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assistance dog. A person who uses premises or facilities accommodations accompanied by a dog under the authority of this item is liable for any damage done to the premises or facilities by the dog.

S.C. Code Ann. § 43-33-20(d). Section 43-33-40 of the South Carolina Code (2015) makes it unlawful for another person or his agent to deny or interfere with the rights of a blind or disabled person provided under section 43-33-20 which includes interfering with a trainer of assistance or

guide dogs while they are engaged in training a dog.

You question whether basic obedience and/or house training qualifies as “the training of an assistance or guide dog” under section 43-33-20. We note, chapter 33 of title 43 does not specify the type of “training” being received by the assistance or guide dog to bring them under this provision. Therefore, we turn to the rules of statutory construction.

“The cardinal rule of statutory construction is that the intent of the legislator

be directly related to the individual's disability and may include, but are not limited to:

(ii) alerting an individual who is deaf or hard of hearing;

(iii) pulling a wheelchair;

(iv) assisting with mobility or balance;

(v) alerting others and protecting an individual if the individual is having a seizure;

(vi) retrieving objects;

(vii) alerting an individual to the presence of allergens;

(viii) providing physical support and assistance with balance and stability to an individual with a mobility disability;

(ix) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors;

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2. Are colleges and universities “places of public accommodations” that must grant access to persons training service animals? If so, does that obligation to grant access apply to our entire campus?

The right of disabled persons and trainers to be accompanied by an assistance or guide dog is limited under section 43-33-20 to the places listed in section 43-33-20(b), which include:

common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons

S.C. Code Ann. § 43-33-20(b) Colleges and universities are not specifically listed and therefore

(2) any restaurant cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for

such facility located on the premises of any retail establishment, or any gasoline station...

(C) "Supported by state action" means the licensing or permitting of any establishment or any agent of an establishment listed above, subject to

and universities are places of public accommodation for purpose of section 43-33-20, but caution that certain areas of a college or university could fall under this definition.

3. **Can Clemson University require trainers to verify that dogs are “assistance or guide dogs in training” or “service animals in training” before allowing them to into classrooms, offices and other areas on campus that are not open to the public? Similarly, can the university enforce other regulations such as on one limit verification of obedience**

training, and registration for the service animal in training?

Chapter 33 of title 43, governing the rights of physically disabled persons, does not speak a facility’s ability to inquire as to a dog’s status as an “assistance or guide dog.” Moreover, it does not provide such guidance regarding a dog in training to serve as an assistance or guide dog. The law simply requires that assistance or guide dog trainers be allowed access to public facilities and

Whereas there is an increasing number of occurrences in which people exploit

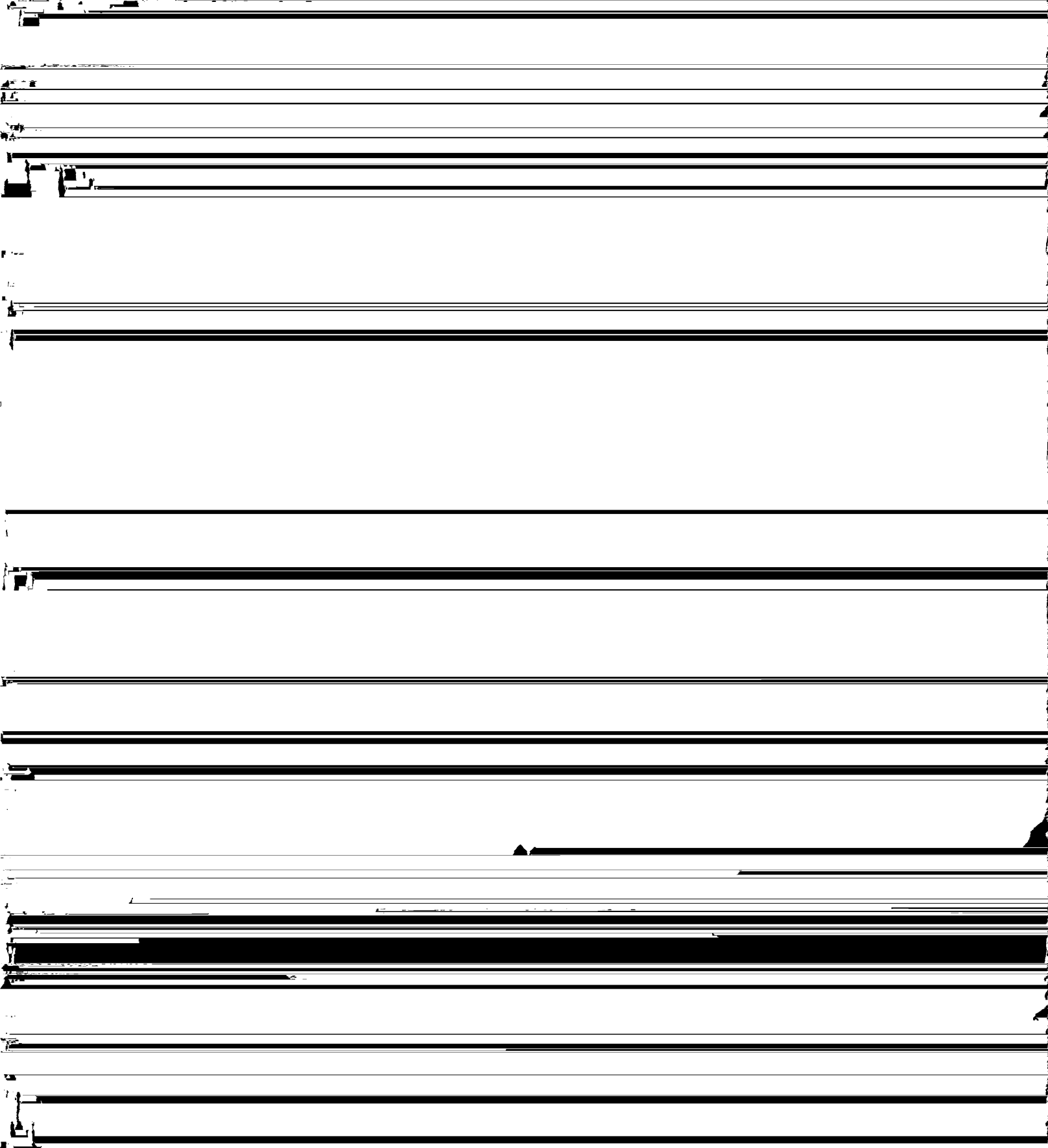
the confusion related to service animals and attempt to bring an animal into a place that it would otherwise not be allowed to enter by passing off the pet, therapy animal, or emotional support animal as a service animal, either by oral misrepresentation, placement of a vest or other marking on the animal, or presentation of a "certificate", despite knowing that it is not a service animal; and

Whereas some companies mislead individuals into believing that they will be

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