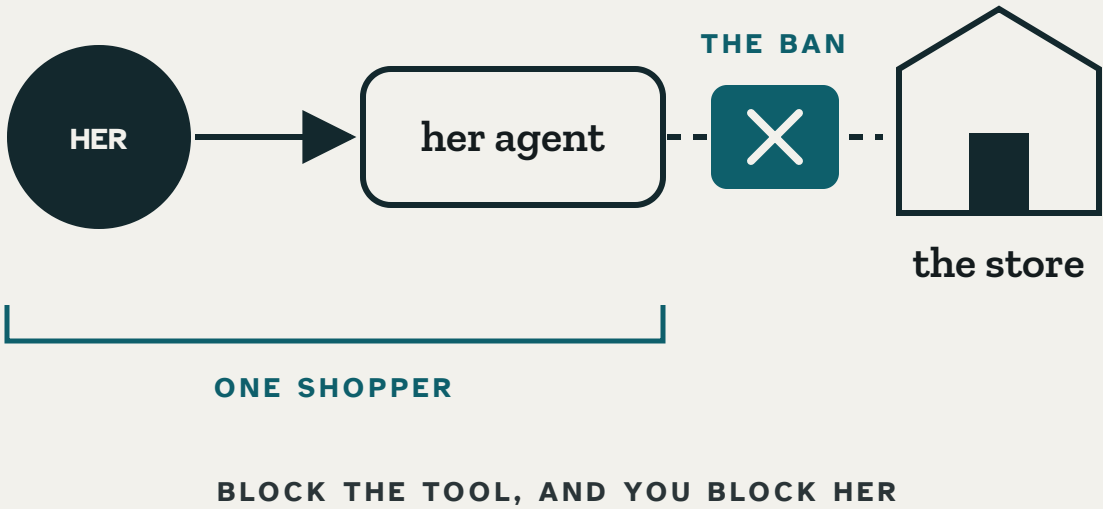


A LAW REVIEW ARTICLE, IN PLAIN LANGUAGE

Discriminating Against the Tool

AI Shopping Agents, Robot Shoppers, and the Title III Duty to Modify

When Amazon started turning away Meta’s shopping agent in September 2026, everyone called it a fight between two platforms. This article looks at the customer that fight leaves out: the disabled person who can only shop by handing the errand to a tool. Ban the tool, and you have banned her.



The Pop-Up at the Door

*Two platforms in a fight,
and the customer it leaves out*

A shopping agent arrives, a store blocks it, a court has just ruled on what an agent is, and a civil rights statute already names what happens to the disabled customer.

SEPTEMBER 2026

Meta launched a shopping agent. Within two weeks, Amazon met it with a warning box.

On September 8, Meta released Muse, an AI agent that handles errands for its user: sending email, booking trips, filling in forms, making shopping lists from cooking videos, and buying things. Reporting said it works on its own secure computer and never sees the user’s passwords or payment details.

Amazon blocked it, said the agent hid what it was and seemed to keep customers’ logins, and argued that outside shopping apps should respect a store’s choice not to take part. Amazon had already turned away agents built by Google and OpenAI.

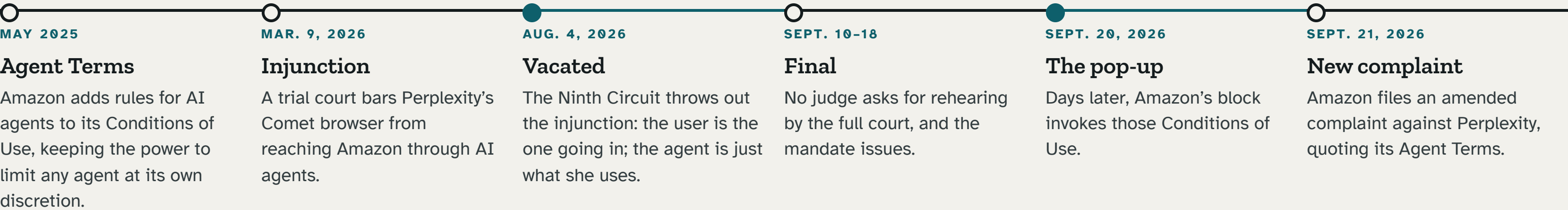
AMAZON.COM • POP-UP, AS REPORTED

“Continued access by an unauthorized AI agent violates Amazon’s Conditions of Use, to which our customers have agreed.”

SOURCES Sarah Perez, *Meta Debuts Its Muse AI Agent. Will Consumers Trust It?*, TechCrunch (Sept. 8, 2026); Todd Bishop, *Amazon Blocks Meta’s Muse AI Assistant in New Standoff over Agentic Shopping*, GeekWire (Sept. 20, 2026); Campaign US Staff, *Amazon Blocks Meta’s Muse from Shopping on Its Platform*, Campaign US (Sept. 23, 2026).

THE LITIGATION ALREADY UNDERWAY

A federal appeals court had just ruled that a shopping agent is the user’s tool, not a separate visitor.



THE ROUTE THE COURT LEFT OPEN

The court said its ruling did not stop Amazon from controlling access through its own terms of service. The pop-up takes exactly that route, and that route is where Title III comes in.

SOURCES *Amazon.com Servs. LLC v. Perplexity AI, Inc.*, No. 3:25-cv-09514-MMC (N.D. Cal. Mar. 9, 2026) (order granting preliminary injunction), *vacated*, No. 26-1444 (9th Cir. Aug. 4, 2026); *Amazon.com Servs., LLC v. Perplexity AI, Inc.*, No. 26-1444, slip op. at 13, 15, 20, 21 & n.5 (9th Cir. Aug. 4, 2026), *reh’g en banc denied*, No. 26-1444 (9th Cir. Sept. 10, 2026); First Amended Complaint ¶¶ 29, 31, *Amazon.com Servs. LLC v. Perplexity AI, Inc.*, No. 3:25-cv-09514-MMC (N.D. Cal. Sept. 21, 2026), Dkt. No. 122 (quoting Amazon, *Conditions of Use* (May 30, 2025), filed as Dkt. No. 122-5); Todd Bishop, *Amazon Blocks Meta’s Muse AI Assistant in New Standoff over Agentic Shopping*, GeekWire (Sept. 20, 2026).

