

SORRY, NO PETS ALLOWED

Service Animals
are Welcome



ANIMALS IN FOOD ESTABLISHMENTS



Action by Food Establishments

If it is not obvious what task a service animal provides, a food establishment can legally ask these two questions:

1. Is the animal a service animal required because of a disability?
2. What work or task has the animal been trained to perform?



Regulations

Section 6-501.115 of the Michigan Modified Food Code (MMFC) restricts the presence of animals in businesses that sell, prepare or serve food. However, an allowable exception under 6-501.115 include service animals that are controlled by a person with a disability. This Food Code exception aligns with the Americans with Disabilities Act (ADA) requirements.

Service Animal vs Emotional Support Animal

Service animals are dogs or miniature horses that are trained in work or a task that mitigates their handler's disability. An obvious example of a service animal task is wayfinding for someone who is blind. However, some service animal tasks may be less obvious such as reminding a person with a memory impairment to take medication, alerting someone with diabetes that their blood sugar is low or signaling to a person with epilepsy that a seizure is imminent.

Unlike service animals, other assistance animals that provide emotional support or companionship are not required to be admitted into businesses covered by the ADA.

Understanding What is Allowed

Service animals are **not** required to wear identification or a vest and food establishments may not request documentation showing they are a service animal. Service animals are required to be housebroken and under their handler's control. Animals that fail to meet these behavioral requirements may be removed from a business at any time. In these instances, their handler must be granted an opportunity to receive goods or services without the animal present. In addition, service animals must be on a harness or leash unless this would interfere with the animal's task, or the handler's disability prevents the use of these devices.

The U.S. Department of Justice (DOJ) has also indicated that food establishments are not required to allow service animals to be placed in shopping carts or use seating, food or drink provided for customer use only.

Penalties for False Representation

MCL 752.61 – MCL 752.64

Those who represent an unqualified animal as a service animal or service animal in-training in Michigan are guilty of a misdemeanor, punishable by one or more of the following:

- Imprisonment for not more than 90 days.
- A fine of not more than \$500.00.
- Community service for not more than 30 days.

Contact local law enforcement to report service animal fraud at:

**The Michigan
Department of
Agriculture & Rural
Development for
grocery store food
safety questions at
800-292-3939**

**The Michigan
Department of
Civil Rights for
service animal
information at
800-482-3604**

**Local Public Health Departments for restaurant food
safety questions based on the county at
<https://www.malph.org/resources/directory>**

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If the handler:

1. Does NOT identify the animal as a service animal required because of a disability,
2. Does NOT indicate what work or task the animal has been trained to perform,
3. Identifies the animal as an emotional support, companion, or therapy animal,

then the food establishment should not allow the animal in the store, indicating that the store would be in violation of MDARD's Michigan Modified Food Code section 6-501.115.

