



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Jeff Grim

Sub. H.B. 263

132nd General Assembly
(As Passed by the General Assembly)

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

Sens. Beagle, Burke, Coley, Hackett, Hoagland, Huffman, Kunze, LaRose, Manning, McColley, Obhof, O'Brien, Schiavoni, Skindell, Tavares, Thomas, Yuko

Effective date: October 29, 2018

ACT SUMMARY

- Generally authorizes a retail food establishment or food service operation to allow a person to bring a dog in an outdoor dining area.
- Requires the Directors of Agriculture and Health to amend state rules that generally prohibit animals in retail food establishments or food service operations to allow dogs in outdoor dining areas.
- Allows the Directors to reimpose the prohibition against dogs in an outdoor dining area during a public health emergency.
- 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 a patron to control their dog 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;

* This version updates the effective date.

--Comply with all sanitation standards established in the Ohio Uniform Food Safety Code.

- Prohibits a person from bringing a dog in an establishment's or operation's outdoor dining area if the dog is not properly vaccinated in accordance with all state and local laws.

CONTENT AND OPERATION

Dogs on patios

The act 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.¹ Under prior law, dogs were prohibited in outdoor dining areas under rules adopted by the Directors of Agriculture and Health that generally prohibit live animals on the premises of a retail food establishment or food service operation.²

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.

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.³

Rules

The act requires the Directors of Agriculture and Health to amend the state rules that generally prohibit animals in retail food establishments or food service operations to allow dogs in outdoor dining areas. The Directors must amend the rules notwithstanding the requirements of the U.S. Food and Drug Administration's model food code. The rules must allow the Directors to reimpose the prohibition against dogs in an outdoor dining area during a public health emergency.⁴

¹ R.C. 3717.14(A)(1) and (D).

² Ohio Administrative Code 3717-1-06.4(O).

³ R.C. 3717.01, 3717.21, and 3717.41, not in the act.

⁴ R.C. 3717.05(B) and 3717.14(A)(2).



Responsibilities of retail food establishment and food service operations

If an establishment or operation allows a person to bring a dog in its outdoor dining area, the act requires the establishment or operation to do all of the following:

(1) Adopt a policy that requires patrons to control their dog, 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; and

(3) Comply with both of the following:

--All sanitation standards established in the Ohio Uniform Food Safety Code; and

--Any other standard established under the law governing retail food establishments and food service operations.⁵

Compliance with vaccination laws

The act prohibits a person from bringing a dog in an establishment's or operation's outdoor dining area if the dog is not properly vaccinated in accordance with all state and local laws.⁶

Service dogs

Even if an establishment or operation does not allow dogs in an outdoor dining area, the act prohibits the establishment or operation from refusing to allow a service dog in that area.⁷

⁵ R.C. 3717.14(B).

⁶ R.C. 3717.14(C).

⁷ R.C. 3717.14(A)(1).



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	06-26-18
Passed Senate (32-0)	06-27-18
House concurred in Senate amendments (81-11)	06-27-18

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