

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 263**

**Representative Lanese**

**Cosponsors: Representatives Young, Anielski, Antonio, Barnes, Boggs, Boyd, Greenspan, Hambley, Henne, Hughes, LaTourette, Leland, Lepore-Hagan, Miller, Patton, Ramos, Rogers, Scherer, Schuring, Sweeney, Thompson, West, Wiggam**

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**A BILL**

To enact section 3717.14 of the Revised Code to 1  
authorize a food service operation or retail 2  
food establishment to allow a person to bring a 3  
dog in an outdoor dining area of the 4  
establishment or operation under specified 5  
conditions. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3717.14 of the Revised Code be 7  
enacted to read as follows: 8

**Sec. 3717.14.** (A) As used in this section, "service 9  
animal" means any dog that is individually trained for the 10  
benefit of an individual with a disability to do work or perform 11  
tasks that are directly related to the individual's disability. 12

(B) A retail food establishment or food service operation 13  
may allow a person to bring a dog in an outdoor dining area of 14  
the establishment or operation in accordance with this section. 15  
However, if the dog is a service animal, no establishment or 16

operation shall refuse to allow the dog in the outdoor dining 17  
area unless such refusal is authorized under federal and state 18  
laws governing service animals. 19

(C) The director of agriculture and the director of health 20  
shall adopt rules governing dogs in an outdoor dining area of a 21  
retail food establishment or food service operation that do all 22  
of the following: 23

(1) Prohibit an employee, while working at an 24  
establishment or operation, from intentionally touching a dog; 25

(2) Require an employee who is serving a dog food or water 26  
to serve the dog's food on disposable single-use dining ware and 27  
the dog's water in a single-use container; 28

(3) Require an employee to wash the employee's hands 29  
immediately if the employee does either of the following: 30

(a) Inadvertently makes contact with a dog; 31

(b) Cleans up an area where dog waste was present. 32

(4) Require an establishment or operation to post a 33  
clearly visible sign informing patrons that dogs are allowed in 34  
the outdoor dining area of the establishment or operation; 35

(5) Require an establishment or operation to have an 36  
outdoor entrance to the establishment's or operation's outdoor 37  
dining area; 38

(6) Require an establishment or operation to notify the 39  
applicable local board of health at least thirty days before 40  
implementing a policy to allow dogs in an outdoor dining area; 41

(7) Require an establishment or operation to adopt a 42  
policy that requires patrons to keep their dog on a 43

nonretractable leash and supervised by a responsible adult while 44  
the dog is in an outdoor dining area; 45

(8) Require an establishment or operation to do all of the 46  
following: 47

(a) Dispose of dog waste, excessive dog hair, or any other 48  
biological material from a dog promptly, properly, and in a 49  
sanitary manner; 50

(b) Keep a sanitary waste disposal kit in the outdoor 51  
dining area that contains nitrile gloves, liquid absorbent, a 52  
scoop, and a scraper to be used to remove dog waste; 53

(c) Keep a sanitary waste clean-up kit in the outdoor 54  
dining area that contains disinfectant, a mop, disposable bags, 55  
and any other tool to complete the cleanup and disinfection of 56  
an area where dog waste was removed. The establishment or 57  
operation shall ensure that the sanitary waste clean-up kit is 58  
used solely for cleaning an area where dog waste is or was 59  
present. 60

(d) Keep stanchions or cones on the premises of the 61  
establishment or operation to be used to isolate an area where 62  
dog waste has been cleaned as the disinfectant dries. 63

(9) Prohibit an establishment or operation from allowing 64  
dogs to enter the outdoor dining area through the 65  
establishment's or operation's indoor dining area; 66

(10) Prohibit an establishment or operation from allowing 67  
patrons with dogs to sit at an outdoor bar; 68

(11) Prohibit an establishment or operation from allowing 69  
a dog in, or within five feet of, a food preparation area. 70

(D) A person who brings a dog to an outdoor dining area of 71

a retail food establishment or food service operation is liable 72  
for any damage the dog causes in the outdoor dining area of the 73  
establishment or operation. 74

(E) (1) No retail food establishment or food service 75  
operation shall violate any rule adopted under this section. 76

(2) A board of health may order the suspension of a retail 77  
food establishment's or food service operation's authority to 78  
allow dogs in the establishment's or operation's outdoor dining 79  
area if the establishment or operation violates any rule adopted 80  
under this section. 81

(3) Before issuing an order, a board shall give the 82  
establishment or operation written notice specifying each 83  
violation and a reasonable time within which the establishment 84  
or operation must correct each violation. However, if a 85  
violation presents a clear and present danger to the public 86  
health, the board may order the suspension of the retail food 87  
establishment's or food service operation's authority to allow 88  
dogs in the establishment's or operation's outdoor dining area 89  
without giving written notice or affording the establishment or 90  
operation the opportunity to correct the violation. 91

(4) If a retail food establishment or food service 92  
operation fails to correct the violation in the time specified 93  
by the board, the board shall provide written notice that the 94  
board is suspending the establishment's or operation's authority 95  
to allow dogs in the establishment's or operation's outdoor 96  
dining area. The board shall include in the notice the procedure 97  
for appealing the suspension. The retail food establishment or 98  
food service operation may appeal the suspension by giving 99  
written notice to the board and specifying in the notice whether 100  
a hearing is requested. 101

(5) An appeal requested under division (E) (4) of this 102  
section shall be conducted in the same manner as an appeal 103  
requested under division (D) of section 3717.29 of the Revised 104  
Code. 105

(6) If the board suspends a retail food establishment's or 106  
food service operation's authority to allow dogs in the 107  
establishment's or operation's outdoor dining area, it shall do 108  
so for the following time periods: 109

(a) For a first violation within any one-year period, 110  
thirty days; 111

(b) For a second violation within any one-year period, six 112  
months; 113

(c) For a third or subsequent violation within any one- 114  
year period, twelve months. 115