WHAT THE NINTH CIRCUIT HELD

The court put the shopper, not the software, at the keyboard.

It is the user who ‘accesses’ Amazon’s computers, with the help of the Assistant.

Amazon.com Servs., LLC v. Perplexity AI, Inc., No. 26-1444, slip op. at 15 (9th Cir. Aug. 4, 2026)

However advanced the Assistant currently is, it is a tool, not a person for statutory purposes.

Id., construing the Computer Fraud and Abuse Act, 18 U.S.C. § 1030(a)(2)

The court added that blocking agents would hurt consumer choice and hold back a young technology, and it left Amazon one tool: rules written into its own terms of service.

THE CUSTOMER THE PLATFORM FIGHT LEAVES OUT

For some disabled shoppers, the agent is the store’s front door.

2 in 3

of 254 visually impaired workers surveyed in 2024 said they rely on generative AI at work, Be My AI most of all.

0.9%

of U.S. adults had agoraphobia during the previous year: intense fear of places that feel hard to leave.

40.6%

of those adults had serious impairment.

Federal law describes assistive technology by its function: any device or system, bought or made to order, “used to increase, maintain, or improve functional capabilities of individuals with disabilities”.

WHAT THE BLOCK MEANS FOR HER

Someone who cannot use a screen unaided, or cannot leave home, may get the groceries only through the agent. When the store shuts out the agent, it shuts her out.

SOURCES 29 U.S.C. § 3002(4); Michele C. McDonnall, Jamie Boydston & Anne Steverson, *Use of Wearable Devices and Generative AI in the Workplace by People with Visual Impairments*, 120 J. Visual Impairment & Blindness 134 (2026); Nat’l Inst. of Mental Health, *Agoraphobia*; Rashi Shrivastava, *Amazon’s \$68 Billion Reason to Block Meta’s Muse*, Forbes (Sept. 23, 2026).

TITLE III ALREADY HAS A NAME FOR THIS

The law forbids unequal access, and it counts a refusal to bend a policy as discrimination.

42 U.S.C. § 12182(a) <i>No discrimination “in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation.”</i>
42 U.S.C. § 12182(b)(2)(A)(i)–(ii) <i>Discrimination includes “a failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary,” and screening rules that “screen out or tend to screen out” disabled people.</i>

Hawaii once held every incoming dog in quarantine. The Ninth Circuit ruled that this rule, though applied to everyone alike, discriminated against blind travelers who rely on guide dogs, and that telling them to leave the dogs behind was “no response”.

THE ARGUMENT ON ONE PAGE

Five steps take the argument from the browser to the sidewalk.

<i>Is Amazon covered?</i>	→ Yes, in every circuit. It runs hundreds of grocery stores, and its website and app move their goods, which satisfies even the strictest courts. Part III
<i>Is a blanket agent ban illegal?</i>	→ It is an even-handed rule that weighs far more heavily on disabled customers, so the store must modify it, and Amazon’s Agent Terms work as a screening rule. Part IV
<i>Is the agent a stranger?</i>	→ No. The Ninth Circuit has held the agent is the shopper’s tool, so a rule against it is a rule against her. Part IV
<i>Do the defenses hold?</i>	→ Only in part: a store’s own agent must give a like experience, safety covers risks to others, security supports conditions, and ad money is not the business. Part V
<i>What about robots?</i>	→ Robot shoppers walk into stores the statute names, and the Segway rules show the method: admit, then assess. Parts II and VI

Assistive Delegation

An old practice with new tools

Disabled people have always shopped through readers, companions, and helpers. The helpers are becoming software, and soon machines with bodies.

A NEW NAME FOR AN OLD PRACTICE

Assistive delegation: getting a task of daily life done by directing a tool to do it for you.

The article coins the term for a disabled person who directs a tool to carry out a task she cannot do, or cannot do on equal terms, on her own. The word is new. The practice is old.

THEN	NOW	SOON
Readers and companions For generations disabled shoppers have brought readers, companions, and aides with them, and the law has made stores accommodate them. The ADA lists “qualified readers” among its auxiliary aids.	Software agents Those helpers are now becoming apps and agents.	Machines with bodies A household humanoid robot is already on preorder for \$20,000, and its maker says the first ones ship in 2026.

When the Segway arrived, the Department of Justice wrote that it “will not foreclose any future technological developments by identifying or banning specific devices”.

SOURCES *Fortyune v. Am. Multi-Cinema, Inc.*, 364 F.3d 1075, 1082–83 (9th Cir. 2004); 42 U.S.C. § 12103(1)(B); Mike Oitzman, *NEO Humanoid Designed for Household Use, Available for Preorder*, Robot Rep. (Oct. 30, 2025); Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities, 75 Fed. Reg. 56,236, 56,261 (Sept. 15, 2010).

THE LAW DEFINES HELP BY ITS JOB

Disability law has always followed people to whatever tool does the job.

ASSISTIVE TECHNOLOGY ACT

Any device

Any item or system that helps a disabled person do more, store-bought or made to order. Getting and using those devices counts as a service in its own right.

THE ADA

An open list

Auxiliary aids run from qualified readers and taped texts to buying or adapting equipment, and close with a catch-all: “other similar services and actions”.

THE DOJ REGULATION

Spelled out

Title III’s regulation names screen reader software, optical readers, and “accessible electronic and information technology”.

THE COMMON THREAD

Each category is defined by what the device does for the person, which is exactly how an AI agent works for someone who cannot shop unaided.

GENERATIVE AI TOOK ON THOSE JOBS

Disabled people already lean on AI, with their eyes open about what it costs them.

