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The Use and Misuse of Emotional Support Animals

Federal laws covering emotional support animals and service dogs are confusing.

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Reviewed by Lybi Ma



KEY POINTS

- In the United States, trained service dogs are permitted in public places that do not allow pets.
- In contrast, emotional support animals are not trained and only have access to no-pet housing such as apartments, condos, and dorms.
- One in four emotional support animal owners obtained their ESA letters through internet sites rather than from personal health professionals.

An increasing number of Americans have emotional support animals and psychiatric service dogs to help them cope with psychological problems. But confusion over the legal status



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of these different kinds of assistance animals can lead to problems. Take, for example, an incident I witnessed at Bear Lake not far from my house.

The two-mile trail around the lake, which is owned by the Bear Lake Commission, is popular with joggers and walkers. While the lake is private, the commission allows the public to run or walk along the path around the shore. However, people who want their dog to accompany them on the trail need to pay \$100 for an annual dog-walking tag. This dog license fee is enforced by the lake's manager, a friendly man named Jimmy Wilkins.

Recently, my wife and I were chatting with Jimmy near the dock when a young woman walked by with her dog which

were allowed on the trail. He added that she could purchase a license that would be good for a year of dog walking. The woman looked scornfully at Jimmy and angrily announced, “That rule does not apply to him. He is a registered Emotional Support Animal.”

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Jimmy, however, was well-versed in the laws pertaining to the legal status of assistance animals. He politely explained to her that while federal regulations do give trained **service dogs** free access to public places including parks like Bear Lake, the laws did not apply to **emotional support animals**. After a few minutes of back and forth, the woman snorted and mumbled something about “filing an official complaint” as she stomped back to her car with her dog.

Different Laws Cover Service Dogs and Emotional Support Animals

The woman with the dog made two mistakes. The first was claiming her dog was a “registered” emotional support ani-

istry. Those internet sites where you can "register" your cat or hamster as an ESA are **frauds**.

Her second mistake was arguing that owners of emotional support animals can take their four-legged companions into public places that ban pets. Under the **Americans with Disabilities Act**, *service dogs* have access to bars, museums, and grocery stores, and they are entitled to accompany their owners on the Bear Lake path free of charge. ESAs, however, fall under the **Fair Housing Act**. These rules do not apply to public places. They only allow ESAs to live at no cost in no-pet housing such as apartments, condos, and college dorms. For example, an ESA dog living in a university dormitory is not permitted to enter classrooms, the library, the cafeteria, or even to play frisbee on the central campus quad.

Study Suggests Rampant Misrepresentation of Emotional Support Animals

A **new study** published in the journal *Anthrozoös*, however, found that ESA owners often flaunt these federal regulations—they intentionally pass their emotional support dog off as a "service dog" so they can, illegally, bring their pet into their favorite eateries and grocery stores.

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The study was conducted by Jillian Ferrell and Susan Crowley in the Department of Psychology at Utah State University. They investigated various aspects of acquiring and living with an ESA. The researchers recruited 77 individuals with ESAs from across the United States. The participants anonymously completed an online questionnaire pertaining to their lives with an ESA. Here are some of their more important results.

Who gets an ESA? The ESA owners tended to be female (69 percent) and their average age was 51. Their most common psychiatric diagnoses were post-traumatic stress disorder (29 percent), major depression (25 percent), and generalized anxiety disorder (25 percent).

Who provided their ESA letter? Legally, to qualify for ESA, you must obtain a letter from a “health professional” stating that you need an emotional support animal to alleviate symptoms of a recognized psychiatric disorder. Forty-four percent of the participants obtained their ESA letter from a mental health professional such as a psychologist, a psychiatrist, or a clinical social worker. Primary care doctors provided 29 percent of the letters. But nearly a quarter of the ESA owners ob-

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And according to a 2020 [document](#) from the Department of Housing and Urban Development, letters obtained from commercial internet sites are not considered sufficient when it comes to allowing ESAs to live in no-pet housing. Further, half of the participants in the study were not actually under the care of the person who wrote their ESA letter.

Falsely claiming ESAs are service dogs. Perhaps the most eye-opening finding of the study concerned dog owners like the woman at Bear Lake who gave Jimmy a hard time. Ferrell and Crowley found that 60 percent of their subjects had claimed their ESA dog was a service animal at least once to get into public places that were deemed no-pet areas, and nearly 20 percent said they misrepresented their dog frequently or almost always. Further, only 25 percent of the subjects said they never took their ESA into stores, while nearly 40 percent frequently or almost always did. Participants also took their ESAs into restaurants, churches, concerts, no-pet parks, and government buildings. Surprisingly, individuals who had more involvement with veterinarians and health professionals when getting their ESA were also more likely to misrepresent their dogs and bring them into public places.

