**44:02:07:89.  Prohibiting animals.** Live animals may be allowed on the premises of a food establishment only as follows and only if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles does not 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, such as dining and sales areas, support animals that are trained to assist an employee or other person who is disabled, are controlled by the disabled employee or person, and are not allowed to be on seats or tables, such as guide dogs; and

(4)  Decorative animals in the dining areas as long as they are confined away from the tables and consumers, and the animal's living quarters are kept clean.

Live or dead fish bait must be stored so that contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles does not result.

**Source:** 23 SDR 195, effective May 26, 1997.

**General Authority:** SDCL 34-1-17, 34-18-22.

**Law Implemented:** SDCL 34-18-22, 34-18-25.