



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
SANITATION BRANCH  
591 Ala Moana Boulevard  
Honolulu, Hawaii 96813-4921

In reply, please refer to  
File:

July 31, 2014

## SERVICE ANIMALS AND FOOD ESTABLISHMENTS

The following Q & A are intended as guidance from the Department of Health and the Disability and Communication Access Board (beyond the guidance provided by the U.S. Department of Justice [www.ada.gov](http://www.ada.gov) attached) for the Department of Health Sanitation Branch and food service establishment regarding inquiries on service animals in food service establishments.

### Are animals permitted in food establishments?

No, unless they are a service animal. The Americans with Disabilities Act requires an establishment to modify a "no pets" policy to permit service animals accompanying a person with a disability. The Department of Health administrative rules prohibit animals in the premises of a food service establishment except service animals that are controlled by a disabled employee or person in areas that are not used for food preparation and that are usually open for customers (such as dining and sales areas). (HAR §11-50-74(o)(c))

### What can the establishment ask?

Follow guidance of DOJ under the ADA. State has no other rules or guidance. The Department of Justice guidance allows an establishment to ask two questions if the person does not have an obvious disability:

- (1) is the dog a service animal required because of a disability? and
- (2) what work or task has the dog been trained to perform?

The establishment must make an informed decision based upon the reply. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

### If a person refuses to answer the 2 questions DOJ permits, does the establishment need to allow the person and dog to enter?

No, if the facility has a "no pets" policy.

**Can the animal be in a cart?**

There is nothing in the ADA or DOH rules to prohibit a service animal in a cart, per se.

However, if an animal is placed in a cart where food is also placed, the recommendation is to (1) create a barrier such as a carrier, box, blanket, or newspaper for the animal and (2) establish a procedure to sanitize the cart after such use. Establishments should establish a policy/procedure and post information or inform consumers.

**Who provides the barrier?**

If the person has brought a carrier, use it. Otherwise the establishment could keep a blanket or newspaper or similar item available. The establishment can also set procedures to sanitize a cart after use. The establishment could also set aside specific carts that are used for this purpose as well.

**How many service animals can a person have?**

The ADA does not specify how many dogs, even though the Department of Justice's intent was one person uses one dog. If there is more than one dog per person, each dog should be trained to perform a different task.



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Peter Oshiro  
Environmental Health Program Manager  
Food Safety Program  
808-586-8000  
[peter.oshiro@doh.hawaii.gov](mailto:peter.oshiro@doh.hawaii.gov)



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Francine Wai  
Executive Director  
Disability and Communication Access Board  
808-586-8121  
[francine.wai@doh.hawaii.gov](mailto:francine.wai@doh.hawaii.gov)