



SERVICE DOGS IN FOOD SERVICE ESTABLISHMENTS

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Questions periodically arise about the rights of people with disabilities who have a dog accompany them into food service establishments. As a general rule, it is deemed discriminatory and, therefore, unlawful to deny a person access to a place of public accommodation, such as a restaurant or other food service establishment, solely because that person has a disability and is accompanied by a guide dog, hearing dog or service dog. Such denial or refusal of access to a place of public accommodation violates the Americans with Disabilities Act (ADA), the State Civil Rights Law, the New York State Human Rights Law and the New York City Human Rights Law.

Section 81.25 of the New York City Health Code prohibits live animals from being *"kept, housed or permitted to enter or remain in a food service establishment or non retail food processing establishment."* **This provision does not apply to service dogs accompanying and trained to assist disabled persons.** The Health Code, by virtue of this provision, acknowledges the rights of disabled persons accompanied by service dogs to access public accommodations. Therefore, a service dog that accompanies a person with a disability should not be denied access to a food service establishment; and the service dog's presence is not a violation of Section 81.25 of the Health Code.

The Department issues a "Service Dog Tag", free of charge, to dog owners who submit a written statement from a trainer stating that the dog has been trained to perform tasks to assist them. **It is important, however, to note that a person with a disability accompanied by a service dog is not required by law to show proof or confirmation to you that they have a disability or that the animal accompanying him or her was trained to be a service animal.** Food service operators cannot insist on seeing the special tag or other identification before permitting the service animal to accompany the person with a disability into an establishment. They may, however, exclude a service dog from an establishment if it poses a direct threat to the health and safety of others (for example, if it displays vicious behavior to other patrons).

Preventing a person with a disability who is accompanied by a service dog from entering and dining in a food service establishment is a violation of the ADA and State and City laws prohibiting discrimination against persons with a disability and this action may result in fines. Please do not hesitate to call 311 if you have any additional questions about this issue.