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## **How I Handle a Public Access Challenge**

by Veronica Morris, PhD

A public access challenge occurs when a gatekeeper (like a security guard, store employee, museum attendant, etc.) attempts to disallow someone with a service dog (“you” in this article) from entering or remaining in a place of public accommodation. This article is only about situations in which a person with a disability and their service dog are acting in accordance with the law in the United States.

It is appropriate for gatekeepers to exclude animals—service dogs or not—that are not housebroken, or are disruptive or destructive. Remember that you, the handler, must also not be disruptive! Shouting, having a demanding or sarcastic tone, and generally not acting mature and in calm control can make the business look (or be!) justified in kicking you out, too.

Keep in mind that gatekeepers are allowed to ask whether the dog is a service dog helping with your disability, and what work or tasks the dog has been trained to perform. You do not have to reveal your disability, just describe what the dog does to help. I prefer to use the generic phrases when answering these questions, such as “medical alert dog” or “medical response dog”, and that my dog either warns me or helps me through a period where my disability would normally affect me. Phrases like this can help you convey the general nature of your dog’s assistive behaviors without divulging your specific medical condition.

It may help to have copies of a law card or flyer that explains the laws, such as the Department of Justice’s [2010 service animals handout](#), or printouts of state or federal laws to hand out to gatekeepers. This is not required, but it can be helpful in getting the laws across to the gatekeeper.

I think the best thing you can do to prepare for a public access challenge is to role-play with a friend or family member. Memorize some things to say in the challenges so that you will be prepared, and have a plan in place that suits you and your personal comfort level.

The most common public access challenge I receive is "No dogs allowed". I point to my dog's vest or bandana and say "service dog" while I continue through the entrance or continue moving along my way, acting like I know what I am doing. I will do this even if I am going into a store where I know I'll have to ask for help finding something. I want to ask someone for help who is not the individual who said "no dogs". Usually pointing to the vest and saying "service dog" is all I need to do. If you act like you know what you are doing, and that you are in the right, people will be less likely to challenge you.

If someone asks me "is that a guide dog" or any variant of that I reply "Yes, he is a service dog". All the person cares about is that I say yes in response to their question, and then I correct their terminology—I am essentially answering the question they ought to have asked instead of the question they actually did ask.

"But you're not blind!" or anyone asking if I can see is usually met by me saying "He is a medical alert dog—he warns me before I get sick".

If they ask for ID I say "My service dog helps with my disability—he warns me before I get sick. The ADA and/or state law say I don't have to show ID". In crafting this answer, I have answered the two questions that gatekeepers are allowed to ask. I used to offer a service dog flyer at this point because it gave me more confidence, but nowadays I don't. I just am more confident in my ability now to handle public access challenges than I was back then.

Note that during any of these exchanges, I will be continuing on my way in the store, acting like I have every right to be there. If you stand there, orient your body toward them, and have a conversation with them, they are more likely to want to keep you in a longer fight about this. If you keep moving at a normal pace, they will usually give up pretty quickly and let you be.

At this point, if the conversation looks like it's going to continue, I will ask to speak to the manager. No sense in getting into a heated debate with a store employee about things when you can go over their head and talk to the manager. If the employee won't go get the manager, then you go get the manager—even if it means said employee is running after you shouting! Go to the closest other store employee you can find and say very calmly and with a

smile "Could you call the manager over, we seem to have a problem".

When I first wrote this article in 2007, this is how I described how I proceeded:

While waiting for the manager, I pull out my folder of law information (I carry with me a folder that has CA state laws and other information about service dogs in it) and organize a packet of information to hand to the manager. I do this because I need something to do with myself while waiting for the manager. If I just stand there I will start to cry so I need something to keep my mind and hands busy! Plus, it helps to look all prepared and professional when the manager comes. I have CA state laws printed out with relevant sections highlighted, but I usually carry a highlighter and if it's taking an extra long time for the manager to come I might highlight a few more sections just to have something to do with my hands and mind.

When I rewrote this article in 2010, this is how I described how I proceeded:

Most importantly, I don't carry all of that law information with me anymore. I keep a law card in my wallet just in case, and I have informational flyers that list the state law in them. I do this for many reasons. First of all, I now have a poodle instead of a pit bull, so I have far far fewer access challenges. In fact, I've never had a serious challenge where I needed to call a manager over for my service dog Ollivander. I had a lot more access challenges with my first service dog Sabrina, so I was more prepared for them.

Another reason I don't carry all of that with me is now I've summarized all the laws in Ollie's flyer. So I have everything I need on one piece of paper.