- 1

Describing the world

2023

Since 2023, Be My Eyes has let blind and low-vision people point a camera at anything and ask an AI what it sees.
- 2

At work

2024

By late 2024, two of every three visually impaired workers in one survey relied on generative AI at work, and most counted their smart glasses as important both on and off the job.
- 3

Trust, and need

2026

In 2026 focus groups across disabilities, people said AI helps their independence and communication but carries privacy risks and “accessibility taxes,” and many kept using it “out of necessity”.

Marketing researchers describe the same thing from the shopper’s side: disabled consumers use generative AI to reshape store information to fit their own access needs.

SOURCES Be My Eyes, *Introducing Be My AI (Formerly Virtual Volunteer) for People Who Are Blind or Have Low Vision, Powered by OpenAI’s GPT-4* (Mar. 14, 2023); McDonnall, Boydston & Steverson, *supra*, at 134; Jazette Johnson, Aaleyah Lewis, Jennifer Mankoff & Olivia Banner, “*I Don’t Trust It, but I Use It*”: Navigating Trust, Privacy, and Identity in Disabled People’s Use of Generative AI, in *Proceedings of the 2026 CHI Conference on Human Factors in Computing Systems 1* (2026); Meike Eilert & Stefanie Robinson, *Empowering Consumers with Disabilities Through Generative AI Cocreation of Servicescape Information*, 44 J. Pub. Pol’y & Marketing 457, 457 (2025).

FROM A DESCRIPTION TO A FINISHED TASK

An agent does not just describe the shelf. It buys the groceries.

Legal scholars have marked the move from AI that makes content to AI that plans and carries out whole tasks with little human input. Muse is sold for errands that include buying, the very step an inaccessible checkout blocks.

Amazon makes one too. With “Buy for Me,” Amazon itself checks out on other brands’ websites for the customer, passing along her name, address, and card, encrypted.

we are acting as your agent when we place orders at your direction.

Amazon’s own terms for Buy for Me

Agentic AI is capable of performing specific tasks with minimal human intervention at the direction of and on behalf of a customer.

Amazon’s own definition of the category

WHAT THE ARTICLE ADDS TO AMAZON’S DEFINITION

For some customers, directing the task and having it done on their behalf is all they can do without help. That is assistive delegation.

SOURCES Noam Kolt, *Governing AI Agents*, 101 Notre Dame L. Rev. 335, 335 (2026); Sarah Perez, *Meta Debuts Its Muse AI Agent. Will Consumers Trust It?*, TechCrunch (Sept. 8, 2026); Amazon Staff, *Amazon’s New ‘Buy for Me’ Feature Helps Customers Find and Buy Products from Other Brands’ Sites*, About Amazon (Apr. 3, 2025); Amazon, *Terms of Use When You Shop Brand Sites by Directing Amazon to Complete a Purchase on Your Behalf* (last updated Apr. 3, 2025), filed as Exhibit K, Dkt. No. 58-15, *Amazon.com Servs. LLC v. Perplexity AI, Inc.*, No. 3:25-cv-09514-MMC (N.D. Cal. Jan. 15, 2026).

COURTS HAVE BEEN HERE BEFORE

Earlier cases made stores rebuild their websites. This one asks them only to open the door.

ROBLES V. DOMINO’S

A pizza order

A blind man unable to order pizza through Domino’s site and app had a valid Title III case, since the barrier kept him from food made in Domino’s real restaurants.

TARGET

A store website

A blind shopper locked out of Target’s site had a case, as far as the site kept him from what Target sells in its stores.

ASSISTIVE DELEGATION

Bring your own interface

She shows up with the interface she already uses and asks one thing: do not send it away. That is less than a rebuild.

SHOPPING FROM HOME

For some disabled people the store itself is the barrier.

WHO

Agoraphobia

An anxiety disorder centered on places that feel hard to escape. Roughly 1.3 percent of U.S. adults will have it in their lifetime, and 40.6 percent of recent cases involve serious impairment. For her, the grocery aisle is the danger, and an agent-placed order is how food arrives.

WHAT SHE BUILT

Her own arrangement

She may run one assistant across many services that has learned her shopping lists, what is in her cupboards, what she can spend, and how she needs things presented. Forcing her to drop it at the door and learn the store’s tool is the same burden Hawaii imposed by keeping blind visitors apart from their own dogs.

WHAT CONGRESS SAID FIRST

The ADA opens by finding that disability in no way shrinks a person’s right to take full part in society, and it names “overprotective rules and policies” and failures to adjust practices as discrimination.

A wheelchair user won on a related point in 2023: a postal website that made disabled people “wait longer, pay more, and receive less assistance” did not give them real access. Substitutes count only if they deliver.

SOURCES Nat’l Inst. of Mental Health, *Agoraphobia*; 42 U.S.C. § 12101(a)(1), (a)(5), (b)(1); Jazette Johnson, Aaleyah Lewis, Jennifer Mankoff & Olivia Banner, “*I Don’t Trust It, but I Use It*”: Navigating Trust, Privacy, and Identity in Disabled People’s Use of Generative AI, in Proceedings of the 2026 CHI Conference on Human Factors in Computing Systems 1 (2026); *Crowder v. Kitagawa*, 81 F.3d 1480, 1484–85 (9th Cir. 1996); *Ellison v. U.S. Postal Serv.*, 84 F.4th 750 (7th Cir. 2023) (applying Section 504 of the Rehabilitation Act, 29 U.S.C. § 794).

THE ROBOT AT THE DOOR

When robots run the errand, the store faces the same choice: serve her, or post a sign.

ARRIVING NOW

Household humanoids

A home robot is on preorder for 2026, marketed for chores like fetching items, with company staff on call to guide it through new tasks. Running to the corner shop is the natural next chore.

THE SEGWAY PRECEDENT

No class bans

The Department of Justice did not let businesses ban Segways as a class. It called them “other power-driven mobility devices” and required stores to let them in unless that whole kind of device cannot meet real safety needs, predicting admission in the vast majority of cases.

