



Keep Your Paws off my Food!

Marni Flagg

Supervising REHS, Consumer Health Protection Services

Monterey County



What ARE the RULES and WHO do they apply to

Facilities

Health Department

Customers

Americans with Disabilities Act - 1990

- Requires reasonable accommodation by public entities and accommodations for “service animals,” where this means “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.” In some circumstances, this can also extend to miniature horses. Explicitly does not apply to emotional support animals. 28 C.F.R. §§ 35.104, 36.104, 35.136(i) (2010)
- You must allow service animals on the premises even if you have a “no animals” policy
- Doesn’t require professional training

What is a service animal?



- An animal such as guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. Service animals are limited to dogs and miniature horses (American Disability Act Section 205.04)
- A service animal performs some of the functions that persons with a disability cannot perform for themselves, such as those provided by "seeing eye dogs"; alerting persons with hearing impairments to sounds; pulling wheelchairs or carrying and picking up things for persons with mobility impairments; and assisting persons with mobility impairments with balance. A service animal is not considered to be a pet. FDA code

What are some of the actions service animals provide

- guide dogs for blind people
- service animals can be trained to provide many other functions
 - alert its handler to an oncoming epilepsy seizure.
 - disrupting impulsive or destructive behaviors.
 - PTSD
 - For people who need mobility assistance, a service animal can provide stability, pull a wheelchair or pick things off the floor.

The functions are unique to each handler and his or her service animal

ADA and restaurants

- Under Title III of the ADA, privately owned businesses that serve the public are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed. Some, but not all, service animals wear special collars or harnesses. Some, but not all, are licensed or certified and have identification papers.

Federal Retail Food Law

6-501.115 Prohibiting Animals.

Animals carry disease-causing organisms and can transmit pathogens to humans through direct and/or indirect contamination of food and food-contact surfaces. Animals shed hair continuously and may deposit liquid or fecal waste, creating the need for vigilance and more frequent and rigorous cleaning efforts.

The definition for "service animal" is adapted from 28 CFR 36.104 adopted pursuant to the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.).

Local, state, tribal, and federal regulators use the *FDA Food Code* as a model to develop or update their own food safety rules and to be consistent with national food regulatory policy.

FOOD EMPLOYEES may not care for or handle animals that may be present such as patrol dogs, SERVICE ANIMALS, or pets

California Retail Food Code (Cal Code)

- The California Health and Safety Code prohibits live animals inside the food facility, except for the service animals or dogs under the control of a uniformed law enforcement officer or of uniformed employees of private patrol operators.
- Exceptions:
 - Fish tanks
 - Animals for consumption



California Retail Food Code (CalCode)

In 2014, [California](#) added amendments to its law on "Live Animals" in the Retail Food Code related to pet dogs in outdoor dining areas:



A separate entrance is present where pets do not enter through the food establishment to reach the outdoor dining area.

- No food preparation shall be allowed at the outdoor dining area, including the dispensing/mixing of drinks and ice.
- Customer multi-use or reusable utensils such as plates, silverware, glasses and bowls shall not be stored, displayed or pre-set at the outdoor dining area.
- Food and water served/provided to pets shall only be in single-use disposable containers.



California Retail Food Code (Cal Code)

Employees shall be prohibited from having direct contact with pets while on duty.

Pets shall not be allowed on chairs, seats, benches, and tables.

The outdoor dining area shall be maintained clean.

In cases where excrement or other bodily fluids (urine, saliva, vomit) are deposited, an employee shall immediately clean and sanitize the affected areas. After food business employees perform cleaning and maintenance of these areas, they are required to properly wash their hands.



California Retail Food Code (Cal Code)

- The outdoor dining area shall not be fully enclosed (a fully enclosed dining area shall be considered to be part of the interior area of the facility).
- By allowing pet dogs in the outdoor dining or patio area of the restaurant, the owner of the business becomes responsible for maintaining this area in a clean and sanitary condition.



