

**As Reported by the Senate Health, Human Services and Medicaid
Committee**

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**

A BILL

To amend section 3717.05 and to enact section 1
3717.14 of the Revised Code to generally allow 2
the owner of a retail food establishment or food 3
service operation to allow dogs in an outdoor 4
dining area of the establishment or operation. 5

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

Section 1. That section 3717.05 be amended and section 6
3717.14 of the Revised Code be enacted to read as follows: 7

Sec. 3717.05. (A) The director of agriculture and the 8
director of health shall adopt rules establishing standards for 9
safe food handling and sanitation in retail food establishments 10
and food service operations. The rules shall be compiled as the 11
Ohio uniform food safety code, which shall be used by the 12
licensors of retail food establishments and food service 13
operations in ensuring the safe handling of food in this state. 14
All scientific provisions of the Ohio uniform food safety code 15
that are relevant to both retail food establishments and food 16

service operations shall be adopted by the director of 17
agriculture and the director of health with each other's 18
concurrence. 19

The Ohio uniform food safety code shall include the 20
following: 21

(1) Criteria for sanitation in retail food establishments 22
and food service operations; 23

(2) Criteria for equipment in retail food establishments 24
and food service operations; 25

(3) Criteria for reviewing the facility layout and 26
equipment specifications of retail food establishments and food 27
service operations; 28

(4) A definition of "potentially hazardous" as it pertains 29
to food in retail food establishments and to food in food 30
service operations; 31

(5) Criteria to be used in evaluating the primary business 32
of a person or government entity for purposes of determining 33
whether the person or entity should be licensed as a retail food 34
establishment or food service operation. 35

(B) (1) Except as provided in ~~division~~ divisions (B) (2) and 36
(3) of this section, if a model food code is established by the 37
United States food and drug administration, the Ohio uniform 38
food safety code shall be based on the most current version of 39
the food and drug administration's model food code. If the food 40
and drug administration adopts, modifies, or rescinds a 41
provision in the model food code, not later than twelve months 42
after the administration's action, the director of agriculture 43
and director of health shall adopt, amend, or rescind provisions 44
in the Ohio uniform food safety code to ensure that it continues 45

to conform with the model food code. 46

(2) The Ohio uniform food safety code may contain or omit 47
provisions that do not correspond to the food and drug 48
administration's model food code if the director of agriculture 49
or the director of health, with each other's concurrence, 50
determines either of the following: 51

(a) That rules can be adopted under this chapter that 52
provide protection at least as effective as that which would be 53
provided by basing the rules on the model food code; 54

(b) That local conditions warrant the adoption of 55
standards that are different from the model food code. 56

(3) The Ohio uniform food safety code shall contain the 57
rules adopted under section 3717.14 of the Revised Code 58
notwithstanding the content of the United States food and drug 59
administration's model food code. 60

Sec. 3717.14. (A) (1) A retail food establishment or food 61
service operation may allow a person to bring a dog in an 62
outdoor dining area of the establishment or operation in 63
accordance with this section. However, if the dog is a service 64
animal, no establishment or operation shall refuse to allow the 65
dog in the outdoor dining area unless such refusal is authorized 66
under federal and state laws governing service animals. 67

(2) The director of agriculture and the director of health 68
shall adopt rules allowing dogs in an outdoor dining area of a 69
retail food establishment or food service operation. The rules 70
shall include authorization for the directors to prohibit dogs 71
in an outdoor dining area of an establishment or operation 72
during a public health emergency. 73

(B) If an establishment or operation allows a person to 74

bring a dog in an outdoor dining area of the establishment or 75
operation, the establishment or operation shall do all of the 76
following: 77

(1) Adopt a policy that requires patrons to control their 78
dog, whether with a leash or otherwise, while the dog is in the 79
outdoor dining area. The establishment or operation shall 80
enforce the policy adopted under division (B)(1) of this 81
section. 82

(2) Not allow the person to take the dog into the outdoor 83
dining area through any of the establishment's or operation's 84
indoor areas; 85

(3) Comply with both of the following: 86

(a) All sanitation standards established in the Ohio 87
uniform food safety code other than those standards that 88
prohibit dogs in an outdoor dining area of an establishment or 89
operation; 90

(b) Any other standard established under this chapter. 91

(C) No person shall bring a dog in an outdoor dining area 92
of an establishment or operation if the dog is not properly 93
vaccinated in accordance with all state and local laws. 94

(D) As used in this section, "service animal" means any 95
dog that is individually trained for the benefit of an 96
individual with a disability to do work or perform tasks that 97
are directly related to the individual's disability. 98

Section 2. That existing section 3717.05 of the Revised 99
Code is hereby repealed. 100