

SERVICE ANIMALS

What is a Service Animal and the Requirements

Cal Code, Section 114259.5(a) does not allow live animals in a food facility. However, Cal Code makes exceptions for some animals, including service animals. Questions arise as to what qualifies as a service animal and the legal issues surrounding this topic. This handout is meant to help clarify these legal issues.

Food facility operators must allow service animals inside their food facility. So what is a “service animal?” The California Retail Food Code (Cal Code 113903) defines service animal as an animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability. This definition allows for a wide variety of service animals which creates a challenge for food facility operators. Trying to determine if an animal is a service animal or just a pet can create legal and customer service challenges.

Cal Code 114259.5(b) (4) states that service animals may be allowed if the contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result. Service animals are allowed in areas that are not used for food preparation and that are usually open for consumers, such as dining and sales areas, if a health or safety hazard will not result from the presence or activities of the service animal.

This section provides that service animals cannot contaminate food or food-related equipment while at food facility. An operator can exclude the service animal if it is causing a health or safety hazard.

A food facility operator can ask the following questions to determine if a customer has a legitimate service animal:

1. Is this a service animal? If yes,
2. Has the animal been trained? (can be trained by the individual) If yes,
3. Can you tell me something about the nature of the services the animal provides?

If the customer gives credible answers to these questions, the animal is a service animal under ADA.

An operator does not have to accommodate the animal if it is not a service animal or is not trained to perform a service or task. Mental and emotional comforts do not meet the definition of task or service.

Customers utilizing trained service animals have a right to be accommodated. Trained service animals should not pose a health or safety hazard, but if a hazard does occur, the service animal can be excluded from the food facility.

Contact Amador County Environmental Health at (209) 223-6439 if you have any further questions regarding service animals.