THE COURT’S VIEW

Risk and opportunity

Enforcing that rule against Disney, the Ninth Circuit said fear of new technology’s risks must not cost us its benefits.

THE METHOD

A robot shopper carries no one, so it is not a mobility device. But the Segway approach, admission by default with a safety showing for the specific device, is what Title III’s general duty to modify already provides.

Coverage

Why Amazon is a place of public accommodation in every circuit



The courts split over websites, but the split shrinks to nothing when the goods come from physical grocery stores, and a robot at the door needs no website theory at all.

THE SPLIT OVER WEBSITES

For three decades the appeals courts have disagreed about whether a website is a “place.”

COMMERCE WHEREVER IT HAPPENS

1st Cir.	Carparts (1994): a travel agency counts by phone and mail, so limiting the law to buildings would be an absurd result Congress could not have meant.
7th Cir.	Doe (1999): the core of Title III bars shutting disabled people out of a store, hotel, theater, or Web site, “whether in physical space or in electronic space.”
2d Cir.	Pallozzi (1999): the law guarantees more than physical access, and goods “of” a place need not be used “in” it.

PHYSICAL PLACES ONLY

9th Cir.	Weyer (2000): the claim must tie the good or service to a real, physical location.
6th Cir.	Parker (1997, en banc): only physical places count.
3d Cir.	Ford (1998): reads the plain text the same way and rejects Carparts.
11th Cir.	Gil (2021): a grocery website alone was not a place, but that opinion was later vacated as moot and binds no one.

SOURCES *Carparts Distrib. Ctr., Inc. v. Auto. Wholesaler’s Ass’n of New Eng., Inc.*, 37 F.3d 12, 19–20 (1st Cir. 1994); *Doe v. Mut. of Omaha Ins. Co.*, 179 F.3d 557, 559 (7th Cir. 1999); *Pallozzi v. Allstate Life Ins. Co.*, 198 F.3d 28, 32–33 (2d Cir. 1999), *opinion on reh’g*, 204 F.3d 392 (2d Cir. 2000); *Weyer v. Twentieth Century Fox Film Corp.*, 198 F.3d 1104, 1114 (9th Cir. 2000); *Parker v. Metro. Life Ins. Co.*, 121 F.3d 1006, 1010–11, 1014 (6th Cir. 1997) (en banc); *Ford v. Schering-Plough Corp.*, 145 F.3d 601, 612–14 (3d Cir. 1998); *Gil v. Winn-Dixie Stores, Inc.*, 993 F.3d 1266 (11th Cir. 2021), *vacated as moot*, 21 F.4th 775 (11th Cir. 2021) (per curiam); 42 U.S.C. § 12181(7); 28 C.F.R. § 36.104 (2025).

LESS OF A SPLIT THAN IT SEEMS

Both sides agree on the case that matters: goods that flow from a real store.

The Second Circuit read the strict cases as being about a missing link to a place, not as a rule against off-site customers. And the strictest circuit, the Ninth, agrees that whatever goods a physical place offers, it may not discriminate in letting disabled people enjoy them.

whatever goods or services the place provides, it cannot discriminate on the basis of disability in providing enjoyment of those goods and services.

Weyer v. Twentieth Century Fox Film Corp., 198 F.3d 1104, 1115 (9th Cir. 2000)

HOW THE ARTICLE PROCEEDS

It assumes the strictest reading and shows the claim survives it.

THE PHYSICAL SIDE

Amazon is a grocer with storefronts, and the statute lists grocery stores by name.

550+

Whole Foods Market stores, which Amazon runs as part of its worldwide grocery business, in the United States, Canada, and Britain.

5,000+

U.S. communities that Amazon says its grocery delivery serves.

§ 12181(7)(E)

the clause of the statute that lists “a bakery, grocery store, clothing store” among the places it covers.

WHAT FOLLOWS

Each store counts as a public accommodation under every circuit’s test. The only question left is whether a barrier blocks the goods those stores provide.

HOW THE STORES REACH THE BAN

Under Robles, a blocked grocery order is a barrier to the goods of a physical store.

Robles found the site and app were leading ways to order from Domino’s restaurants, which brought them under the ADA. The court adopted the line that the law covers the services “of” a public accommodation, not only services “in” one, and said a business is owed fair warning of its duties, not step-by-step instructions.

CIRCUIT	WHAT A PLAINTIFF MUST SHOW	RESULT FOR THE CORE CLAIM
Strict (9th, 6th, 3d)	Her blocked orders were tied to the physical grocery network. A purchase from an unrelated marketplace seller may fall outside, as Target’s unconnected web content did.	Covered: a food order placed with the grocery stores’ own parent company
Broad (1st, 7th)	No link to a building is needed.	Covered

Robles did not decide whether the law covers a site with no tie to any physical location.

SOURCES *Robles v. Domino’s Pizza, LLC*, 913 F.3d 898, 905–06, 908 (9th Cir. 2019), *cert. denied*, 140 S. Ct. 122 (2019); *Nat’l Fed’n of the Blind v. Target Corp.*, 452 F. Supp. 2d 946, 953, 956 (N.D. Cal. 2006); *Carparts*, 37 F.3d at 19; *Doe*, 179 F.3d at 559; *Robles*, 913 F.3d at 905 n.6.

THE ROBOT NEEDS NO NEXUS

A robot sent to Whole Foods walks into a building the statute names. No website theory is needed.

THE BARRIER

At the physical door

A policy against robots works like the brewery’s no-animals rule or Hawaii’s quarantine at the airport: a single rule for all comers, enforced at the entrance.

THE NEXT QUESTION

Liability

Whether that rule has to give way is not a coverage question at all. Part IV takes it up.

The Tool Is the Person

*Neutral rules, the duty to modify,
and what the Ninth Circuit settled*

A blanket agent ban is an even-handed rule that the statute requires a store to modify, a screening rule written into Amazon's own terms, and, after Perplexity, a rule aimed at the shopper herself.

THE DUTY TO MODIFY

Refusing to adjust a policy is discrimination in its own right, and the burdens are split.

