



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Jeff Grim

### **Sub. H.B. 263\***

132nd General Assembly

(As Reported by S. Health, Human Services & Medicaid)

**Reps.** Lanese, Young, Anielski, Antonio, Barnes, Boggs, Boyd, Greenspan, Hambley, Henne, Hughes, LaTourette, Leland, Lepore-Hagan, Miller, Patton, Ramos, Rogers, Scherer, Schuring, Sweeney, Thompson, West, Wiggam

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## **BILL SUMMARY**

- Generally authorizes a retail food establishment or food service operation to allow a person to bring a dog in an outdoor dining area of the establishment or operation.
- Requires the Directors of Agriculture and Health to adopt rules allowing dogs in an outdoor dining area of an establishment or operation unless there is a public health emergency. (The current rules prohibit animals on the premises of an establishment or operation, other than certain animals such as service animals.)
- Requires an establishment or operation that allows a person to bring a dog in the establishment's or operation's outdoor dining area to do all of the following:
  - Adopt a policy that requires patrons to control their dog, whether with a leash or otherwise, while the dog is in the outdoor dining area;
  - Prohibit a person with a dog from accessing the outdoor dining area through any of the establishment's or operation's indoor areas;
  - Comply with all sanitation standards established in the Ohio Uniform Food Safety Code other than those standards that prohibit dogs in an outdoor dining area of an establishment or operation.
- Prohibits a person from bringing a dog in an outdoor dining area of an establishment or operation if the dog is not properly vaccinated in accordance with all state and local laws.

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\* This analysis was prepared before the report of the Senate Health, Human Services and Medicaid Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

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## CONTENT AND OPERATION

### Background

Under current law, the Directors of Agriculture and Health jointly have adopted rules that generally prohibit live animals on the premises of a retail food establishment or food service operation. The rules exempt certain animals from the prohibition, including a service animal if the service animal is not in food preparation areas or if a health or safety hazard will not result from the presence of the activities of the service animal.<sup>1</sup>

A retail food establishment is an establishment that receives a majority of its revenue from sales of prepackaged food items or multiple servings of food products. Examples of retail food establishments are grocery stores and gas stations. An establishment is licensed to operate by a board of health with oversight by the Director of Agriculture.<sup>2</sup> A food service operation is an establishment that receives a majority of its revenue from sales of food that is prepared and served in individual portions. Examples of food service operations are restaurants, cafeterias, and schools. An operation is licensed to operate by a board of health with oversight by the Director of Health.<sup>3</sup>

### Dogs on patios

The bill authorizes a retail food establishment or food service operation to allow a person to bring a dog in an outdoor dining area of the establishment or operation. However, if the dog is a service animal, no establishment or operation can refuse to allow the dog in the outdoor dining area unless the refusal is authorized under federal and state laws governing service dogs. A service dog is a dog that is individually trained for the benefit of an individual with a disability to do work or perform tasks that are directly related to the individual's disability.<sup>4</sup>

### Rules governing dogs in an outdoor dining area

The bill requires the Directors of Agriculture and Health to adopt rules allowing dogs in an outdoor dining area of an establishment or operation, notwithstanding the requirements of the U.S. Food and Drug Administration's model food code. The rules

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<sup>1</sup> O.A.C. 3717-06.4(O).

<sup>2</sup> R.C. 3717.01 and 3717.21, not in the bill.

<sup>3</sup> R.C. 3717.01 and 3717.41, not in the bill.

<sup>4</sup> R.C. 3717.14(A)(1) and (D).



must include authorization for the Directors to prohibit dogs in an outdoor dining area of an establishment or operation during a public health emergency.<sup>5</sup>

### **Responsibilities of retail food establishment and food service operations**

Under the bill, if an establishment or operation allows a person to bring a dog in an outdoor dining area of the establishment or operation, the establishment or operation must do all of the following:

(1) Adopt a policy that requires patrons to control their dog, whether with a leash or otherwise, while the dog is in the outdoor dining area. The establishment or operation must enforce the policy.

(2) Not allow the person to take the dog into the outdoor dining area through any of the establishment's or operation's indoor areas;

(3) Comply with both of the following:

--All sanitation standards established in the Ohio Uniform Food Safety Code other than those standards that prohibit dogs in an outdoor dining area of an establishment or operation; and

--Any other standard established under the law governing retail food establishments and food service operations.<sup>6</sup>

### **Compliance with vaccination laws**

The bill prohibits a person from bringing a dog in an outdoor dining area of an establishment or operation if the dog is not properly vaccinated in accordance with all state and local laws.<sup>7</sup>

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<sup>5</sup> R.C. 3717.05(B) and 3717.14(A)(2).

<sup>6</sup> R.C. 3717.14(B).

<sup>7</sup> R.C. 3717.14(C).



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## HISTORY

ACTION	DATE
Introduced	06-08-17
Reported, H. Economic Development, Commerce, & Labor	02-28-18
Passed House (86-10)	04-11-18
Reported, S. Health, Human Services & Medicaid	---

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