Service Animals in Food Establishments

Working Together to Protect Public Health

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What is Environmental Public Health

• A foundational public health service

• Prevent exposures to environmental health hazards and support healthier built and natural environments; this includes enforcing environmental public health regulations.

• How?
  • Strategic partnerships (private industry, other agencies, etc)
  • Education and Outreach
  • Regulations (Federal, State, Local)
Food Safety Program

• In accordance with:
  • CCPH Mission Statement
    • We protect food
    • Prevent disease and injury
    • Promote healthy choices
  • Clark County Strategic Plan vision:
    • Healthy structures and first-rate infrastructure
    • Healthy built environments
    • Inclusion and acceptance of all peoples
    • Engaged and informed citizens
Food Safety Program

• Regulate and enforce the Washington State Retail Food Code (WAC 245-215)

• Perform routine food safety inspections of permitted food establishments

• Conduct plan reviews for new and remodeled food establishments

• Respond to outbreaks and other imminent health hazards

• Educate and inform stakeholders and the public regarding risks and healthy choices
What is a service animal?

• “An animal that is trained for the purpose of assisting or accommodating a disabled person’s sensory, mental, or physical disability” RCW 49.60.040

  • RCW 49.60.218 adds miniature horses to the definition

• “Trained” is key

  • Comfort, emotional support, therapy, and guard animals excluded
What is allowed in food establishments?

- **No pets enabled entry anywhere on permitted grounds**
  - Includes patio

- **Service animals are allowed wherever customers are allowed**
  - Must be carried or on the floor
  - Cannot be on tables, chairs, or in grocery carts

- **Jurisdictions have different rules**
  - Multnomah County enables pets in outdoor facilities if behind closed doors
What’s the risk?

• Food workers are often left responsible for cleaning up “messes” left behind by pets

• Dogs often shed *Campylobacter* in feces
  • Multistate outbreak with 97 infected with *Campylobacter*
  • Source is puppies from the same pet store chain

• Animals shed hair continuously
How do you identify a service animal?

- Any breed of canine or miniature horse
- Any size
- Documentation* and Certification not required
- VEST IS NOT REQUIRED
  - Ask approved questions
- Not causing issues
  - Well behaved

*Documentation is not issued or required by the ADA and is therefore not recognized by the DOJ
ADA Questions to be asked

1. Is the dog a service animal required because of a disability?

2. What task is the animal trained to perform?

MAY NOT

- Ask about the person’s disability
- Ask to witness task
- Ask for documentation
When to Exclude

- Refuses to disclose or adequately explain what the animal is trained to do for them
  - Did not answer one or both questions

- Animal can sit, stay, lie down, come when called, or do something else related to obedience and good manners
  - Not specifically trained

- Animal makes them feel better, helps them calm down, eases their depression, or something similar
  - Presence based skill
When you cannot exclude

• Performs a task or provides some service that the person is unable to do themselves or helps with a disability, then the animal is a trained service animal and must be allowed

• Examples:
  • guide them
  • help with balance or mobility
  • alert them to a condition
  • pick up or carry items
  • remind them to take medication
  • get help, stabilize them during a seizure
  • redirect their attention from a trigger

• Allergies and fear of dogs do not warrant expulsion
SERVICE ANIMALS WELCOME
PETS ARE NOT ALLOWED IN FOOD ESTABLISHMENTS

Washington State law prohibits animals, except for service animals, in all food service establishments (grocery stores, restaurants, coffee shops, etc.)

A service animal is a dog* that is individually trained to do work or perform tasks for people with disabilities.

The Americans with Disabilities Act (ADA) authorizes the use of service animals in a food establishment ONLY for the benefit of individuals with disabilities.

Dogs whose function is to provide comfort or emotional support DO NOT qualify as service animals according to the ADA.

If you have any questions regarding the use of a service animal in this establishment, please talk to a member of management.

*In 2010, ADA regulations were revised to include miniature horses as service animals.
Sorry, pets are not allowed.
Service animals are trained working animals, not pets.*

Service Animals ONLY!

State and Federal law prohibits all animals, except for service animals, in grocery stores, restaurants, and other food establishments.
The Americans with Disabilities Act (ADA) authorizes the use of service animals in a food establishment ONLY for the benefit of individuals with disabilities.

A service animal is a dog that is individually trained to do work or perform tasks for people with disabilities.

If you have a question regarding the use of a service animal in this store, please speak with a member of management.

* Dogs and pets whose function is to provide comfort or emotional support DO NOT qualify as service animals according to the ADA.
Working with Partners

- Partnered with the Washington State Service Animal Association to create brochures and a new sign
- Inspired by sign created by the San Francisco County Health Department that showed to decrease complaints

Flyer used in San Francisco County

Sign developed by Washington State Service Dog Association
Educational Brochure

WHAT IS A SERVICE DOG?
A service dog is a dog that has been trained to work or perform tasks to help mitigate a disability for its handler. Service dogs come in many breeds and sizes, and may or may not wear special vests or gear while working.