THE CUSTOMER SHOWS

- 1. She is disabled.
- 2. The store is a public accommodation.
- 3. It used a discriminatory policy or practice.
- 4. It refused a reasonable change she asked for that her disability made necessary. In the Fifth Circuit, “reasonable” means “reasonable in the run of cases”.

THE STORE MUST THEN PROVE

That the change would “fundamentally alter” what it sells, judged on the specific facts of this customer and this store, not on the kind of accommodation in general.

If it cannot, it must make the change.

SOURCES 42 U.S.C. § 12182(b)(2)(A)(ii); 28 C.F.R. § 36.302(a) (2025); *Fortyune v. Am. Multi-Cinema, Inc.*, 364 F.3d 1075, 1082 (9th Cir. 2004); *Karczewski v. DCH Mission Valley LLC*, 862 F.3d 1006, 1010 (9th Cir. 2017); *Johnson v. Gambrinus Co./Spoetzl Brewery*, 116 F.3d 1052, 1059–60 (5th Cir. 1997).

“OUR RULE APPLIES TO EVERYONE”

An even-handed rule is exactly what the modification duty was built to catch.

1

The Supreme Court BARNETT

Any accommodation means treating a disabled person differently, so breaking a neutral rule cannot by itself put the accommodation out of reach.

2

The Ninth Circuit MCGARY

A modification claim does not need proof of unequal treatment or unequal impact: its core is a neutral rule, enforced the same way every time. The duty exists to see through a show of “equal treatment.”

3

Why it is built this way CHOATE

Discrimination against disabled people usually comes from thoughtlessness and indifference, which the Court also termed “benign neglect,” not ill will. Congress wrote the same view into the ADA’s findings.

THE CLOSEST CASE, AND ITS DISSENT

A retailer will make the argument the Crowder dissent made. The majority already answered it.

THE DISSENT

The dog is not the disability

Judge O’Scannlain reasoned that relying on a guide dog results from blindness but is not itself the impairment, so a quarantine that weighed on guide dog handlers did not weigh on them because they were blind. Swap “agent” for “guide dog” and you have the store’s case: we only exclude software, and she can still shop without it.

THE MAJORITY

Same rule, heavier burden

The quarantine applied to everyone with a dog, but it weighed on blind travelers in a way “different and greater” than on others, so it discriminated against them because of their disability.

THE PRINCIPLE

When the only way in for a disabled person goes through a tool, banning the tool bans her. The article’s whole thesis is already Crowder’s holding.

LATER LIMITS ON CROWDER

Two later limits on Crowder leave this use standing, and the hardest case fails on its own facts.

- 1

Only neutral rules

BAY AREA ADDICTION; MCGARY

The Ninth Circuit later confined Crowder’s modification analysis to rules that are neutral on their face. An agent ban is one.
- 2

Doubts about impact claims

SCHMITT

A later panel was unsure whether disparate-impact claims survive under the Rehabilitation Act. A Title III modification claim needs no such theory: the statute itself defines a failure to modify as discrimination.
- 3

The drive-through

SZWANEK

An unpublished decision rejected blind customers’ challenge to a chain that served only at drive-through windows at night, because people without cars bore “precisely the same burden”. The next slide shows why the comparison breaks for agents.

SOURCES *Bay Area Addiction Rsch. & Treatment, Inc. v. City of Antioch*, 179 F.3d 725, 733–35 (9th Cir. 1999); *McGary*, 386 F.3d at 1267; *Schmitt v. Kaiser Found. Health Plan of Wash.*, 965 F.3d 945, 953–54 (9th Cir. 2020); 42 U.S.C. § 12182(b)(2)(A)(ii); *Szwaneck v. Jack in the Box, Inc.*, No. 20-16942 (9th Cir. Nov. 3, 2021) (mem.) (not precedent except as provided by Ninth Circuit Rule 36-3).

DIFFERENT AND GREATER

The same pop-up costs one shopper a shortcut. It costs another the whole store.

SHOPPER ONE

A nondisabled Muse user

The pop-up	Her agent is turned away.
What she does next	Opens the site and shops herself.
What it costs her	Convenience

SHOPPER TWO

A customer who shops by delegation

The pop-up	Her agent is turned away.
What she does next	Nothing she can do unaided.
What it costs her	The store

That gap is the “different and greater” burden Crowder requires. And unlike takeout meals, which no regulation singles out, the regulations here show special care for exactly this kind of help: human readers, screen readers, devices people bring for themselves, service dogs, and mobility devices of every kind.

SOURCES *Szwaneck v. Jack in the Box, Inc.*, No. 20-16942 (9th Cir. Nov. 3, 2021) (mem.) (quoting *Crowder*, 81 F.3d at 1484–85); 28 C.F.R. §§ 36.302(c), 36.303(b)(2), 36.306, 36.311 (2025).

THE INQUIRY IS INDIVIDUAL

A store that only serves people who can work its interface unaided is the dealer with the foot pedals.

an individualized inquiry must be made to determine whether a specific modification for a particular person's disability would be reasonable under the circumstances as well as necessary for that person.

PGA Tour, Inc. v. Martin, 532 U.S. 661, 688 (2001)

A car dealership let only drivers who could use the foot pedals take test drives. The Ninth Circuit sided with a buyer who needed hand controls fitted for the drive.

THREE BODIES OF LAW ON BRINGING HELP ALONG

Guide dogs got in by default. Narrowing a class took a regulator, with findings.

THE GUIDE DOG

Admitted, with narrow exceptions

A brewery barring all animals had to admit a blind visitor’s guide dog, and even where exclusion is justified the operator must mark the exact areas. Today’s rule: generally permit service animals in all areas customers may go.

HOW A CLASS WAS NARROWED

By a regulator

The Department limited “service animal” to dogs after weighing how animals fit public places, and it left out monkeys and apes based on stated findings about disease and aggression.

SOMETHING NEW

Judged one by one

Miniature horses, outside the definition, got individual assessment of size, control, housebreaking, and real safety needs. The door stayed open.

