



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: H.B. 263 of the 132nd G.A.
(L_132_1331-8)

Status: In House Economic Development, Commerce and Labor

Sponsor: Rep. Lanese

Local Impact Statement Procedure Required: No

Subject: Permits retail food establishments and food service operations to allow dogs in outdoor dining areas

State & Local Fiscal Highlights

- Local boards of health could experience an increase in costs to issue any suspensions of a retail food establishment's or food service operation's authority to allow dogs in an outdoor dining area if any rules adopted are violated and to conduct any necessary inspections.
- Local boards may also realize an increase in costs to investigate complaints, to possibly adjust rules, and to inform restaurant establishments of the bill's provisions.
- The departments of Health and Agriculture could realize a minimal increase in administrative costs to adopt rules.

Detailed Fiscal Analysis

The bill permits 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. The bill specifies that no establishment or operation may refuse to allow a service dog in an outdoor dining area unless such refusal is authorized under federal and state laws governing service animals. The bill requires the departments of Agriculture and Health to adopt rules governing dogs in an outdoor dining area of a retail food establishment or food service operation. Rules to be adopted include requiring the establishment or operation to prohibit an employee, while working, from intentionally touching a dog; requiring an employee to serve a dog's food on disposable single-use dining ware and a dog's water in a single-use container; requiring posting of a clearly visible sign informing patrons that dogs are allowed in the outdoor dining area; and requiring the disposal of dog waste, excessive dog hair, or any other biological material from a dog promptly, properly, and in a sanitary manner, among others. Rules are also to specify that an establishment or operation must notify the applicable local board of health at least 30 days before implementing a policy to allow dogs in an outdoor dining area.

The bill permits a board of health to order the suspension of an establishment's or operation's authority to allow dogs in the outdoor dining area if the establishment or operation violates any relevant rule adopted by the departments of Agriculture or Health. Before issuing the order, the board is required to give the establishment or operation written notice specifying each violation and a reasonable time within which each violation must be corrected, unless a violation presents a clear and present danger to the public health. If an establishment or operation fails to correct the violation in the time specified by the board, the board must provide written notice that the board is suspending the establishment's or operation's authority to allow dogs in the outdoor dining area, and must include in the notice the procedure for appealing suspension. The bill specifies that if the authority is suspended, it shall be for a 30-day period for a first violation within any one-year period, a six-month period for a second violation within any one-year period, and for 12 months for a third or subsequent violation within any one-year period.

The bill also specifies that a person who brings a dog to an outdoor dining area of a retail food establishment or food service operation is liable for any damage the dog causes in the outdoor dining area of the establishment or operation.

Fiscal effect

Local boards of health could experience an increase in costs to issue suspensions, to possibly hold hearings for appeals, to complete any other duties necessary as a result of the suspension, and to perform any necessary inspections. Additionally, boards could realize an increase in costs to investigate any complaints related to the bill's provisions. These costs would depend on the number of establishments or operations that allow dogs on the patio, any additional inspections required, the suspensions issued, the complaints received, and the scope of complaints. Boards could also realize a minimal increase in costs to adjust rules and inform establishments of this change in the law.

The departments of Agriculture and Health could realize a minimal increase in administrative costs to adopt rules.

Synopsis of Fiscal Effect Changes

The As Introduced version of the bill prohibits the directors of Health and Agriculture or a board of health from adopting any rule, or issue or enforce any order, prohibiting an owner, keeper, or harbinger of a dog from taking the dog in an outdoor dining area of a retail food establishment or food service operation. It also specifies that an establishment or operation may refuse to allow a dog in an outdoor dining area unless the dog is a service dog. Instead, the substitute bill, L_132_1331-8, permits an establishment or operation to allow a person to bring a dog in an outdoor dining area under specified conditions. Under the substitute bill, the departments of Agriculture and Health are required to adopt rules specifying these conditions. This may result in a minimal increase in costs for each department to adopt these rules. The substitute bill

states that a local board of health may order the suspension of an establishment's or operation's authority to allow dogs in the outdoor dining area if the establishment or operation violates any of the adopted rules. As a result, boards could experience an increase in costs to issue suspensions and to perform any other duties necessary as a result of the suspension and to conduct any necessary inspections.

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