



Missouri Department of Health and Senior Services

P.O. Box 570, Jefferson City, MO 65102-0570 | Phone: 573-751-6400 | FAX: 573-751-6010
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Paula F. Nickelson
Director

Michael L. Parson
Governor

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TO: Local Public Health Agency Administrators
Local Public Health Agency Environmental Public Health Specialists
Bureau of Environmental Health Services Public Health Environmental
Specialists

THROUGH: Dusty Johnson, Bureau Chief, Bureau of Environmental Health Services

THROUGH: Mark Jenkerson, Program Operations Manager, Bureau of Environmental
Health Services

FROM: Paige Anderson, Retail Food Program Manager, Bureau of Environmental
Health Services *PA*

SUBJECT: Service Animals and Grocery Stores

DATE: August 21, 2023

CONTACT: Paige Anderson, Retail Food Program Manager, Bureau of Environmental
Health Services
Paige.Anderson@health.mo.gov
573-751-6095

DHSS has received numerous inquiries about grocery stores allowing any dog, service animal or not, into the store and customers placing the dog in their cart. According to 6-501.115 in the Missouri Food Code, live animals are not ordinarily allowed on the premises of a food establishment. 6-501.115(B)(1)-(5) goes into detail about when live animals may be allowed, stating that 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. The Americans with Disabilities Act (ADA) is a federal civil rights law that applies to people with disabilities and protects them from discrimination. The ADA is enforced by the United States Department of Justice, however, it is important that LPHAs understand how this law interacts with the food code.

According to the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability.

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The task(s) performed by the dog must be directly related to the person's disability. In addition, according to the Missouri Food Code under the definition of service animal, other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of the Code. To determine if a dog is a service animal, individuals can ask two questions:

1. Is this a service animal?
2. If so, what task is this animal trained to perform?

Service animals are not required to wear a vest, ID tag, or specific harnesses. ADA does not require that service animals or handlers to show proof of certification, training, or license for any condition. Service animals are to be under the control of the handler at all times, whether leashed or unleashed. A service animal must be harnessed, leashed or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents the use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal.

Placing a dog or other live pet in a cart is considered contamination of surfaces as these surfaces are not always effectively cleaned or sanitized after animal use and before food or food items are placed in the cart. This could cause a health or safety hazard by contamination of food or food items that is then transferred to the end consumer. This would be a violation of 4-601.11 Equipment, Food-Contact Surfaces, Nonfood-Contact Surfaces, and Utensils.

If LPHAs receive a complaint about grocery stores or other retail food establishments allowing animals in their establishment or allowing animals into the carts, please address this with the establishment's management and provide education using the information above and additional resources found below in accordance with your agency's policies. If LPHAs have questions or concerns, they should reach out to their DHSS District Supervisor.

Resources:

- Frequently Asked Questions about Service Animals and the ADA: <https://www.ada.gov/resources/service-animals-faqs/>
- How to Comply with the Americans with Disabilities Act: A Guide for Restaurants and Other Food Service Employers: <https://www.eeoc.gov/fact-sheet/how-comply-americans-disabilities-act-guide-restaurants-and-other-food-service-employers>

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