

HOUSE BILL 263 – PROPONENT TESTIMONY OF

Mary O'Connor-Shaver, Representative
Rescue Me Ohio (RMO)

October 10, 2017 – House Economic Development, Commerce and Labor Committee

Good afternoon Chairman Young, Vice Chair DeVitis, Ranking Member Lepore-Hagan, and members of the House Economic Development, Commerce, and Labor Committee.

My name is Mary O'Connor-Shaver and I am a Six Sigma Yellow Belt certified Project Coordinator for Fiserv (NASDAQ: FISV) with over a decade of experience in animal rescue and advocacy, three of which includes serving as the Board Secretary for Rescue Me Ohio ("RMO"). RMO is a 501(c)(3) education and advocacy nonprofit corporation with a focus on assisting shelters, humane societies and rescues throughout the entire state of Ohio.

Representing over 258,000 Facebook followers across the nation, RMO is a driving force behind increasing exposure for all of our Ohio county animal shelters, humane societies and approved rescues registered through the Ohio Department of Agriculture. We have assisted numerous county shelters with increasing their live release rates, increasing exposure and donations to fundraising drives and have assisted in cleaning and repairing a number of shelters in Ohio with our "Shelter Spruce Up" day program. RMO counts among its supporters: dog wardens, shelter staff, rescues, veterinarians, politicians, attorneys, judges, animal advocates and dog enthusiasts.

Given our organizations' dedication to supporting the county shelters, humane societies and approved rescues in the State of Ohio, I would like to begin my presentation by thanking Representative Laura Lanese and Legislative Aide Graham Lescallete for their leadership in sponsoring this important piece of legislation for Ohio voters and taxpayers.

They're called "Yappy Hours," a chance for you and your canine best friend to share drinks and treats together on an outside restaurant patio. The problem is that many restaurants are unaware that Ohio law - under section 3717-1-06.4 (O) of the Ohio Administrative Code - bars pets, except for qualified service animals, from food establishments altogether.

Several major American tourist cities across the country have welcomed dogs to outdoor bars and open patio restaurants. *(For your reference, we have included as part of an addendum to this testimony guidelines for New York City restaurants provided under their city's Health Department.)*

States such as California, Florida and Maryland, have been allowing dogs on restaurant patios for years. In Ohio, we have numerous hotels that provide accommodations for dogs, dog parks, dog drinking fountains, but there's nowhere for tourists to enjoy any kind of outdoor patio dining experience with their companion dog.

We are in full agreement with Representative Lanese's position that allowing dogs on restaurant and bar patios could benefit owners and our state's tourism industry. When people are traveling across the state and would like to stop and eat, they only have the option of eating from a drive-through restaurant or leaving their dog in their vehicle while they dine, which RMO strongly believes to be dangerous for the companion pet under any circumstances.

We believe **Ohio House Bill 263** to be a reasonable and balanced piece of proposed legislation which would allow restaurants to permit entry of any dog if they do not pose a health or safety hazard while requiring the owner to remain liable for any damage or injury caused by their companion pet. We believe it is important to note that the proposed legislation would also continue to protect the civil rights of qualified individuals and their service animals under the Americans with Disabilities Act (ADA).

It is our hope this Committee will reflect on the opinions expressed by our group and supporters in today's testimony prior to recommending **Ohio House Bill 263** for review and passage by the Ohio House.

As the representative for Rescue Me Ohio, I greatly appreciate your time and consideration on this important piece of legislation for Ohioans, and I welcome any questions you may have.

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Addendum

Source: New York City Health Department

New “Dining with Dogs” Rule: What Restaurants Need to Know

Restaurants may now allow dogs in outdoor dining areas if certain rules are followed. “*Outdoor dining areas*” means any outdoor area where customers eat that is operated and controlled by the restaurant. Examples include unenclosed sidewalk cafés, backyards and patios. Here is what you need to know about the new rule:

Restaurants do not have to allow pet dogs in outdoor dining areas.

However, this does not change rules for service dogs. *Regardless of whether you allow pet dogs in your outdoor dining area, you must allow service dogs—including guide and hearing dogs—to accompany their owners in all areas of the restaurant open to customers. For more information about accommodating service dogs, visit nyc.gov/health/foodservice and select “Health Code / Regulations.”*

If you do choose to allow pet dogs in your restaurant's outdoor dining areas, you must follow the steps below.

Dogs must enter the outdoor dining area directly from the outside.

Dogs may not enter outdoor dining areas by going through the inside of the restaurant or anywhere else food is stored or prepared.

Place barriers or use other methods to limit contact between dogs and people and dogs on the sidewalk.

If the outdoor dining area is next to a sidewalk, you must place a barrier or have another way to limit contact between dogs in the restaurant and people on the sidewalk. Use a barrier or other method that limits a dog's access and blocks the view of the sidewalk. For example, place a café barrier with stanchions at the café border, or position large planters side-by-side at the outer edge of the outdoor dining area.



Prepare all food and store utensils indoors.

If you allow dogs in outdoor dining areas, do not prepare food and drinks in these areas. Store utensils inside. However, workers *may* refill beverages from a pitcher or other container in outdoor dining areas.

Post a sign at the entrance of the outdoor dining area.

The sign must state the following text in English:

- Companion dogs are only allowed in certain outdoor dining area(s) of this establishment.
- Only service dogs are allowed in other parts of this establishment.
- Your companion dog must be licensed and currently vaccinated against rabies to remain in the outdoor dining area with you.
- You are responsible for controlling your dog at all times.

Restaurants are responsible for creating and posting their own signs. Signs are not required at restaurants that choose not to allow pet dogs in outside dining areas.

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Make sure dog owners control their dogs within the outdoor dining area.

Dogs must be within arm's length of their owners, and either in a carrier or on a leash held by the owner or tied to the table or chair leg.

Make sure dogs stay on the ground and out of the aisles.

Dogs are not allowed on chairs, benches, seats or other furniture. Dogs may not stand or sit in the aisles.

If you provide food and water to dogs, serve them in single-use, disposable containers.

Dogs may not eat from plates or bowls provided to customers. Dogs must eat and drink only from single-use, disposable containers.

Do not let staff pet or play with dogs.

Food workers may not touch the dogs but if they do, they must wash their hands with soap and water right away.

Ask customers to remove their threatening or aggressive dogs from the restaurant.

The restaurant must stop serving the customer if he or she refuses to remove the dog.

Call 911 right away if a dog bites or hurts someone.

Dog bites must also be reported to the Health Department within 24 hours. Call 311 or visit nyc.gov/health/reportanimalbite to report a dog bite.

When reporting a dog bite, a restaurant must include:

- Dog owner's name, address and phone number
- Dog's license number
- Bite victim's name, address and phone number

Staff must clean up after dogs in outdoor dining areas.

Restaurant workers who *do not* prepare or serve food must clean up dog urine, feces, vomit and any other fluids or solids, and must sanitize the areas right away.

Other types of animals are not allowed in outdoor dining areas.

Animals other than dogs may not be in the outdoor dining area, and only service dogs may enter the indoor area of the restaurant.

Restaurants that do not follow these steps could receive a notice of violation, which carries a fine of up to \$350.

Depending on the type of inspection, the violation could also affect the restaurant's inspection grade.

Restaurants that allow pet dogs in outdoor dining areas can make additional rules.

Additional rules could include the maximum number of dogs allowed at any one time, the size and breed of dogs allowed and the sections of outdoor dining areas where customers with dogs can be seated.

To read the new "dining with dogs" rule, visit nyc.gov/health/foodservice.