THE LESSON

Blanket exclusion of a kind of help came from a regulator, after public comment, on findings about that kind. New forms of help got case-by-case review. That runs against an agent ban.

MOBILITY DEVICES AND COMPANIONS

The burden sits on the business, and the customer’s own device and helper come with her.

MOBILITY DEVICES

Permitted by default

Wheelchairs go wherever pedestrians go. Other powered devices must be allowed unless the whole class cannot be run safely, and the Department put the burden on the business to prove an exception. A store may ask for a believable assurance of disability, must accept a spoken one not contradicted by what it sees, and may not ask about the disability itself.

BAUGHMAN

Like experience, evolving technology

The Ninth Circuit said stores must start from how nondisabled guests use a place and take reasonable steps toward a like experience for disabled guests, and that reasonableness must account for new technology that makes this cheaper and easier.

THE COMPANION

A condition of entry

A quadriplegic moviegoer could not attend without his wife, so a seating policy that did not keep them together had to change. The regulation leaves personal devices and helpers to the customer; the store’s job is to let them in.

SOURCES 28 C.F.R. § 36.311(a), (b)(1), (c)(1)–(2) (2025); 75 Fed. Reg. at 56,298; *Baughman v. Walt Disney World Co.*, 685 F.3d 1131, 1135–37 (9th Cir. 2012); *Fortune v. Am. Multi-Cinema, Inc.*, 364 F.3d 1075, 1082–83 (9th Cir. 2004); 42 U.S.C. § 12103(1)(B); 28 C.F.R. § 36.306 (2025).

THE AGENT IS ALL THREE

Admitting the agent asks nothing Title III does not already demand for older tools.



Give a wheelchair a camera and a model to steer it, and it is still a wheelchair.

THE SCREENING RULE IN THE TERMS OF SERVICE

Amazon’s Agent Terms work as a test of who may shop, and she fails it.

AMAZON CONDITIONS OF USE • AGENT TERMS, MAY 2025

An agent is “any software or service that takes autonomous or semi-autonomous action on behalf of, or at the instruction of, any person or entity.”

No agent “unless, at all times, it identifies itself” and meets technical requirements.

No agent “if we have requested that the Agent refrain.”

“[A]t our sole discretion,” Amazon may “limit, including by technical measures, whether and how any Agent accesses” its services.

AN AGENT CAN MEET THIS

Identifying itself is a condition a well-built agent can satisfy.

THESE CLOSE THE STORE AT WILL

The other two let Amazon shut out any agent it picks, whatever that agent does. Treated as a test for who gets to shop, they open the store to people who come in person or use Amazon’s own tools, and close it to anyone who sends an agent Amazon has not cleared.

A customer who can shop only through delegation is shut out completely.

SOURCES 42 U.S.C. § 12182(b)(2)(A)(i); 28 C.F.R. § 36.301(a) (2025); First Amended Complaint ¶¶ 29, 31, *Amazon.com Servs. LLC v. Perplexity AI, Inc.*, No. 3:25-cv-09514-MMC (N.D. Cal. Sept. 21, 2026), Dkt. No. 122 (quoting Amazon, *Conditions of Use* (May 30, 2025), filed as Dkt. No. 122-5); Todd Bishop, *Amazon Blocks Meta’s Muse AI Assistant in New Standoff over Agentic Shopping*, GeekWire (Sept. 20, 2026).

WRITING IT INTO A CONTRACT CHANGES NOTHING

Private terms of service are where the Ninth Circuit’s ruling ends and Title III begins.

THE STATUTE

Through any arrangement

Title III bars denying disabled people the benefit of a business’s goods “directly, or through contractual, licensing, or other arrangements”. Terms of service are policy in its purest form: rules a company drafts once and enforces on every shopper.

THE FOOTNOTE

True, and where Title III starts

Perplexity said its computer crime ruling did not stop Amazon from regulating access through its terms. That is true for computer crime law. Using private terms to decide who gets in is exactly what the modification and screening rules cover.

NECESSITY DOES NOT RESCUE IT

Screening rules survive only if truly necessary, and safety rules must rest on real risks, not speculation or stereotypes. Amazon sends its own Buy for Me agent into other stores. It may set fair rules for how agents announce themselves and log in; it cannot show that shutting them all out is necessary.

TOOL, NOT PERSON

Computer crime law moved its focus to the user, and the Title III argument meets it there.

○ 2016 • POWER VENTURES After a cease-and-desist letter A company that kept pulling Facebook data through users’ accounts after being told to stop accessed Facebook without authorization. Until the letter arrived, the users’ go-ahead counted as arguable permission, and breaking terms of use alone is no crime.	● 2026 • PERPLEXITY The user accesses The court asked who “accesses” the computer and answered: the user, with the tool’s help. It noted Power Ventures had assumed the opposite without discussion, and left open whether a developer could control an agent enough to be the one getting in.	○ THE CONVERGENCE A rule about how she shops If she is the one entering the store, with the agent as simply her instrument, then rules about agents are rules about her. Whoever built the tool, and their business interests, are beside the point.
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The article does not take Meta’s side against Amazon, or Amazon’s against Meta. It is about what the disabled shopper is owed.

SOURCES *Facebook, Inc. v. Power Ventures, Inc.*, 844 F.3d 1058, 1067–68 (9th Cir. 2016); *Amazon.com Servs., LLC v. Perplexity AI, Inc.*, No. 26-1444, slip op. at 13, 15, 20, 21 & n.5 (9th Cir. Aug. 4, 2026), *reh’g en banc denied*, No. 26-1444 (9th Cir. Sept. 10, 2026); *Amazon.com Servs. LLC v. Perplexity AI, Inc.*, No. 3:25-cv-09514-MMC (N.D. Cal. Mar. 9, 2026) (order granting preliminary injunction), *vacated*, No. 26-1444 (9th Cir. Aug. 4, 2026); 18 U.S.C. § 1030(a)(2).

