and is obviously a service animal, there should be no need to approach the individual.

If an animal is not a dog or miniature horse, you can advise the individual that only service animals are permitted and politely advise the individual that only service animals are permitted and politely ask they leave and return without the animal.

If an animal is a dog or miniature horse and it is not obvious that it is a service animal, you are limited in what you can ask of the individual to assess whether or not to ask that the animal to leave the premises. You can only ask the following two questions:

- \*Is the animal a service animal required for a disability?
- \*What work or task has the animal been trained to perform?

You **CANNOT**:

- ✘ Inquire about the individual's disability;
- ✘ Request proof of a disability;
- ✘ Request proof of the animal's training (professional training is not required under the ADA);
- ✘ Request the animal to demonstrate its training;

The **only circumstances** in which you can ask an individual with a service animal to leave is if:

- \*The animal is not within the control of the handler and handler does not take effective action to control the animal (i.e., barking repeatedly in the barns or other buildings);
- \*The animal poses a "direct threat" to the health or safety of others. The ADA (Section 31.139) outlines specific provisions for "direct threat" and must be assessed on a case-by basis. A direct threat must be based on reasonable judgment that relies on current medical knowledge or the best available objective evidence, to ascertain: the nature, duration and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
- \*The animal is not housebroken (urinated or defecates inside a building or barn)

This includes allowing individuals with service animals to be present in places where food is sold or prepared, so long as it is a public space (even if the animal's presence is in contrary to health codes).

If you must ask an individual with a service animal to leave:

1. Be polite, yet firm as necessary. Being knowledgeable and informed of the above can provide you with the confidence necessary to kindly confront a situation.
2. Inform the individual that they are still welcome in the facility to conduct their necessary business without the animal's presence. For example, "It appears that you are unable to maintain control of your service animal. While I have to ask your service animal to wait outside the facility under the control of another handler, you may continue to utilize the services within the facility without them." If a service animal is asked to leave the barns, the incident must be reported to the 4-H Coordinator (who will then report to the General Manager). If a service animal is asked to leave the grounds or a location on the grounds, the incident must be reported to the General Manager as soon as possible.
3. If an individual indicates they believe their treatment amounts to discrimination, you may refer them to the Fair Administration Office.