

Opinion No. [30-62]

February 10, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Dr. H. M. Batson, M. D., Field Agent, U.S. P. H. S., Clayton, New Mexico.

PUBLIC HEALTH -- Dogs and cats in restaurants.

OPINION

Reference is made to yours of the 5th inst. in which you ask to be advised as to whether or not the regulations governing the sanitation of foods and food handling establishments are broad enough to permit you to exclude dogs and cats from restaurants and other food handling places.

We are of the opinion that the statute and the regulations are sufficiently broad to permit you to rectify any conditions from which food or food stuffs may become contaminated in the process of handling or serving. For the purposes of the regulations unclean or unsanitary conditions are deemed to exist if foods in the process of manufacture, preparation, packing, storing, serving, sale, distribution, or transportation are not securely protected from any form of contamination. If dogs and cats are permitted in restaurants or restaurant kitchens, or if persons are permitted promiscuously to handle foods under conditions or in such manner as to contaminate the food, unsanitary conditions are deemed thereby to exist.