A growing number of states are shortening the leash on fake service animals. At present, approximately 20 states have enacted laws aimed at deterring individuals from fraudulently misrepresenting their pets as service animals. These laws are in addition to those that exist to deter harassment of or interference with service animals and others aimed at regulating their use such as licensing laws.

Under the Americans with Disabilities Act, or ADA, service animals—defined as “dogs that are individually trained to do work or perform tasks for people with disabilities”—must be allowed in places that serve the public generally. Service animals must generally remain leashed or harnessed. The ADA also prohibits questioning of the service animal owner unless it is not obvious what service an animal provides, but even then, all that may be asked is whether the dog is a service animal and what work or task the dog is trained to perform. Service animals cannot be denied access to public areas based on fear of dogs or allergies.

Service animals were first trained to be used for those with vision and hearing impairments, but their use is becoming increasingly more common among those with mobility issues, those who need to be alerted to medical conditions, and those with mental illnesses such as autism. In fact, the American Humane Association estimates that there are approximately 20,000 service animals in the U.S.

While most individuals who claim their pets to be service animals are doing so truthfully, fraudulent misrepresentation can be a concern. There is no universally recognized certification for dogs acting as service animals, and service animal vests can be easily acquired by those who do not have or need service animals. This makes it easy for owners to pass their dogs off as service animals in order to bring them into stores, restaurants, and other buildings. Problems arise when pets not trained as service animals misbehave in ways that true service animals do not. For example, they may bark, jump on others, or attack other dogs.

One illustrative case involves Chris Slavin, a Massachusetts resident who uses both a wheelchair and a service animal. While riding in an elevator, Slavin’s service animal was attacked by another dog whose owner had misrepresented it as a service animal in order to bring it into the building. Slavin’s service animal was left bleeding from the incident.

As a response to incidents such as this in Massachusetts, states have been introducing and passing legislation aimed at curtailing service animal misrepresentation. Minnesota is one example of a state that is tackling the issue. Earlier this year, Gov. Mark Dayton signed a bill that imposes a $100 fine on individuals who misrepresent their pets as service animals.

Despite these efforts, the lack of a universally recognized certification limits the effectiveness of the new laws because business owners and law enforcement have no way to tell whether a pet is indeed a service animal. However, the new laws may deter some owners who would otherwise attempt to misrepresent their untrained pets.