The Defenses

*Our own agent, security, revenue,
and who can sue*

Each defense narrows on inspection: a store's assistant must deliver a like experience, the safety exception protects others, security supports conditions, and ad revenue is not the business.

“USE OUR AGENT INSTEAD”

The strongest defense: the store offers its own assistant, and the law does not promise first choice.

- 1

Like experience, not first choice

A.L. 2018

The Eleventh Circuit, following *Baughman*, held that a business must aim for a like experience for disabled guests and need not provide the accommodation the plaintiff prefers.
- 2

Discomfort is not enough

A.L. 2022

After a trial, the same court upheld findings that Disney’s access program gave a like experience, repeating that an accommodation need not remove every difficulty.
- 3

The business picks its own aids

§ 36.303

For aids a business itself supplies, the regulation lets it choose, so long as the method works.

The next slide shows why these rules frame the question without settling it for the store.

SOURCES *A.L. ex rel. D.L. v. Walt Disney Parks & Resorts US, Inc.*, 900 F.3d 1270, 1294, 1296 (11th Cir. 2018) (citing *Baughman*, 685 F.3d at 1135, and *Argenyi v. Creighton Univ.*, 703 F.3d 441, 449 (8th Cir. 2013)); *A.L. ex rel. D.L. v. Walt Disney Parks & Resorts US, Inc.*, 50 F.4th 1097 (11th Cir. 2022); 28 C.F.R. § 36.303(c)(1)(ii) (2025); 75 Fed. Reg. at 56,253.

THREE ANSWERS TO “USE OURS”

Offering its own agent is fine. Requiring her to use it as the price of entry is not.

- 1 **She brings her own device**
The claim asks only that the store stop excluding something she supplies, which the regulation leaves to the customer. The rule on aids a business provides gives it no license to take away what she brings.
- 2 **Nobody has to accept an accommodation**
Under the ADA, a disabled person can turn down any aid or benefit she does not want, and the Title III rules say so again.
- 3 **Whether it is a like experience turns on the facts, and they are on her side** DECISIVE
Her own agent knows her lists, history, budget, and the settings she has tuned everywhere else. The store’s agent begins knowing nothing about her and works for the store. Hawaii’s offer to let blind travelers leave their dogs behind was “no response”; Baughman judged the Segway the plaintiff actually used, despite Disney’s scooters.

THE CONCESSION

Sometimes the store’s assistant will be enough.
That is for a case-by-case inquiry, not a pop-up.

CONCEDED

A like experience is possible

There will be shoppers and stores for which the retailer’s assistant does provide a like experience; for them, the change is not needed.

NOT ALLOWED

Skipping the inquiry

What the retailer cannot do is avoid the individual inquiry with a blanket rule, and a pop-up aimed at every agent is exactly that.

SECURITY CLAIMS

The ADA’s safety exception is about danger to others, judged on real evidence.

THE DISPUTE

Who is right on security?

Amazon says Muse does not identify itself and seems to store logins. Reporting on Meta’s design says Muse never sees passwords or payment details. The article takes no side, because Title III decides who bears the risk.

THE RULE

A direct threat to others

A store may refuse someone who poses “a significant risk to the health or safety of others” that no change in policy can remove, decided by an individual assessment of nature, duration, severity, and likelihood, based on objective evidence.

THE STANDARD

Objective, not sincere

The Supreme Court held the risk must be shown by objective proof, medical or otherwise, so a sincere belief in a danger is no excuse. Safety rules must rest on actual risks, not speculation or stereotype.

SOURCES Todd Bishop, *Amazon Blocks Meta’s Muse AI Assistant in New Standoff over Agentic Shopping*, GeekWire (Sept. 20, 2026); Sarah Perez, *Meta Debuts Its Muse AI Agent. Will Consumers Trust It?*, TechCrunch (Sept. 8, 2026); 42 U.S.C. § 12182(b)(3); 28 C.F.R. §§ 36.104, 36.208(a)–(b), 36.301(b) (2025); *Bragdon v. Abbott*, 524 U.S. 624, 649 (1998).

RISK TO HERSELF, RISK TO OTHERS

Employment law allows a self-risk defense.
Title III’s text leaves no room for one.

	TITLE I (EMPLOYMENT)	TITLE III (PUBLIC ACCOMMODATIONS)
The text	Qualification standards “may include” a threat-to-others requirement, an open-ended phrase	Covers only threats to “others”, their health or safety
What courts allowed	The Supreme Court upheld an agency rule letting employers screen out workers whose disability threatens their own health	No opening for risks to the customer herself
Still true in both	The Court admitted “Congress had paternalism in its sights” when it passed the ADA	Blocking her agent to shield her from a choice she made is just the kind of overprotective rule Congress condemned

SOURCES Chevron U.S.A. Inc. v. Echazabal, 536 U.S. 73, 76, 78–80, 85 (2002) (construing 42 U.S.C. § 12113(a)–(b) and upholding 29 C.F.R. § 1630.15(b)(2)); 42 U.S.C. §§ 12101(a)(5), 12182(b)(3); 28 C.F.R. § 36.208(a) (2025).

THE DIGNITY OF RISK

The decision to hand an errand to an agent is hers to make.

- 1

Fifty years of the principle

1972 TO 2022

Disability advocates have argued since Robert Perske’s 1972 article that reasonable risk-taking belongs in disabled people’s daily lives, and a 2022 symposium marked the idea’s fiftieth year.
- 2

Applied to AI

2020

Accessibility researchers wrote that disabled people must be able to make their own choices about AI’s risks and benefits, “not denying them the dignity of risk that others have”.
- 3

Already happening

2026

The disabled users studied in 2026 weighed privacy risk against access and chose access, out of necessity.