Facilities – requirements

- Business operators must still follow local ordinances related to sidewalk, public nuisance, and sanitation issues & State requirements
- This pet guideline is limited to pet dogs, since dogs are the domesticated animal that most commonly accompanies pet owners and are typically trained and can follow basic directives from its owner. Pet dogs can also be restrained with a leash and are typically more manageable in a social setting.
- Each pet dog owner is responsible for the behavior and action of their pets.
- **It is the responsibility of the food operator or owner to create their own rules as to what is acceptable pet dog behavior or etiquette while at their facility.**

How do I know it's really a service animal? Can I demand some sort of proof?

- Only ask two questions
 1. Is this animal required because of a disability?
 2. What work or task has this animal been trained to perform?
- Service dogs or miniature horses must be **trained** to perform specific ***actions, tasks, or work***
 - Many animals, simply by being *present*, provide comfort, companionship, emotional support, or other benefits, but they are not trained to *do* anything specific – they are not service animals under the ADA (they may be covered by other laws, including state laws)

CHPS



- We enforce Cal Code:
- Define service animal
 - "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..

It is the facilities responsibility to have a policy and the tools to enforce it.



Complaints health, safety, and aesthetics.

- People want to know that the dogs won't make them sick, won't bite them, and won't generally disrupt their dining experience.
 - A healthy dog that is fully vaccinated and on a monthly parasite prevention, and is kept away from food preparation and food storage, will pose a lower risk to human health
- As for aesthetics, restaurants have to deal with those issues as they arise and they should be in the policy.
 - Will they ask a patron with a barking dog to leave? What will be the protocol when a dog has an accident near the dining area?

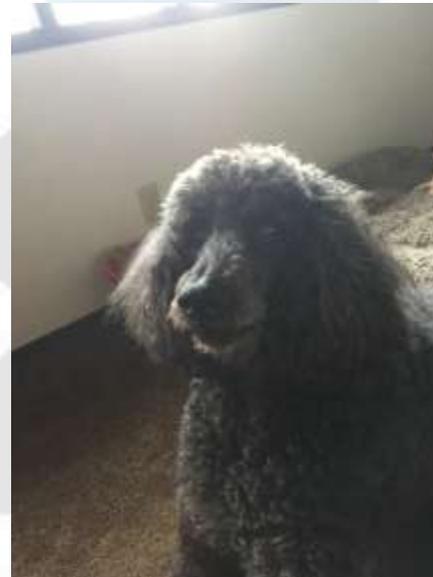
Consumers

- Before You Go
 - Check first to see if the restaurant allows dogs in its outdoor patio area.
 - Take your dog for a walk so he or she will be ready to relax while you are dining.
- At the Restaurant
 - Always follow the restaurant's rules for dogs.
 - Make sure your dog is well-behaved and on a leash. •
 - **Do not walk your dog through the restaurant to get to the patio area.**
 - Do not tie the leash to the table, or there might be spilled drinks if he or she moves!
 - Keep your dog close to your table or chair, but not on them.
 - Do not let your dog eat or drink out of the restaurant glassware or dishware.
 - Some restaurants may not provide doggie dishes. Check first, and bring a bowl for water, if needed.
 - Give your dog doggy treats instead of food from your plate. Clean up after your dog and notify the restaurant staff so they can do additional cleanup.



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Trouble...

- Makes falsely claiming an animal to be a service animal a misdemeanor, punishable by imprisonment in a county jail for six month or a fine up to \$1000 or both. Cal. Penal Code § 365.7 (1994), Cal. Food & Agriculture Code § 30850(b) (2004) Makes “interfering” with rights of a disabled person (such as disallowing them access) a misdemeanor punishable by a fine not exceeding \$2500. Cal. Penal Code § 365.5(c) (1996)



Contact Info

Marni Flagg, Supervising REHS
Consumer Health Protection Services
Monterey County Health Department
831-647-7863
flaggmm@co.monterey.ca.us

