

**As Reported by the House Economic Development, Commerce, and Labor
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. H. B. No. 263

**Representative Lanese
Cosponsor: Representative Young**

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