The Problem(s) with Emotional Support Animal Laws

There are several reasons to be concerned about the increasing use of emotional support animals as a treatment for psychological problems. First, there is essentially no empirical evidence that they alleviate the symptoms of mental illness. (See [Do Emotional Support Animals Really Help?](#)) Indeed, because of the lack of studies showing the effectiveness of ESAs, the [American Psychiatric Association](#) does not recommend that psychiatrists write ESA letters for their patients. And, because of the internet-letter fraud problem and reports of ESA pigs, ducks, and dogs running rampant on planes, American air carriers no longer allow ESAs on any flights.

Ferrell and Crowley's findings raise additional concerns. Particularly disturbing is that most of the ESA owners in their study sometimes passed their animals off as service dogs so they could bring their four-legged friends into no-pet facilities. In addition, one in four participants obtained their ESA letters from a shady internet site, and half of them admitted

Is There a Future for Emotional Support Animals?

After the woman with her dog at Bear Lake stomped off in a huff, I asked Jimmy how often people tried to pass their ESAs off as service animals to avoid paying for a dog tag. He rolled his eyes. “Oh yeah,” he said. “It happens all the time.”

In an email, the University of California at Davis anthrozoologist Lynette Hart told me that ESAs are a uniquely American phenomenon. But then she added, “It seems likely that they are spreading to other countries—or soon will be.”

References

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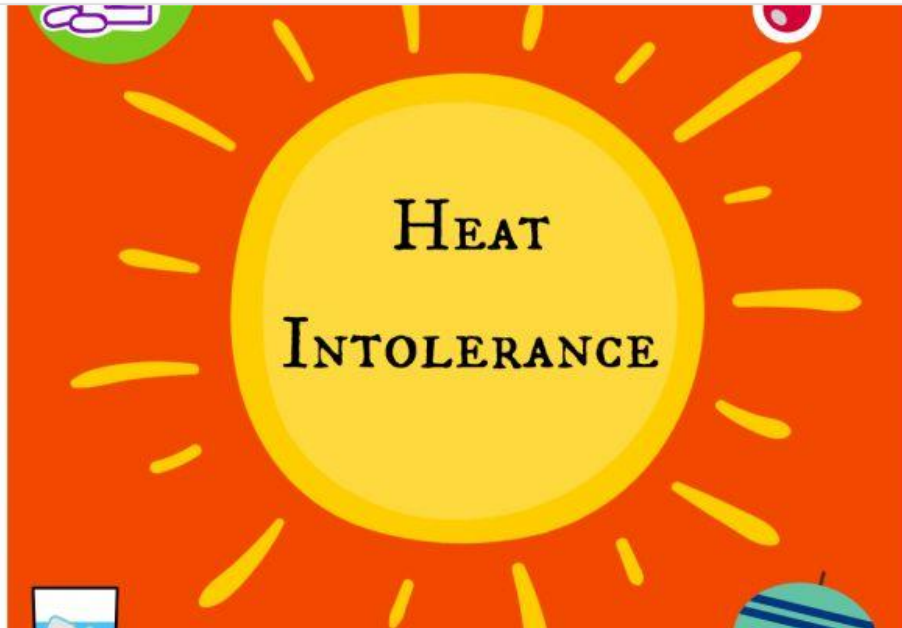


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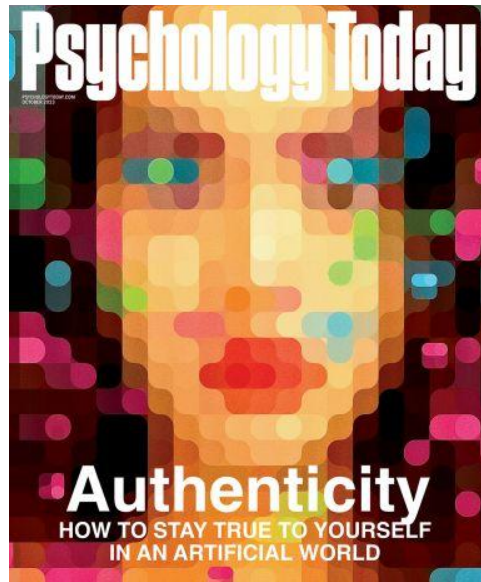
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