



Air Travel with Assistance Animals

December 8, 2021

The Department of Transportation (DOT) has revised the Air Carrier Access Act (ACAA) regulation on the transportation of Service Animals by air, in effect as of Jan. 11, 2021. There are no rights to assert under the Americans with Disabilities Act (ADA) regarding Assistance Animals on planes.

▪ **What are the biggest changes of this rule?**

- There will no longer be special protections to fly with an Emotional Support Animal. They will now be considered the same as pets by the airline.
- Dogs are now the only type of Service Animals allowed on planes. Airlines are no longer be required to accommodate Service Animals such as miniature horses, cats, rabbits, birds, etc. that were previously allowed.
- Psychiatric Service Animals are now be treated the same as other types of Service Animals, meaning airlines will no longer be allowed to impose additional requirements, such as letter from a licensed mental health professional stating your need for the animal.
- Airlines will now be allowed to require Service Animal users to submit a DOT form (attached) 48 hour prior to travel. See more about this below.

▪ **What's the difference between a Service Animal and an Emotional Support Animal?**

DOT's final rule says:

- A Service Animal is a dog that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability.
- Emotional Support Animals provide emotional support, comfort, or companionship which do not constitute work or tasks.

▪ **What if I have a letter from a doctor?**

This no longer matters to airlines that have changed their policies under the new rules. They are now focused on the specific training of the dog, not the need of the human - even if a mental health professional attests to it.

▪ **How do I prove that my Service Animal meets the requirements?**

Travelers must now fill out a DOT form (attached) at least 48 hours before their flight, attesting to the animal's:

- Health, behavior, and training.
- Ability to either not relieve itself or to relieve itself in a sanitary manner, if the animal will be on a flight that is 8 or more hours.

The form asks for the name of the person or organization that trained the animal as well as a phone number, and it requires passengers to check a box saying they understand that if they knowingly make false statements, they can be subject to fines and other penalties. If you are the one that trained your assistance animal, you may list your name.

Owners also must acknowledge that if the animal demonstrates behavior showing that it “has not been properly trained to behave in public,” it will be treated as a pet and subject to fees and other pet requirements.

If you believe your rights under the Air Carrier Access Act are being or have been violated, ask to speak with a Complaints Resolution Official (CRO). A CRO is the airline’s expert on disability accommodation issues. Airlines are required to make one available to you, at no cost, in person at the airport or by telephone during the times they are operating.

- **How do I fly with my Emotional Support Animal now?**

If the animal meets the airline’s requirements for flying as a pet in the cabin, you can bring it onto the plane as if it were a carry-on item. Only some types of animals qualify - typically dogs and cats, but sometimes household birds or domestic rabbits, depending on the airline. They must be small enough to move around in a carrier that fits under the seat, and they have to stay in the carrier while on the plane. Airlines limit the number of pets per flight.

Larger pets would only be able to fly as cargo, but not all airlines carry pets as checked items.

- **My Service Animal is a Pit Bull and I’ve heard airlines might not let me fly. Will these new rules address that?**

Airlines may 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.

If you have further questions about travel with a Service Animal,
please contact the Disability Law Center of Alaska.



Provided by the **Disability Law Center of Alaska**

www.dlcak.org Toll Free, Statewide (800) 478-1234

All laws are subject to change by legislation and by court decisions. The information is not intended to be legal advice. It is a Public Education resource. Readers should use this guide for information, and then ask questions about their own individual needs. Date of this publication: December 8, 2021