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Prepared By: Jennifer Bernstein	Original Policy Date: 1-28-2011
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Authorized By: Jennifer Bernstein	Page 1 of 1
TITLE: Service Animals in Food Facilities	

AUTHORITY:

Health and Safety Code Section 114259.5 (a) does not allow live animals in a food facility. However, the code makes exceptions for some animals, including service animals, in Section 114259.5 (b) (d). This Policy and Procedure is meant to help clarify these code requirements.

POLICY:

Food facility operators must allow service animals inside their food facility. The California Health and Safety Section 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. Additionally, a dog under the control of a law enforcement officer or a private patrol operator acting within the course and scope of their employment are allowed in food facilities.

Customers utilizing a service animal have a right to be accommodated under both the California Health and Safety Code and American with Disabilities Act. However, a trained service animal cannot pose a health or safety risk to the facility employees or the public. Section 114259.5 (c) states the dog handlers are liable for any damage done to the premises or facilities by the dog.

PROCEDURE:

Requirements for Service Animals

Service animals are allowed in areas that are not used for food preparation and that are usually open to consumers such as a dining or sales area, but they cannot be allowed to contaminate food, equipment, utensils, linens or single-use articles nor can they represent a safety risk to employees or to the other consumers. Service animals found to be contaminating food or food related items or representing a safety risk shall be excluded from the facility by the operator or by an Environmental Health Specialist.

Questions that can be asked

The following questions may be asked in order 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 service the animal provides?

If the customer gives credible answers to these questions, the animal is a service animal under Americans with Disabilities Act.

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 comfort does not meet the definition of task or service.