



ANIMALS IN RETAIL FOOD FACILITIES

With certain exceptions, facility owners cannot allow animals into their restaurants, bakeries, bars, markets, and other retail food facilities. However, this restriction does not apply to outdoor dining areas such as patio dining, but animals must not go through the facility to get to the patio. This restriction also does not apply to service animals, police dogs, fish in aquariums; as well as live shellfish and crustaceans to be served.

In January of 2014, a new law took effect in California which updated the definition of Service Animals to bring it more in-line with recent changes in the Americans with Disabilities Act.

The law states that a service animal must be a **dog** trained, or in training, to do work, or tasks, for a person with a disability.

The law, California Health & Safety Code Section 113903, specifically states,

“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, or that is in training to do that work or perform those tasks. “Service animal” does not include any other species of animals, whether wild or domestic, trained or untrained.

The work or tasks performed by a service animal shall include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, or helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, wellbeing, comfort, or companionship do not constitute work or tasks for the purposes of this subdivision.



The U.S. Department of Justice has provided the following guidance for food facility owners:

When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two 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 cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

Additional information can be found at the United States Department of Justice website at:

http://www.ada.gov/service_animals_2010.htm

<https://www.ada.gov/resources/service-animals-2010-requirements>