

Guidance Concerning Service Animals in Food Service Establishments



This information concerns the protections afforded to individuals accompanied by service animals under Federal law. Most states have statutes that offer greater protections, including criminal remedies for violations. Please consult your particular state statute for more information about the state laws that may apply in a specific geographic area.

The Americans with Disabilities Act (ADA) considers a restaurant, bar, or other establishment serving food or drink a place of public accommodation (42 USC 12181(7)(B)). Places of public accommodation are required to modify their policies, practices, and procedures to allow an individual with a disability to be accompanied by a service dog (28 CFR § 36.302(c)(1)). Though ordinances established by local or state health departments may prohibit pets from entering into places that serve food or drink, service animals are not pets and these rules do not apply to individuals accompanied by service animals.

Restaurants, bars, or other such establishments may not require documentation for the service animal but may ask two questions of the handler:

1. Is this a service animal required because of a disability? AND
2. What work or task is the dog trained to perform? (28 CFR Section 36.302(c)(6))

A restaurant may not charge pet deposits or other fees because of the presence of the service animal, but may charge the individual for any damage caused by a service animal if it is their policy to charge other guests for damages they cause (28 CFR Section 36.302(c)(8)).

An individual accompanied by a service animal may not be restricted from sitting inside a restaurant or bar and may not be required to sit in a designated area, be segregated from other patrons, be afforded less favorable treatment than other patrons, nor be restricted from any place other guests are generally allowed (28 CFR Section 36.302(c)(7)). The dog must be kept under the handler's direct control and must be kept on a leash or tether, unless doing so would interfere with the tasks or work the animal is trained to perform (28 CFR Section 36.302(c)(4)). Service animals are not allowed to sit on seats or be fed from the table; however, some small service dogs may sit on the patron's lap. Individuals accompanied by service animals may be restricted from areas of food preparation; however, this does not apply to buffet areas nor those circumstances in which food is prepared at the table.

An establishment may exclude a service animal if the animal is out of control and the handler does not take effective action to control it or if the animal is not housebroken (28 CFR Section 36.302(c)(2)). If an establishment properly excludes a service animal, it must allow the individual with a disability the opportunity to obtain goods, services, and accommodations without having the service animal on the premises (28 CFR Section 36.302(c)(3)). Patrons accompanied by service animals are not required to accept any other accommodation, aid, service, opportunity, or benefit which such individual chooses not to accept (42 USC 12201(d)).

This information is provided by Advocates for Service Animal Partners. It is intended as informal guidance only and should not be construed as legal advice. For more information, you may contact



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