

ITEM NUMBER: 7.62 a-b
CHAPTER 7: Administrative
Management
CODE: Policy

Title:	Animals in the Library Policy
Effective Date:	5-2018
Authorized By:	Library Board of Trustees/Library Director
Date of Last Revision:	7-2024

PURPOSE

The Marathon County Public Library (MCPL) recognizes that some patrons with disabilities may have service animals that are trained to perform tasks for the benefit of a disabled individual. MCPL recognizes legal rights under federal and state laws regarding use of service animals. MCPL also considers the safety and health of all of its patrons, the public and library staff to be of utmost priority.

STATEMENT OF POLICY

Patrons may not bring animals other than service animals (see definition below), or service animals in training, inside MCPL locations. Handlers of animals other than service animals will be asked to remove them from the library.

Individuals with disabilities may bring their service animals into all areas of the library where members of the public are normally allowed to go. All service animals must be under the full custody and control of their handler at all times. All service animals must be on a leash or harness at all times unless the handler is unable to leash or harness the animal because of a disability or use of a leash or harness would interfere with the animal's safe, effective performance of work or tasks. If the service animal cannot be leashed or harnessed, it must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). Handlers of the service animals are solely responsible for the supervision and care of the service animal. Therefore, handlers must keep the service animal directly with them at all times.

Both state and federal laws address disability protections. Unlike other issues where federal law may preempt state law, for disability protections, the federal laws specify that they do not limit any equal or greater protections and rights afforded under state laws. This means that a property owner or establishment must adhere to whichever law provides the greater protections for a person with a disability.

Under Wisconsin law, a service animal may be any animal that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include (but are not limited to) guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a

seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA or Wisconsin law. While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA or Wisconsin law, and are therefore not allowed in the library. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities.

Handlers of service animals are not required to show papers or to prove a disability. Service animals are not required to be licensed or certified by a state or local government or training program, or be identified by a special harness or collar.

Under federal law, staff may ask only the following questions regarding a trained service animal:

- **Is the service animal required because of a disability?**
- **What work or tasks has the animal been trained to perform?**

Staff may not ask about the handler's disability. If it is readily apparent that a service animal is trained to do work or perform tasks for a person with a disability, staff may not ask either of these questions.

A person with a disability cannot be asked to remove their service animal (or service animal in training) from the library unless the behavior of the service animal constitutes an unreasonable risk of injury or harm to property or other persons, or violates other library policies that patrons are subject to.

In these cases, library staff should give the person with the disability the option to obtain library services without having the service animal (or service animal in training) on the premises. Fear of allergies, annoyance on the part of other patrons or employees or fear of animals are generally not valid reasons for denying access or refusing service to people with service animals (or service animals in training).

For additional guidance, see the Wisconsin Legislative Council's 2024 IssueBrief on Service and Support Animals:

https://docs.legis.wisconsin.gov/misc/lc/issue_briefs/2024/health/ib_supportanimals_msk_ag_2024_06_24