

Administrative Rules of Montana

Administrative Rules of Montana (ARM) adopted the 2013 FDA Food Code with respect to animals in food establishments. Please see the information below for details, including exceptions to the rule.

ARM 37.110.268 CHAPTER 6: PHYSICAL FACILITIES

6-501.115 Prohibiting Animals (from the 2013 FDA Food Code)

(A) Except as specified in (B) and (C) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT

(B) Live animals may be allowed in the following situations if the contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result:

(1) Edible FISH or decorative FISH in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(3) 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;

(4) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(a) Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD preparation areas,

(b) Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present, and

(c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(5) In areas that are not used for FOOD preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals.

(C) Live or dead FISH bait may be stored if contamination of FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result.

Animals in Food Service Establishments

Guidance for animals in Montana restaurants and bars



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Not a Laughing Matter

You've probably heard a joke that started with "A dog walks into a bar....", but have you ever wondered if dogs or other animals are allowed in bars?

This brochure provides information on the restrictions of animals in food service establishments in Montana.

Frequently Asked Questions

Q: Is it legal to bring live animals into a bar, restaurant or grocery store?

A: The simple answer to the question is "no", except for service animals. Animals are not allowed in food establishments in Montana, including bars, taverns, etc. that primarily serve alcohol.

See the full language of the Administrative Rules of Montana for details.

Q: What is a service animal?

A: "Service animal" means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. *From FDA Food Code 2013, 1-201.10(B)*

Service animals are defined as dogs* that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. Dogs* whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. -*U.S. Department of Justice, Civil Rights Division*

*Dogs are the main animals recognized as service animals; however, there are other provisions for miniature horses. Information is available www.ada.gov.

Q: What questions can a food establishment ask me about my service animal?

A: When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two 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 cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog*, or ask that the dog* demonstrate its ability to perform the work or task.

Q: Who may I contact if I see an animal in a food service establishment?

A: Contact your local Environmental Health office or DPHHS-Food and Consumer Safety Section with your concerns. Visit our website at www.fcsm.mt.gov to find your local Environmental Health office (sanitarian) or call 406-444-2837. There is also an online complaint form on the state website.