



Service and Emotional Support Animals in Food Service Facilities

Maryland Department of Health

Office of Food Protection

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Maryland's retail food regulations (COMAR 10.15.03) allow service animals that are controlled by an individual with a disability to be in food service facilities, including restaurants and grocery stores. Maryland's retail food regulations are consistent with the Americans with Disability Act (ADA) as they pertain to service animals.

Service Animals

A [service animal](#) is legally defined in Human Services Article, §7-701, Annotated Code of Maryland as a guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability. The task(s) performed by the service animal must be directly related to the person's disability.

Service animals are allowed to accompany their owners, even in places that don't allow pets. Service animals can enter public buildings, restaurants, shops, hospitals, schools, and hotels.

For example: A restaurant offers indoor and outdoor seating. A person arrives at the restaurant with a service dog and asks to sit inside. The restaurant cannot require the person to dine outside because of the service dog.

Emotional Support Animals

Service animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA or in Maryland law. Emotional support animals, therapy animals, or support animals that do not meet the Health General, §7-701 definition of a service animal are not allowed in food service facilities under COMAR 10.15.03 (except in outdoor dining spaces under the Outdoor Dining and Patron's Dog law).

Maryland's Outdoor Dining and Patrons' Dog Law

This law allows patrons' dogs in outdoor dining areas with prior local Health Department approval and with certain conditions (including signage). The Outdoor Dining and Patrons' Dog law is not related to service animals since it applies to pet dogs, not service animals. Be sure to check with your local health department for any applicable local ordinances or laws.

Frequently Asked Questions (Adapted from the [ADA website](#))

1. Can a business owner or employee ask a person about their disability to determine if an animal is a service animal or not?

Because service animals are not required to wear vests, a dog that is not wearing a vest may be a service animal. If it is unclear, you may ask for certain information using two questions:

- Is this a service animal required because of a disability?
- What work or task has the service animal been trained to perform?

Emotional support or therapy pets are not “service animals” and are not allowed in food service facilities. Service animals must be excluded from a food service facility if the animal is out of control and the handler does not take effective action to control it, or if it is not housebroken (COMAR 10.15.03.23).

You are not allowed to:

- Request any documentation that the service animal is registered, licensed, or certified as a service animal.
- Require that the service animal demonstrate its task or inquire about the nature of the person’s disability.

2. Are stores required to allow service animals to be placed in a shopping cart?

Generally, the service animal must stay on the floor, or the person must carry the service animal. For example, if a person with diabetes has a glucose alert dog, the person may carry the dog in a chest pack so it can be close to the person’s face to allow the dog to smell his breath to alert him of a change in glucose levels.

3. Are restaurants, bars, and other places that serve food or drink required to allow service animals to be seated on chairs or allow the service animals to be seated on chairs or allow the service animal to be fed at the table?

No. Seating, food, and drink are provided for customer use only. The ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are prohibited from allowing an animal to sit or be fed at the table.

4. Can a person bring a service animal with them as they go through a salad bar or other self-service food lines?

Yes. Service animals must be allowed to accompany their handlers to and through self-service food lines. Similarly, service animals may not be prohibited from communal food preparation areas, such as are commonly found in shelters or dormitories.

Additional Information:

Visit the ADA's [website](#) for the most current information regarding service animals, including:

- [Frequently Asked Questions about Service Animals](#)
- [ADA Requirements for Service Animals](#)
- [Featured Topic: Service Animals](#)
- [ADA Update: A Primer for Small Businesses](#)
- ADA Information Line: 800-514-0301 | 1-833-610-1264 (TTY)

The [Maryland Department of Disabilities](#) also provides resources and information to help meet the needs of Marylanders with disabilities.

Complaints:

If you wish to file a complaint regarding a food retailer such as a restaurant or grocery store, fill out the following form [electronically](#) or contact the [local health department](#) where the facility is located.