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Service Animals in Stadium Seating

Guidance concerning Restaurants

This information is provided by Advocates for Service animal Partners. It is intended as informal guidance only and should not be construed as legal advice. For more information, you may contact

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This guidance is in response to the question as to whether a disabled individual accompanied by a service animal has the right to sit in general stadium seating or is required to sit in a seat specifically designated as disabled seating. Title III of the Americans with Disabilities act (ADA prohibits private entities that provide public accommodations from discriminating against individuals with disabilities. The implementing regulations of Title III of the ADA are contained in 28 CFR Part 36. According to the Act, public accommodations include “a motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment”. (42 USC 12181(7)(C)) according to the implementing regulations of the ADA, “Service animal

means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” (28 CFR Part 36.104) Places of public accommodation are required to modify their policies, practices, and procedures to permit individuals with disabilities accompanied by their service animals in all areas where members of the public, program participants, clients, customers, patrons, or invitees, as relevant, are allowed to go. (28 CFR Part 36.302(7)

A place of public accommodation may refuse to allow an individual with a disability to be accompanied by a service animal if the presence of the animal poses a direct threat to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures (28 CFR Part 36.208), if the animal is out of control and the handler does not take effective action to correct the behavior (28 CFR Part 36.302(c)(2)(i)), or if the animal is not housebroken (28 CFR Part 36.302(c)(2)(ii)). If an entity asserts the animal poses a direct threat, it must demonstrate that such a threat exists. In determining if a direct threat to the health or safety of others exists, a public accommodation must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain the nature, duration, and severity of the risk, the probability that the potential injury will actually occur, and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.; (28 CFR Part 36.208(b)) A public accommodation cannot assume such a threat exists. If a service animal is properly excluded, the public accommodation must allow the individual with a disability

the opportunity to obtain goods, services, and accommodations without having the service animal on the premises (28 CFR Part 36.302(c)(3)).

Though stadiums are required to have at least 1% of its capacity seating designated as wheelchair seating on an accessible path, there are no regulations requiring an individual with a disability accompanied by a service animal to make use of such seating. In fact, the implementing regulations specifically state, “Nothing in this part shall be construed to require an individual with a disability to accept an accommodation, aid, service, opportunity, or benefit available in this part that such individual chooses not to accept.” (28 CFR Part 36.203(c)(1))

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