

Animals in Food and Beverage Establishments

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' Food Safety Program.

What rules apply?

Virginia Food Laws. These laws define food as "...all articles used for food, drink, confectionery or condiment...intended for human consumption and introduction into commerce." These laws also state this about the presence of animals: "No animal shall be permitted in any area used for the manufacture or storage of food products..."

Retail Food Establishment Regulations. This regulation prohibits live animals on the premises of a food establishment with a few exceptions. Service animals may be allowed inside the establishment. Animals may also be allowed in outdoor dining areas if the establishment follows certain guidelines.

Service Animals

The Americans with Disabilities Act (ADA) has guidelines for distinguishing between a pet and a service animal. 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. Dogs-in-training are not considered service animals; training must be complete. Although not defined as "service animals," miniature horses qualify for many of the same protections if individually trained to assist a person with a disability. Work or tasks performed by the service animal must be specific actions directly related to the disability, such as assisting with navigation, alerting to the presence of environmental stimuli, pulling a wheelchair, retrieving medicines or telephones, providing balance/stability support and assisting with seizures or disruptive behaviors.

What questions can be asked to determine if a dog is a service animal?

Only two specific questions: (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.

What is not a service animal?

Any species of animal that is not a dog or a miniature horse is not a service animal. Also, an animal providing emotional support, well-being, comfort, or companionship is not a service animal.

Outdoor "Doggy" Dining

A food establishment may allow dogs in outdoor dining areas if they are not fully enclosed with walls and are not considered part of the interior building. The outdoor dining area must have a separate entrance intended for entrance of customers with dogs and a sign stating that dogs are allowed in the outdoor dining area. In addition, a sign must be available stating that food and water for dogs is served using dishes that are not used for humans, that dogs are not allowed on chairs, seats, benches, or tables, and that dogs are kept on a leash or in a pet carrier and under the control of an adult at all times. The establishment also needs to have means for cleaning up dog vomitus and fecal matter.