



Food News

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Village of
Arlington Heights
Environmental
Health

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Service Animals & The Law

From the Illinois Attorney General

We occasionally receive questions from establishments regarding their responsibilities to customers and service animals. The following information is from the Attorney General.

The ADA

The Americans with Disabilities Act (ADA) defines a service animal as any dog (or in certain circumstances, a miniature horse) individually trained to do work or perform tasks for the benefit of a person with a disability. An animal fitting this description is considered a service animal under the ADA regardless of whether the animal is certified by a particular entity or wearing identifying markers. Service animals help people with disabilities perform tasks for which they need assistance. Most of us are familiar with guide dogs used by people who are blind or have low vision. However, service animals also help people with a variety of other disabilities. Examples include:

- Alerting deaf or hard of hearing individuals to sounds;
- Carrying and picking up objects for individuals with mobility impairments;
- Providing balance assistance for individuals with mobility impairments; and
- Alerting individuals to oncoming seizures.

Service Animals vs. Pets

Some service animals wear special collars, harnesses, vests, or capes. Some are licensed or certified by training entities and have identification papers. Special identification and certification, however, are not required by the ADA.

How the Law Affects Your Business

The Americans with Disabilities Act prohibits discrimination against people with disabilities by places of public accommodation, such as restaurants, hotels, retail stores, theaters, parks, concert halls, and sports venues. These businesses must allow people with disabilities to bring their service animals onto the premises and into all areas where the public is generally allowed. Businesses may not demand identification cards or make unnecessary inquiries about an individual's disability under any circumstances, including when a person is accompanied by a service animal.

Illinois Law

The Service Animal Access Act and White Cane Law are state criminal laws that guarantee the right of a person with a disability or a service animal trainer to be accompanied by a service animal or service animal in training.

Important Service Animal Laws

- Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*
- Illinois Human Rights Act, 775 ILCS 5/1
- Service Animal Access Act, 720ILCS 5/48-8
- White Cane Law, 775 ILCS 30



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Did You Know?

You can find food equipment that saves money and energy at:

www.energystar.gov/products/certified-products/detail/commercial-food-service-equipment

Q: How can I tell if an animal is really a service animal and not just a pet?

A: Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. However, an individual who is going to a restaurant or theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to an individual accompanied by a service animal. Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

Q: What must I do when an individual with a service animal comes to my business?

A: The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

Q: I have always had a clearly posted "no pets" policy at my establishment. Do I still have to allow service animals in?

A: Yes. A service animal is not a pet. The ADA requires you to modify your "no pets" policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy altogether but simply that you must make an exception to your general rule for service animals. Also, the ADA provides greater protection for individuals with disabilities and so it takes priority over the local or state laws or regulations regarding animals in public establishments.

Q: Can I charge a maintenance or cleaning fee for customers who bring service animals into my business?

A: No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. However, a public accommodation may charge its customers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if it is the hotel's policy to charge when non-disabled guests cause such damage.

Q: Am I responsible for the animal while the person with a disability is in my business?

A: No. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

Q: What if a service animal barks or growls at other people, or otherwise acts out of control?

A: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions, however, about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.



**KEEP
CALM
AND
WASH
YOUR
HANDS**

**MANTENGA
LA CALMA
Y
LÁVESE LAS
MANOS**



**U.S. Department of
Health and Human Services**
Centers for Disease
Control and Prevention

Answer Each Of These Questions By Unscrambling The Words On The Right

- | | |
|---|---------------------|
| 1. By now, all food employees in restaurants should be trained as a? | fdoo raldhne |
| 2. Undercooked, potentially hazardous foods must be designated and require what kind of notice? | cmneuors ysadovri |
| 3. What is the most common type of foodborne illness? | rsviuonor |
| 4. Keeping raw and cooked apart help prevent what? | roscs tminacnontaoi |
| 5. Food must be checked with a thermometer to make sure they are at the proper what? | eterumraep |
| 6. Dumpster lids must be kept ? | seodlc |
| 7. What pest spreads the most diseases in food settings? | sehou yfl |

- | | |
|----------------------|------------------------|
| 1. Food Handler | 4. Cross Contamination |
| 2. Consumer Advisory | 3. Norovirus |
| 3. Closed | 7. House Fly |
| 5. Temperature | |

Food Service Sanitation Manager Certification & Food Handler Classes

Visit the Illinois Department of Public Health's website to find upcoming classes: public.dph.illinois.gov/fsmccourses/

- AFFORDABLE TRAINING COMPANY (800) 977-4274
- CITY COLLEGES OF CHICAGO (312) 850-7136
- CORPORATE TRAINING CENTER (800) 705-8204 *
- FOODSERVICE SAFE (847) 254-4027 *
- FOOD PROTECTION SYSTEMS (847) 244-0432
- HARPER COLLEGE (847) 925-6300
- ILLINOIS RESTAURANT ASSN. (312) 787-4000 *
- INNERSPACE ENVIRONMENTAL ASSESSMENT, INC (630) 365-9910 *
- NUTRITION CARE SYSTEMS (800) 761-9200

ONLINE COURSES

www.servsafe.com *

www.cityofevanston.org/health/food-service-manager-certification/

www.foodservicesafe.com *

You must arrange for separate testing

* indicates companies also offer food handler training-Now **REQUIRED** for all restaurant employees involved in food or utensil handling

PLEASE NOTE:

A separate fee of \$35.00 is needed to obtain your State of Illinois Certificate upon successful completion of the final exam. If you do not follow through and obtain your certificate, you are NOT a certified manager with the State of Illinois. You must have a certificate to meet minimum state requirements. If you have any questions about the State Certificate, please call IDPH – Division of Food, Drugs and Dairies at (217) 758-2439