Dogs on the Premises of Alcoholic Beverage Establishments: Distilleries, Wineries, Breweries

Introduction

The 2018 General Assembly passed a bill allowing dogs inside an ABC licensed distillery, winery or brewery. This law will apply to all alcoholic beverage establishments including those who make mead and cider.

Food establishments, including establishments that serve only beverages, operating in Virginia are required to follow certain laws and regulations. These rules are enforced by the Virginia Department of Agriculture and Consumer Services' (VDACS) Food Safety Program.

What changed in Virginia law?

As of July 1, 2018, § 3.2-5115 of the Code of Virginia is amended and will state the following about the presence of dogs: "No animal shall be permitted in any area used for the manufacture or storage of food products A guard or guide animal may be allowed in some areas if the presence of the animal is unlikely to result in contamination of food, food contact surfaces, or food packaging materials. *Additionally, a dog may be allowed within a designated area inside or on the premises of, except in any area used for the manufacture of food products, a distillery licensed pursuant to § 4.1-206, a winery or farm winery licensed pursuant to § 4.1-207, or a brewery or farm brewery licensed pursuant to § 4.1-208.*"

What will VDACS be looking for during inspections under this new law?

Dogs may not be allowed in areas used for manufacturing beer, wine, distilled spirits, mead or cider. *A clear line of separation must be provided between designated areas where the dog is allowed, and where it is not. At a minimum, a clear line is a visual indicator to patrons and staff that delineates the bounds of the manufacturing or food service/storage area.* For example, a dog may not be allowed in ingredient storage rooms, in fermentation or distillation rooms, packaging, food preparation areas, or other like areas.

The provision allows dogs inside the establishment; it does not allow them to be a source of contamination to your product, beverage contact surfaces, or clean equipment.

What does federal law say?

The federal regulation (Code of Federal Regulations (CFR) Title 21 Part 117) was not modified by the Virginia General Assembly action stated above. That regulation still says a dog is not allowed in any area used for the manufacturing of food products including storage of ingredients, equipment, packaging materials or unpackaged finished products. For instance, if the brewery is not enclosed and separated from the tasting room, a dog shall not be allowed inside that establishment under the federal regulations. During a federal inspection if the manufacturing and storage areas are not enclosed and dogs are allowed on the premises it could be a violation.

Does this law mandate allowing dogs?

The provision does not require that you allow dogs in your establishment, with the exception of service animals. A service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Only two specific questions may be asked of the dog owner: (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? Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability. An animal providing emotional support, well-being, comfort, or companionship is not a service animal.

You may want to consider the following when deciding if you will allow dogs in your establishment: how you will address the possibility of aggressive dogs interacting with customers and other dogs present in your establishment; customers that prefer not to interact with dogs; dog hair, vomit, feces or urine; or whether you want to limit dogs to certain areas of the premises like outside. If dogs are allowed on the premises, you should consider having a procedure for addressing clean-up of dog vomitus, fecal matter and urine. (VDACS can provide an example.)

QUESTIONS?
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