

AN ACT

To amend section 3717.05 and to enact section 3717.14 of the Revised Code to generally allow the owner of a retail food establishment or food service operation to allow dogs in an outdoor dining area of the establishment or operation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3717.05 be amended and section 3717.14 of the Revised Code be enacted to read as follows:

Sec. 3717.05. (A) The director of agriculture and the director of health shall adopt rules establishing standards for safe food handling and sanitation in retail food establishments and food service operations. The rules shall be compiled as the Ohio uniform food safety code, which shall be used by the licensors of retail food establishments and food service operations in ensuring the safe handling of food in this state. All scientific provisions of the Ohio uniform food safety code that are relevant to both retail food establishments and food service operations shall be adopted by the director of agriculture and the director of health with each other's concurrence.

The Ohio uniform food safety code shall include the following:

- (1) Criteria for sanitation in retail food establishments and food service operations;
- (2) Criteria for equipment in retail food establishments and food service operations;
- (3) Criteria for reviewing the facility layout and equipment specifications of retail food establishments and food service operations;
- (4) A definition of "potentially hazardous" as it pertains to food in retail food establishments and to food in food service operations;
- (5) Criteria to be used in evaluating the primary business of a person or government entity for purposes of determining whether the person or entity should be licensed as a retail food establishment or food service operation.

(B)(1) Except as provided in ~~division~~ divisions (B)(2) and (3) of this section, if a model food code is established by the United States food and drug administration, the Ohio uniform food safety code shall be based on the most current version of the food and drug administration's model food code. If the food and drug administration adopts, modifies, or rescinds a provision in the model food code, not later than twelve months after the administration's action, the director of agriculture and director of health shall adopt, amend, or rescind provisions in the Ohio uniform food safety code to ensure that it continues to conform with the model food code.

(2) The Ohio uniform food safety code may contain or omit provisions that do not correspond to the food and drug administration's model food code if the director of agriculture or the director of health, with each other's concurrence, determines either of the following:

- (a) That rules can be adopted under this chapter that provide protection at least as effective as

that which would be provided by basing the rules on the model food code;

(b) That local conditions warrant the adoption of standards that are different from the model food code.

(3) The Ohio uniform food safety code shall contain the rules adopted under section 3717.14 of the Revised Code notwithstanding the content of the United States food and drug administration's model food code.

Sec. 3717.14. (A)(1) A retail food establishment or food service operation may allow a person to bring a dog in an outdoor dining area of the establishment or operation in accordance with this section. However, if the dog is a service animal, no establishment or operation shall refuse to allow the dog in the outdoor dining area unless such refusal is authorized under federal and state laws governing service animals.

(2) The director of agriculture and the director of health shall adopt rules allowing dogs in an outdoor dining area of a retail food establishment or food service operation. The rules shall include authorization for the directors to prohibit dogs in an outdoor dining area of an establishment or operation during a public health emergency.

(B) 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 shall 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 shall enforce the policy adopted under division (B)(1) of this section.

(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:

(a) 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;

(b) Any other standard established under this chapter.

(C) No person shall bring 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.

(D) As used in this section, "service animal" means any 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.

SECTION 2. That existing section 3717.05 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____