

1 HB209  
2 197877-2  
3 By Representatives McMillan and Brown (C)  
4 RFD: County and Municipal Government  
5 First Read: 11-FEB-20

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would permit a pet dog in an  
9 outdoor dining area of a food service establishment  
10 under certain conditions.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT

15  
16 Relating to pet dogs; to permit a pet dog in an  
17 outdoor dining area of a food service establishment under  
18 certain conditions.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) A pet dog that is under the control  
21 of a person shall be permitted in an outdoor dining area of a  
22 food service establishment if all of the following conditions  
23 are met:

24 (1) The owner of the food service establishment  
25 elects to allow pet dogs in its outdoor dining area. To  
26 evidence this election, the owner of the food service facility

1 shall file for a waiver with the State Health Department  
2 stating they will adhere to the prescribed rules.

3 (2) A separate outdoor entrance is present where the  
4 pet dog can enter without going through the food service  
5 establishment to reach the outdoor dining area.

6 (3) A pet dog is not allowed on the chairs, benches,  
7 seats, or other fixtures in the outdoor dining area of the  
8 food service establishment.

9 (4) The outdoor dining area is not used for food  
10 preparation or the storage of utensils.

11 (5) The designated outdoor dining area where pet  
12 dogs are allowed is at least 12 feet away from any bar or area  
13 where beverages are prepared.

14 (6) A food service establishment employee refills  
15 beverages from a pitcher or other container at the table in  
16 the outdoor dining area where pet dogs are allowed.

17 (7) The outdoor dining area is well maintained, kept  
18 clean, and all surfaces that have been contaminated by pet dog  
19 excrement or other pet dog bodily fluids are properly cleaned  
20 and sanitized.

21 (8) The pet dog is kept on a leash or confined in a  
22 pet carrier at all times and is kept under the control of the  
23 person possessing the pet dog.

24 (9) The food service establishment ensures it is in  
25 compliance with all local ordinances related to sidewalks,  
26 public nuisances, and sanitation.

1 (b) (1) A food service establishment employee is  
2 prohibited from having direct contact with a pet dog in the  
3 outdoor dining area while on duty.

4 (2) A food service establishment employee who  
5 violates subdivision (1) shall wash his or her hands as  
6 required by food safety regulations.

7 (c) The owner of a pet dog is liable for any damages  
8 to the property of the food service establishment by the pet  
9 dog.

10 (d) All live animals are prohibited from being  
11 inside a food service establishment, except as provided by the  
12 applicable regulations of the federal Food and Drug  
13 Administration, and except as follows:

14 (1) Service dogs or service miniature horses which  
15 are individually trained to provide assistance to an  
16 individual with a disability.

17 (2) Dogs under the control of a uniformed law  
18 enforcement officer acting within the course and scope of his  
19 or her duties.

20 (e) Emotional support animals are not service dogs  
21 within the meaning of the Americans with Disabilities Act and  
22 are therefore expressly prohibited from being inside a food  
23 service establishment.

24 Section 2. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.