

*****Animals in Food Establishments Memo*****

Date: May 19, 2016

To: Food Establishment Operators & Managers of Grant County

From: Food Safety Program Staff

Re: Animals in Food Establishments and Enforcement of WAC 246-215-06570

This office would like to work with you to address the numerous complaints we receive regarding the presence of animals in food establishments, particularly grocery stores. With the warmer weather arriving, it is important you and your staff are well informed, as this is the time of year we start receiving a noticeably increasing number of questions and complaints from the public about it this issue.

With few exceptions, the Washington State Retail Food Code (WAC 246-215-06570) prohibits live animals from the premises of food establishments. **In accordance with the Americans with Disabilities Act (ADA), exceptions are made for service animals. The purpose of this letter is to assist you in meeting health code regulations while remaining ADA-compliant and supportive.**

The ADA gives access rights in food establishments to employees and customers with working service animals, not pets. According to the US Department of Justice, a service animal is a dog (or miniature horse) that is trained to do work or perform a task to assist someone with a disability. Animals such as cats, birds, rabbits, or snakes, are not recognized as service animals under the ADA and must be excluded from the premises. In addition, **emotional-support, comfort, companion and therapy animals do not meet the definition of a service animal** and do not have public access rights.

When it is not obvious if a dog (or miniature horse) is a service animal, only certain inquiries are allowed. Employees may ask two questions: **(1) is this dog a service animal required because of a disability? and (2) what work or task has the dog been trained to perform to assist you?** Employees may not ask about the person's disability, require medical documentation, require a special identification card, vest, or training certificate for the dog, or ask that the dog demonstrate its ability to perform the work or task.

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. **Working service dogs should not be riding in shopping carts or fed from the table.**

Additionally, working service animals have expectations of proper conduct. If the animal is biting, growling, excessively barking, jumping on displays, or is not housebroken, it may be excluded from the premises as

long as you provide service to the owner.

If you become aware of an animal in your establishment that is not trained to perform a specific job/task to assist the person, health code requires the animal to be excluded from food establishment premises.

Please review your store policies and training procedures to ensure you are properly excluding pets in your food establishment. Feel free to refer concerned patrons to your company policy, the Department of Justice-Americans with Disabilities Act, or Grant County Health District. For further education on ADA rights and requirements, please see the enclosed documents or visit www.ada.gov.

Thank you for your immediate attention to this matter and please contact us at 509-766-7960 with any questions you may have. We look forward to working with you to resolve this frequent complaint from customers in our county.

Sincerely,

Grant County Health District Food Safety Program Staff-

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