

Tillamook County



Land of Cheese, Trees and Ocean Breeze

Tillamook County Health Department

Our Mission . . . To protect and promote the health of all people in Tillamook County.

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TO: All Restaurants

FROM: Annette Pampush, Environmental Health Program Manager/ (503)842-3902

DATE: March 11, 2009

RE: Animals on the Premises of a Food Facility.

There have recently been many inquiries about what the restaurant rules say about allowing animals in a food facility. The March 2008 Oregon Food Code states the following:

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 group residences 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; and**
- (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 restricted, such as in a variety store that sells pets or a tourist park that displays animals.*

(C) Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles cannot result.

In addition, the state of Oregon Foodborne Illness Prevention Program was asked the following question:

Q: A facility would like to advertise as being “dog friendly” for their outdoor seating. Is this acceptable within the rules?

A: No, unless the dog meets the definition of a “security” or “service animal” as specified in the rules. If an individual states they need the dog for a disability, then it is allowed to be in the restaurant according to ADA rules, and our rules as well. There is no certification program or requirements for the person to prove the animal assists them with a specific disability. The operator can choose to exclude the animal if they wish, but may be setting themselves up for legal action.

However, if the assistance animal causes a public health problem (eats out of the salad bar, etc.) we can exclude them according to ADA. And it is acceptable to exclude the animals if they are not acting properly--barking, growling, etc. But judgments cannot be made based on the operator's impressions of the validity of a patron's disability. The Department of Justice website defines service animals in relation to American Disabilities Act requirements:

<http://www.usdoj.gov/crt/ada/animal.htm>

Please contact our office with any additional questions. Thank you.