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**Sponsor Testimony for House Bill 263**

**May 15, 2018**

**Before the Senate Health, Human Services and Medicaid Committee**

Chairman Burke, Vice Chair Beagle, Ranking Member Tavares, and members of the

Senate Health, Human Services and Medicaid Committee: thank you for allowing me the

opportunity to provide sponsor testimony on HB 263, which gives restaurants and bars the option to allow dogs on their patios.

HB 263 is important to our state for three reasons. First, it allows Ohio restaurants and bars to make business decisions without the unnecessary interference from the state regulatory arm. Second, it encourages patrons and tourists to spend more money in Ohio. And finally, it responds to an overwhelming request from our constituents to be more pet-friendly.

This is a significant piece of legislation because it recognizes that restaurant and bar owners, not the state, know what is best for their businesses. It sends the message that we will continue to roll back unnecessary and often overreaching regulations. For years bars and restaurants have been allowing dogs on their patios with much success and little attention. However, in May of last year, the Franklin County Health Department started enforcing section 3717-1-06.4 (O) of the OAC, prohibiting restaurants from having dogs on their patios in response to a complaint. After reading about the backlash to this enforcement action, I decided to introduce this legislation.

Since the introduction of the bill, my office has heard from scores of businesses who have been hurt by the enforcement of section 3717, as well as from their patrons who are now foreclosed from dining with their dogs. And as many of us know, even a marginal decrease in revenue can have a major impact on profitability and viability of small, locally-owned restaurants. The establishments that have been affected come from all over the state. Businesses like Luxe Kitchen in Cleveland, Gervasi Vineyards in Canton, Northstar Café, Oddfellows, Local Cantina, and Standard Hall all in Columbus as well as numerous others are on board with this bill. And even restaurants that won’t be allowing dogs at their facilities are supportive of giving business owners the right to make business decisions. It’s important to stress that this permissive. Businesses who don’t want to permit dogs on their patios are free to prohibit them. It’s also important to stress that this only affects restaurant and bar patios. Dogs, unless they are service dogs, will still be barred from entering the inside of a restaurant, thereby giving patrons the option to dine inside at their favorite restaurant and avoid the dogs on the patios.

Second, allowing dogs on restaurant and bar patios will be important to Ohio tourism. Hotels, airplanes, airports, parks and retail outlets have seen the importance of being pet-friendly. These businesses have discovered an untapped market: travelers with pets. Travel guides have popped up to advise consumers on the most pet-friendly places to visit. And this includes restaurants in Ohio, despite the current prohibition. Other states, Including Florida, California and Maryland, have been allowing dogs on patios for years. These are all tourist-heavy states. It’s even wending its way through the Michigan legislature as we speak. Currently a traveler with a dog in Ohio has only one option when dining—fast food restaurants. Other Ohio dining establishments would like a share of this $44 billion industry. And Ohio tourists would love the option to dine outside with their pet when traveling.

Finally, to say this is popular with dog owners would be an understatement. It underscores the strong human-animal bond and resonates with the more than 40% of Ohioans who own dogs. One local group that grew out of this issue, Ohio 4 Pups on Patios, started an online petition and received more than 10,000 signatures. A companion opposing petition received ten. Other groups supporting this legislation are Columbus Chamber of Commerce, Ohio Restaurant Association and Wagtown. Media outlets all over the state have been covering this bill because Ohioans love their puppies. Dog owners enthusiastically support this bill because it allows them to spend time with their pets after work and to socialize with their friends, which of course brings us back to why this is good for the restaurant and bar industry.

It’s important to note that we have met with those who are tasked with protecting the health of Ohioans: The Franklin County Public Health Department the Ohio Department of Health, and the Ohio Department of Agriculture took part in our interested party meetings and telephone conversations as we worked to develop some common-sense guidelines for proper health and sanitation issues. Some of the restrictions included in this legislation are: requiring outdoor access to the patio so that the dogs won’t be able to walk inside, giving restaurant owners full discretion on the dogs they allow, and requiring dog-specific sanitation kits and that dogs be leashed at all times. As part of the research on this issue, my office staff called health departments in other states to see if there had been any increase in sanitation or health concerns after allowing dogs on patios in their localities. There had not been. Likewise, we did considerable research on trying to discern any other health concerns. There were not. In fact, the Franklin County Health Department is a supporter of this bill, as they see no major health concerns stemming from this proposal, especially with the safeguards the bill puts in place.

Eating in a restaurant comes with its own set of risks, which is why we have health departments to manage these risks. Patrons are more likely to get ill from other diners than from dogs. Think about the buffet bar sneeze protector, the ‘must wash hands’ sign in the bathroom, or the nearby diner with the flu. There’s also likely a greater risk from the squirrel and bird droppings on patios than from dogs. We could find only one study on the topic, and the study’s conclusion was that any increased health risk from dogs on patios was inconclusive.

This legislation is about taking unnecessary authority out of the government’s hands and placing it back in the hands of the business owner. We can’t bubble wrap the world to make it completely safe, but the health standards that we have introduced and have been approved by the state health agencies will make this practice safer. Many Ohio restaurants and bars have continued allowing dogs on patios despite the prohibition. We’d like to make it legal and safer than the current practice. This legislation will also allow the consumer to choose which environments and ambiances best suit their dining needs. When market forces dictate the decisions of business owners rather than the legislature, businesses thrive.

I’d be happy to answer any questions from the committee.