What All Types of Spas, Wellness Facilities, and Salt Therapy Providers Need to Know About the Americans with Disabilities Act — (ADA Compliance)

The **Americans with Disabilities Act** of 1990 is a civil rights law that prohibits discrimination based on disability. There are 5 Titles in the Act that include: employment, public entities (and public transportation), public accommodations (and commercial facilities), telecommunications, and miscellaneous provisions. As a facility and business owner, there are areas that impact several aspects of being in the spa, wellness, and salt therapy industry. There are areas regarding how the ADA impacts your employer and employee relations, as well as how your facility is designed and built, to how you treat and interact with public customers. This is something that is for those people and businesses in the United States of America, however, there are some countries with similar guidelines and such (more to come).

The Department of Justice (DOJ) published the Americans with Disabilities Act (**ADA**) Standards for Accessible Design in September 2010. [https://www.ada.gov/2010ADAstandards_index.htm](https://www.ada.gov/2010ADAstandards_index.htm) In this detailed document, there are provisions that detail what commercial space is required to have for ADA compliance. From a facility design perspective, this typically involves having detailed architectural plans and designs that reflect the fulfillment of these standards. Most people are familiar with restrooms adhering to ADA compliance with having wheelchair accessibility. There are also space and design standards for hallways, doorways, entryways, elevators, stairs, etc. However, there are often exceptions and exemptions, which typically may be due to when the space was first built, what codes were previously established, did the zoning change, etc. There are several salt facilities that exist in spaces that were residential and now are commercial properties and some of the ADA design aspects cannot be achieved. Likewise, there have been spaces that are two floors and there was a required elevator at the time.

There are quite a bit more design and space details to understand whether you are just getting into the salt therapy industry or you are currently providing halotherapy in salt rooms and caves. We encourage everyone to consult and work with experienced professionals in the salt therapy industry and the architects, designers, and contractors you work with. Often there are local codes and guidelines that may need to be addressed. For example, we are aware of a couple of facilities that needed to address the issue with the loose salt on their floor.

There is another aspect of the ADA that was recently brought to STA’s attention and that was focused on Service Animals and the ADA: [https://www.ada.gov/regs2010/service_animal_qa.html](https://www.ada.gov/regs2010/service_animal_qa.html) What do you do if someone walks into your facility with a service dog? How would you react? As we will uncover further here, there is a concern for others who may have issues due to allergies (which may be the reason why the other customers are paying for their salt session) and may be sensitive to pet dander or may have a fear of dogs, so what is the appropriate way to address the situation? Let’s look at the most Frequently Asked Questions about this:
“Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.”

**What does “do work or perform tasks” mean:**

The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.

**Are emotional support, therapy, comfort or companion animals considered service animals under the ADA?**

“No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. However, some State or local governments have laws that allow people to take emotional support animals into public places. You may check with your State and local government agencies to find out about these laws.”

**If someone’s dog calms them when having an anxiety attack, does this qualify it as a service animal?**

“It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA.”

**Does the ADA require service animals to be professionally trained?**

“No. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program.”

**Are service-animals-in-training considered service animals under the ADA?**

"No. Under the ADA, the dog must already be trained before it can be taken into public places. However, some State or local laws cover animals that are still in training."

**Here are some of the GENERAL RULES.**

**What questions can a covered entity’s employees ask to determine if a dog is a service animal?**

"In situations where it is not obvious that the dog is a service animal, staff may ask only two specific questions: (1) is the dog a service animal required because of a disability? and (2) what work or task has the dog been trained to perform? Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability."
Does the ADA require that service animals be certified as service animals?

“No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.”

It is important to note that on the FAQs, it states “There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.”

My city requires all dogs to be vaccinated, registered and/or licensed. Does this apply to my service animal?

“Yes. Individuals who have service animals are not exempt from local animal control or public health requirements. Service animals are subject to local dog licensing and registration requirements.”

Here is some more of what you and your staff might want to know.

Can individuals with disabilities be refused access to a facility based solely on the breed of their service animal?

“No. A service animal may not be excluded based on assumptions or stereotypes about the animal’s breed or how the animal might behave. However, if a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present.”

If a municipality has an ordinance that bans certain dog breeds, does the ban apply to service animals?

“No. Municipalities that prohibit specific breeds of dogs must make an exception for a service animal of a prohibited breed, unless the dog poses a direct threat to the health or safety of others. Under the “direct threat” provisions of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal’s actual behavior or history, but they may not exclude a service animal because of fears or generalizations about how an animal or breed might behave. It is important to note that breed restrictions differ significantly from jurisdiction to jurisdiction. In fact, some jurisdictions have no breed restrictions.”

When can service animals be excluded?

“The ADA does not require covered entities to modify policies, practices, or procedures if it would “fundamentally alter” the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.”
When might a service dog's presence fundamentally alter the nature of a service or program provided to the public?

“In most settings, the presence of a service animal will not result in a fundamental alteration. However, there are some exceptions. For example, at a boarding school, service animals could be restricted from a specific area of a dormitory reserved specifically for students with allergies to dog dander. At a zoo, service animals can be restricted from areas where the animals on display are the natural prey or natural predators of dogs, where the presence of a dog would be disruptive, causing the displayed animals to behave aggressively or become agitated. They cannot be restricted from other areas of the zoo."

Now we know that halotherapy is great for animals. We have many of our Members that are veterinarians that are using halotherapy in their practices with Salt Booths and Rooms, there are folks providing halotherapy for the equine industry, particularly with trainers of racehorses with salt stall/barns room conversions and mobile and portable units. The STA foresees a tremendous growth opportunity for the Pet, Animal and Livestock Industry. While there may be some salt therapy concepts and applications for that industry, allowing service animals into commercial salt rooms can pose several issues: There are the obvious safety and danger concerns to overcome from some customers being in an enclosed room for up to 45 minutes. You also have the cleanliness of the animal to contend with, especially if you have loose salt on the floor.

The issue that resonates the most with the STA is the interpretation that having a service animal can “...fundamentally alter the nature of a service”. If the Salt Therapy Provider’s service includes maintaining and sustaining having an allergy-free environment, or that salt therapy customers with allergies and other respiratory conditions may be in ‘health danger” by having a service animal (or for that matter any animal) present, this could alter the nature of the service and there could be an appropriate way to handle the situation. The ADA has already determined precedent by referencing the allergies in the dormitory above.

The STA is aware that some facilities have signs and placards that kindly ask people to refrain from applying perfume and cologne prior to coming into the salt room. And, we know of a couple of facilities that have had to address customers complaining about others coming into the salt room that had smells associated with cigarettes, cigars, or other strong odors. People who attend salt therapy sessions often have sensitivities to smells and odors. Please check with your local and state regulations as well as there may be some things to be aware of at that level regarding service animals.

While there are supposedly “hyper-allergenic’ breeds of animals, the STA needs to see what evidence exists that can determine if pet dander and other particles in the air in a salt room have negative effects that linger for a specific amount of time or does the salt air eliminate it or are there ways to design systems to do handle this? Many of us have our own pets, love our pets and have even provided halotherapy for them, and perhaps there are some business models to explore, however, this paper was to focus on ADA compliance. There is a distinction about opening your doors to provide halotherapy for pets and people with disabilities who could benefit from salt therapy that have a service animal. If there is a way to accommodate customers with service animals, let’s figure it out. We should always have all of our customer’s concerns addressed.