Finally, I am now more confident in my abilities to handle public access challenges. They don't even make me cry anymore (I cried during or after public access challenges for at least 3–4 years). My advice is know what you need to make yourself feel confident. In 2007 for me to feel confident I needed a printout of all the state laws with relevant sections highlighted. Today I don't. Assess your own needs and comfort level, along with what you want to have to carry with you and make that decision for yourself.

When the manager comes over, smile at them (this is very important; smiling always gets people on your side!) and say:

Hi, my name is [X], I have a disability and require the assistance of my service dog who warns me before I get sick. I have been really looking forward to coming to your store for [insert whatever reason pops into your head here, or if you are a regular, say so!], but have been treated rudely because of my service dog. Here is some information on service dog laws and etiquette that you might want to distribute to your employees.

I then hand over a flyer. Usually at this point the manager is extremely apologetic, and tells you that you are welcome in the store, etc. I insist on giving the info to the manager and tell them I'd really appreciate it if they could go over that information with the employee I was having problems with—I have multiple copies of things so I can just hand these out and then leave.

I've not had to resort to the next level of calling the police ever. But if the manager was not receptive, my plan would be to first get out my phone and call the ADA Information Line ((800) 514-0301). If that didn't convince them, I would call the police. Having all my state law information in my flyer, over the phone I can tell the police which section of the law is being broken (that way they can look it up on their way over). For those of you who do not want to carry papers with you, you might record the code numbers in your cell phone or put them on a tag on your dog's collar or something so that you have the numbers handy to give to the police. Most police are not aware of their state laws regarding service dogs, so give them a chance to get educated before they arrive on scene.

If the scene is bad, and they are continuing to deny you access, I recommend getting out your cell phone and making a video or audio recording. Tell the person that you are recording, and get evidence that they are kicking you out because of your service dog, and that your service dog is behaving appropriately, etc. Without this evidence, the reality is that it could be extremely difficult to win a court case that you may be forced into.

If they actually do deny you access to the store, and you think you might want to file a lawsuit, keep in mind that in order to file one, you have to have been denied access. This means you have to leave. We don't recommend this method of handling access challenges. However, if there is an egregious error in what is happening, be aware that to file charges, you will have

to accept them telling you to leave the store.

One of my worst ever access challenges was at the NYC transit museum. I had a very similar circumstance to what I described above, except the employee was a security guard, with a wife at home in a wheelchair—he couldn't believe I was disabled. By staying calm, cool, and collected and insisting on the manager taking the information that the security guard refused, it only took a few minutes for everything to be sorted out and for me to be admitted.

In addition, it turned out really nicely because apparently once the man calmed down he did read my information about service dogs and came to apologize and talk with me about them—he and his wife had been on a waiting list for a service dog for years and he had no idea that his wife might be able to owner-train a dog. I gave him lots of information and he left very happy that he had met me that day. So the sort of approach that I described can result in happy endings for everyone involved!

If you have an access challenge on public transit—a bus, subway, or taxi, how you handle the situation might be a little different. These challenges are unique because they could prevent you from getting where you need to go and there is no manager on site. The best thing you can do is be polite and pretend that you are confident and know that you are right. If you keep acting like you are right and are calm, generally even if the drivers don't like it, they will not kick you off the bus. They might complain a lot, but they won't kick you off. If they do kick you off, note the bus number and time, and ask for the driver's ID number or name (and consider recording the interaction, as noted above). When you get off the bus, call in and report the incident.

If it did get to the point where you had to leave the bus for your own safety or sanity, usually you can just catch the next bus. It's rare that two drivers in a row will be awful like that. And if you leave the bus of your own volition (just pretend that it is your stop coming up), they likely won't be radioing around to others not to pick you up. If you let it progress to the point where you let them kick you off and they know they are kicking you off, that is when they might vindictively radio the other drivers.

I've actually never had an issue in a taxi, though we've only ridden in a handful with a service dog. I just have someone else in my party hail the cab, then I get in and have my dog lie on the floorboards. If someone had an issue with it, I'd say "he's a service dog for my disability, he warns me before I get sick" and if the challenge proceeded to the point where the person

wouldn't take us, I would get their taxi number and time of day and their name and license number, and insist that they wait with me until I get another taxi. Again, it can be helpful to record any situation like this. Then after I got home I'd be calling around making complaints.

In summary, the most important things to do in a public access challenge are to stay calm, know the laws and be able to explain them or have a law card to hand out, and obtain evidence of the situation just in case.

**Psychiatric Service Dogs Partners' purpose is to promote the mental health of people using service dogs for psychiatric disabilities by educating, advocating, providing expertise, facilitating peer support, and promoting responsible service dog training and handling.**

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