HOW CAN I TELL IF A DOG IS A SERVICE DOG?
If it is not obvious what work or task the dog has been trained to perform for its handler, the Americans with Disabilities Act allows a covered entity (usually a business or establishment) to ask the handler two questions:
1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

I.D. CARDS/CERTIFICATION
In the United States of America, the Department of Justice does not recognize registries, I.D. cards or certificates as proof that the animal is a service animal. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.

Additionally, these types of documents, I.D. cards and certificates do not convey any rights under the Americans with Disabilities Act.

SERVICE DOG GUIDE
THANK YOU FOR READING
We appreciate your interest in service dog education and taking the time to read through this informational guide. This pamphlet is meant to be used as an educational resource for businesses, employees, the general public, and service dog handlers. If you have any further questions, comments or concerns, please visit our website or contact the ADA information hotline listed below.

ADDITIONAL RESOURCES
ADA INFORMATION HOTLINE
800-514-0301 (Voice)
800-514-0383 (TTY)
Monday - Friday 8:30 a.m. - 5:30 p.m., Pacific Time (PT)
More info on service dogs:
www.waservicedog.org
**Educational Brochure**

**WHAT DOES "WORK OR PERFORM TASKS" MEAN?**

Examples of such work or tasks include (but are not limited to):
- Guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and assisting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

In WA, handlers with service dogs in training do not have public access rights. However, a business that is not a food establishment may choose to grant access to persons with service dogs in training.

- An employee cannot ask that the handler give a demonstration of the work or tasks of a service animal.
- An entity cannot require a special fee for the dog as a condition for entry, but the handler is responsible for any damage done by the animal.
- Allergies or fear of dogs are not valid reasons for denying access or refusing service to people using service animals. Both parties must be equally treated and accommodated.

**WHERE ARE SERVICE DOGS ALLOWED?**

- Service animals are allowed to accompany their handler to any area the general public is allowed to go. This includes (but is not limited to):
  - "NO PETS ALLOWED" ESTABLISHMENTS
  - FOOD ESTABLISHMENTS/RESTAURANTS
  - GROCERY STORES/MARKETPLACES
  - HOSPITALS AND DOCTORS OFFICES
  - SCHOOLS AND COLLEGES
  - NO PETS HOUSING & HOTELS
  - AIR CARRIERS/ AIRPLANE

The only places service animals are NOT allowed to accompany their handler to are sterile environments, or anywhere that the animal’s presence would fundamentally alter the nature of goods or services.

- Emotional Support Animals and Therapy Dogs are not Service Animals. Their handlers do not have accommodation rights.
- Sterile Environments may include: Operating rooms, burn rooms, or sanitization areas/rooms. Tattoo parlors are not considered a sterile environment.
- Service Animals must be completely housebroken, under control at all times and do work or perform tasks to mitigate a disability.

**WHAT DO I DO IF AN ANIMAL IS NOT A SERVICE ANIMAL?**

If you have asked the 2 questions allowed by the ADA and have determined the animal is not a service animal, you may tell the customer that the store only allows service animals. They may choose to leave the store and come back without the animal, or have someone wait with the animal outside of the store. As long as the customer is compliant with the request to leave the animal outside of the store, you must still provide the goods and services your store offers to the customer.

**WHAT CAN I DO IF A SERVICE ANIMAL IS BEING DISRUPTIVE OR OUT OF CONTROL?**

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. Additionally, a service animal must not excessively bark, present a threat to the health and/or safety of the public, or alter the nature of goods or services offered. If the handler does not make an attempt to control the animal, or is unsuccessful in their attempt to maintain control of the animal, you may ask them to remove the animal from the store, but you must still provide the goods and services your store offers to the handler.

Created by WSSDA
Working with Partners

• **Food Technical Advisory Committee**
  • Seeking feedback from industry
  • Reviewed draft policy brief

• **Public Education**
  • News article with The Columbian

  • “Pets in Food Establishments: Business owners in tight spot” published Nov. 14, 2017

• **Response**
  • Respond to complaints and inquires received from the public
  • Received over 20 phone calls from the public in 2017

• **Washington State Service Dog Association (WSSDA)**
  • Creating brochures and signage to give to small businesses
Next Steps

• Continue to work with partners to create educational materials

• Create a website for the public to access
  • Launch date January 25th

• Continue to respond to complaints when food safety risks may be present and provide education

• Participating in Washington State Retail Food Code Draft Revision
  • Starting in Spring 2018
  • Considering outdoor dining spaces being open to pets
Thank you!

Comments and questions

Clark County Public Health

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Sources

1. Wash. Rev. Code §49.60.040

2. Wash. Rev. Code. §48.60.218


5. Oregon DHS 6-501.115


7. Wash. Rev. Code §70.84.070

