



Clinton County Health Department

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"Working Together for a Healthier Community"

www.clintonhealth.org



Public Health
Prevent. Promote. Protect.

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News Release

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For Immediate Release
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Dogs in Restaurants

Clinton County, NY, August 7, 2018. According to Judy Ross, Principal Public Health Sanitarian, "the Clinton County Health Department (CCHD) occasionally receives questions from the public and restaurant owners regarding which pets or dogs are allowed in restaurants." Ms. Ross noted that "service animals (typically service dogs) are allowed in all public places." A service animal is a working animal, not a pet. According to the American with Disabilities Act (ADA), a service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Dogs that satisfy this definition are considered service animals under the ADA. Examples of tasks a service animal might perform include:

- Assisting with navigation, or stability and balance;
- Alerting to sounds or allergens;
- Pulling wheelchairs, carrying or retrieving items;
- Seizure assistance, or;
- Interrupting impulsive or destructive behaviors.

Under the ADA and NYS law, service animals must be permitted in all areas of a facility that customers are allowed or the public is invited. This includes motels and hotels, restaurants, buses, taxis, etc. A business may not impose extra deposits, fees, or surcharges for a service animal. The business may charge a fee if a service animal causes damage, as long as it regularly charges nondisabled customers for the same type of damage. A business or other public accommodation provider cannot ask about the nature or extent of a person's disability and may not demand proof that the animal is certified. A public accommodation provider may ask:

- If the animal is required because of a disability, and;
- What work the animal has been trained to perform.

Regardless of any "no pets" policy, the business must allow a service animal into their business to accompany their owner or handler. A business may exclude a service animal only if the animal is out of control or not housebroken and the animal's handler does not control it. Fear of dogs or allergies is not a valid reason to exclude a service animal.

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"Persons who have any physical mobility or other needs, call the telephone number above to arrange for accommodations"

In March 2015, the New York State (NYS) Legislature passed an amendment to the *NYS Public Health Law Section 1352-e* that allows (but does not mandate) companion dogs in outdoor seating areas of food service establishments under certain conditions. A companion dog is a pet. Restaurants are not required by this law to allow companion dogs in outdoor seating areas.

The following conditions must be met for a customer to be allowed to have a dog in the restaurant's outdoor seating area:

- The food service establishment's owner elects to allow companion dogs in the outdoor seating area;
- A separate outdoor entrance is present to access the outdoor dining area. Dogs are not allowed on chairs, benches, seats, or other fixtures;
- The outdoor seating area is not used for food or drink preparation or utensil storage;
- Food and water provided to companion dogs shall only be in single-use disposable containers;
- Food employees are prohibited from having direct contact with the companion dog while on duty;
- The outdoor dining area is maintained clean;
- The companion dog is on a leash or confined in a pet carrier and is under the control of the companion dog owner;
- There is reasonable signage indicating that companion dogs are allowed in the outdoor dining area, and;
- The food service establishment owner ensures compliance with local ordinances related to sidewalks, public nuisance, and sanitation.

This NYS Public Health Law does not interfere with nor impair or diminish the right of an individual to be accompanied by an animal where otherwise permitted by law, including but not limited to the rights of people with disabilities using guide, hearing, or service animals.

More information on service animals is available at:

NYS Attorney General - www.ag.ny.gov

The Americans with Disabilities Act - www.ada.gov

NYS Public Health Law - <https://www.nysenate.gov/legislation/bills/2015/s4327/amendment/original>

About the Clinton County Health Department:

The Health Department is an accredited full service department serving the residents of Clinton County. The Health Department's Mission is to improve and protect the health, well-being and environment of the people of Clinton County. Visit www.ClintonHealth.org for more information. 518-565-4840

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