

December 4, 2017

Chairman Burke, Ranking Member Tavares, and members of the Senate Health, Human Services and Medicaid Committee:

Thank you for the opportunity to submit comments on Senate Bill 182, legislation to allow a dog owner to take the dog in an outdoor dining area of a retail food establishment or food service operation.

Our goals related to S.B. 182 are to ensure businesses can operate efficiently in a competitive business environment that allows them to grow and thrive. This summer in Columbus, we received inquiries from breweries and restaurants that had been fined by local health departments for welcoming dogs on their patios. After reviewing Ohio Administrative Code Section 3717-1-06.4, we informed members that with the exception of service dogs, animals are prohibited on the premises of a food service operation or retail food establishment, and began conversations to change the law.

Approximately 37% of pet owners take their animals on the road, up 19% from 10 years ago. Not only is the Columbus region home to numerous events that are geared towards pets, but Experience Columbus also has launched a new dog-friendly travel program that helps residents and visitors identify dog-friendly lodging, shopping, and attractions throughout the city, in which numerous establishments have expressed an interest in participating. Furthermore, many states have already enacted or are working towards changing their health code to allow restaurants this option.

The Columbus Chamber opposes varied, local, piecemeal ordinances that create a patchwork of regulations that are complicated and difficult for businesses operating in multiple jurisdictions to comply with. We support one uniform statewide statute that will provide clarity and consistency for restaurant owners, so appreciate the introduction of S.B. 182 by Senator Coley and H.B. 263 by Rep. Lanese.

We also request a robust general law that leaves the least amount of discretion to the agencies to interpret through the rulemaking process. Further, the Chamber strongly opposes granting authority to municipalities to create their own regulations and variances relating to dogs on patios, as well as the creation of a permitting process or additional inspections that would add any new layers of costs and bureaucracy on businesses.

With that specificity in mind, we request your consideration of the following:

Broad business owner discretion that allows businesses to:

1. Decide *if* they will allow dogs on their premises
2. Impose limits on the size and breed of dog permitted on their premises
3. Deny entry to the premises and eject from the premises any patron accompanied by a dog
4. Implement any other limitations or restrictions relating to dogs that may accompany a patron onto the premises

Protection from liability:

1. The dog owner is liable for any damage or injury caused by dog to the premises, fixtures and furniture, employees and patrons
2. The dog owner must be a responsible adult in control of the dog

The Chamber requests the following definition of “patio”/ outdoor premises, as defined in current law:

R.C. 3794.01(1): “outdoor patio” means an area that is either: enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides; or has no roof or other overhead covering regardless of the number of walls or other side coverings.

The Chamber believes it should not constitute a violation of the health and safety code for an employee to interact with and handle a dog. We also do not believe dogs should be limited to the ground. However, we believe it is reasonable to regulate the following:

- All food service establishment employees shall wash their hands promptly after touching, petting or otherwise handling a pet dog. Employees shall be prohibited from touching, petting or otherwise handling pet dogs while serving food or beverages or handling tableware.
- The outdoor dining area shall be maintained free of visible dog hair, dog dander, and other dog-related waste and debris. Dogs shall not be allowed in contact with utensils and tableware such as bowls and cups.

Thank you for your consideration of these requests, and for your support of the region’s businesses in drafting this legislation. The health and safety of Columbus residents and visitors remains paramount, but restaurant owners believe they can maintain the highest standards of sanitation while welcoming dogs to their patios, and we believe they should be permitted to choose whether they wish to do so.

Please do not hesitate to contact us should you need additional information.

Sincerely,

Holly Gross  
Vice President, Government Relations