

## Guidance Document for Pets and Food Service/Retail Establishments

### Applicable section from The 2005 FDA Food Code:

Revised 4/26/2016

#### **6-501.115 Prohibiting Animals.**

(A) Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT.

(B) *Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES can not result:*

(1) *Edible FISH or decorative FISH in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;*

(2) *Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;*

(3) *In areas that are not used for FOOD preparation and that are usually open for customers, such as dining and sales areas, SERVICE ANIMALS that are controlled by the disabled EMPLOYEE or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL;*

(4) *Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:*

(a) *Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD preparation areas,*

(b) *Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present, and*

(c) *Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service;*

(5) *In areas that are not used for FOOD preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.*

**Interpretation:** (applies to any facility that holds a Food Establishment or Retail Permit.)

Pets<sup>1</sup> are **not** allowed in any of the following areas at any time:

1. Any food preparation areas (this includes behind or on bars)
2. Any food storage areas
3. Any storage areas for utensils, linens, or food service equipment
4. Any storage areas for single service utensils and single use items
5. Any indoor dining area when meals are served<sup>2</sup>

1 - Pet: A domestic animal owned by, and under the control of a person. Animals listed in ¶¶ (B)(1)&(2) above shall not be considered as pets.

2 - Restaurants and other facilities that serve food or drinks at any time during business hours shall not allow pets in indoor dining areas at any time.

Pets may be allowed in the following areas<sup>1</sup>:

1. Outdoor dining areas, provided that the pet does not have to pass through any of the 5 prohibited areas listed above.
2. Offices, hallways, lounges, or other non-food areas, provided that the pet does not have to pass through any of the 5 areas listed above.
3. Video lottery rooms and bars that serve bottled drinks and packaged foods only.
4. Indoor dining rooms at Institutional Care Facilities and Private Clubs when meals are not being served, provided that there are no foods in the dining room and any utensils or linens on tables are cleaned and sanitized before the next meal.
5. Special Events – These will be handled on a case by case basis and **must have prior approval from the Health Department.**

1 - Turtles, and other reptiles that are known to carry Salmonella, are not allowed in a Food or Retail Establishment at any time unless the facility owner/operator obtains prior approval from the Health Department.

Food & water dishes for pets, and any pet accessories, must not be stored in a dining room or any of the 5 prohibited areas above.

**Note:** All pets must have (if applicable): current vaccinations, current licenses/registrations, regular bathing/grooming, and routine veterinary care. All pets must be housebroken, non-aggressive, and not create any public health hazard or public nuisance.

Nothing in this interpretation would prevent an owner/operator of a facility from restricting pets from any part of their facility or premises.

**This document does not apply to any Service Animal that is assisting a disabled person in accordance with ADA regulations.**