SOURCES Robert Perske, *The Dignity of Risk and the Mentally Retarded*, 10 *Mental Retardation* 24 (1972); Debjani Mukherjee, *Editor’s Introduction: Disability, Social Justice, and Dignity of Risk at 50 Years*, 65 *Persps. Biology & Med.* 157 (2022); Emily Shea Tanis & Clayton Lewis, *Artificial Intelligence and the Dignity of Risk*, *ACM SIGACCESS Accessibility & Computing*, no. 125, 2020, at 1; Jazette Johnson, Aaleyah Lewis, Jennifer Mankoff & Olivia Banner, “*I Don’t Trust It, but I Use It*”: *Navigating Trust, Privacy, and Identity in Disabled People’s Use of Generative AI*, in *Proceedings of the 2026 CHI Conference on Human Factors in Computing Systems* 1 (2026).

A GROCERY CHAIN ALREADY LOST THIS ARGUMENT

A blanket agent ban is the Hannaford policy, moved online.

THE POLICY

No second look

Hannaford’s rule: once a cashier refused to sell alcohol, no manager could overrule it. A manager applied it to a man who only looked drunk because of his disability, even after he explained his condition and volunteered for a breath test.

THE RULING

Too broad

The First Circuit called the unbending rule overinclusive and said a more flexible one could protect just as well. Individual review costs more and is less convenient, and it is “precisely what the ADA requires”.

THE PARALLEL

A bright line that becomes a wall

An agent ban is easy to run and sweeps in every customer for whom the line is a wall.

WHAT THE RETAILER CAN STILL DO

Legitimate conditions on agents are allowed. They are changes to a ban, not a ban.

- 1

Identify

Require agents to say they are agents. Amazon’s own terms already demand that an agent “identify that the request is from an Agent and disclose the name of the Agent” in its browser signature, which answers the complaint that Muse hides what it is.
- 2

Authenticate

Require sign-in through a delegated credential instead of a shared password.
- 3

Pace

Cap how fast agents act, so other shoppers are not crowded out, the way Baughman suggested Disney could cap Segway speed at wheelchair speed.

THE LINE

The mobility device rules ask whether real safety requirements can make the device safe to use. Conditions like these are that. What Title III forbids is the outright ban.

SOURCES 28 C.F.R. §§ 36.301(b), 36.311(b)(2)(iv) (2025); *Baughman*, 685 F.3d at 1137; First Amended Complaint ¶¶ 29, 31, *Amazon.com Servs. LLC v. Perplexity AI, Inc.*, No. 3:25-cv-09514-MMC (N.D. Cal. Sept. 21, 2026), Dkt. No. 122 (quoting Amazon, *Conditions of Use* (May 30, 2025), *filed as* Dkt. No. 122-5).

THE MONEY ARGUMENT

The candid defense is money, and Title III’s cost limits do not reach it.

\$68B

a year from sponsored listings, the figure reporting tied to the Muse block. An agent that goes straight to what its user wants, skipping the paid placements, eats into that money.

THE ONLY DEFENSE

Fundamental alteration

A change fails only if it alters something essential to the service, or gives the disabled customer an edge over others. Letting her agent in does neither: same goods, same prices, same terms, and no advantage beyond the access everyone else has.

Amazon can keep all its sponsored listings. What it cannot do is charge her attention to them as the cost of getting in.

THE COST

Close to zero

Reasonableness counts cost, but admitting an agent the customer brings costs almost nothing, and surcharging disabled customers is forbidden. The lost ad money is the value of the attention of a customer who, shut out, would have bought nothing.

WHO SUES, AND FOR WHAT

The disabled customer sues, and a court’s order could be narrow.

STANDING

No futile gesture

Title III’s remedies belong to anyone facing disability discrimination, and she need not make a pointless attempt once she knows the store will not comply. A customer who has met the pop-up knows. The Ninth Circuit, ruling in a grocery store case, said a customer kept away by barriers she knows about has suffered a real injury.

THE REMEDY

Modify the policy

The statute’s injunctions expressly include changing a policy. An order could borrow from the mobility device rules: the customer’s credible word that she needs the agent for a disability, no questions about the disability itself, and whatever identification and sign-in rules the store can justify.

NOTICE

No blueprint needed

The store cannot say no one told it how. Due process requires fair notice of the duty, not a blueprint, and a company that wrote its own shopping agent already knows what an agent can do.

Conclusion

From the browser to the sidewalk



The computer question is settled, the stores are covered, the ban fails three ways, and the robot at the door will meet the same law.

WHERE THE ARGUMENT LANDS

Amazon v. Meta will be argued as a fight about computers. For her, it is a civil rights question.

<i>The computer question</i>	→ Perplexity settled it: the shopper is the one going in, and the software works for her.
<i>Coverage</i>	→ No circuit lets a chain of grocery stores lock its ordering systems against the tool a disabled shopper relies on to get food.
<i>Liability</i>	→ A blanket ban treats everyone alike while hurting her far more, refuses a change the law requires, and, at Amazon, works as a screening test written into its own terms.
<i>Defenses</i>	→ A store’s assistant counts only if it gives a like experience; the safety defense protects others; security supports conditions like agent identification; ad revenue is not the business of selling groceries.
<i>The robot</i>	→ At the physical entrance the same rule holds: the store must adjust unless hard evidence about that particular machine, in that particular store, shows the change would transform the business or endanger other people.

SOURCES *Amazon.com Servs., LLC v. Perplexity AI, Inc.*, No. 26-1444, slip op. at 13, 15, 20, 21 & n.5 (9th Cir. Aug. 4, 2026), *reh’g en banc denied*, No. 26-1444 (9th Cir. Sept. 10, 2026); 28 C.F.R. §§ 36.208, 36.301(b), 36.302, 36.311 (2025); 75 Fed. Reg. at 56,261; *Baughman*, 685 F.3d at 1135, 1137.

THE PRINCIPLE

If you discriminate against the tool, you discriminate against the person.

For many disabled people, handing tasks to tools will be how they live independently for decades to come. The ADA set its goals long before AI agents existed: “equality of opportunity, full participation, independent living, and economic self-sufficiency”. Carrying those goals to agents and robots takes one sentence, and it is the one above.

FOR STORES

Build conditions for agents, not walls against them.

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