

4327

2015-2016 Regular Sessions

I N   S E N A T E

March 13, 2015

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Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to outdoor seating areas at food service establishments

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The public health law is amended by adding a new section  
2     1352-e to read as follows:

3     S 1352-E. LIVE ANIMALS AT FOOD SERVICE ESTABLISHMENTS. 1. EXCEPT AS  
4     AUTHORIZED IN THIS SECTION, OR AS OTHERWISE EXPRESSLY PERMITTED BY LAW,  
5     LIVE ANIMALS SHALL NOT BE ALLOWED IN A FOOD SERVICE ESTABLISHMENT, AS  
6     DEFINED IN THE STATE SANITARY CODE.

7     2. PET DOGS UNDER THE CONTROL OF A PERSON MAY BE ALLOWED IN AN OUTDOOR  
8     DINING AREA AT A FOOD SERVICE ESTABLISHMENT IF ALL OF THE FOLLOWING  
9     CONDITIONS ARE SATISFIED:

10    (A) THE OWNER OF THE FOOD FACILITY ELECTS TO ALLOW PET DOGS IN ITS  
11    OUTDOOR DINING AREA;

12    (B) A SEPARATE OUTDOOR ENTRANCE IS PRESENT WHERE PET DOGS ENTER WITH-  
13    OUT GOING THROUGH THE FOOD ESTABLISHMENT TO REACH THE OUTDOOR DINING  
14    AREA AND PET DOGS ARE NOT ALLOWED ON CHAIRS, BENCHES, SEATS OR OTHER  
15    FIXTURES;

16    (C) THE OUTDOOR DINING AREA IS NOT USED FOR FOOD OR DRINK PREPARATION  
17    OR THE STORAGE OF UTENSILS. A FOOD EMPLOYEE MAY REFILL A BEVERAGE GLASS  
18    IN THE OUTDOOR DINING AREA FROM A PITCHER OR OTHER CONTAINER;

19    (D) FOOD AND WATER PROVIDED TO PET DOGS SHALL ONLY BE IN SINGLE-USE  
20    DISPOSABLE CONTAINERS;

21    (E) FOOD EMPLOYEES ARE PROHIBITED FROM HAVING DIRECT CONTACT WITH PET  
22    DOGS WHILE ON DUTY. A FOOD EMPLOYEE WHO DOES HAVE SUCH PROHIBITED DIRECT  
23    CONTACT SHALL WASH HIS OR HER HANDS AS REQUIRED BY LAW;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 (F) THE OUTDOOR DINING AREA IS MAINTAINED CLEAN. SURFACES THAT HAVE  
2 BEEN CONTAMINATED BY DOG EXCREMENT OR OTHER BODILY FLUIDS SHALL BE  
3 CLEANED AND SANITIZED;  
4 (G) THE PET DOG IS ON A LEASH OR CONFINED IN A PET CARRIER AND IS  
5 UNDER THE CONTROL OF THE PET DOG OWNER;  
6 (H) THE FOOD FACILITY OWNER ENSURES COMPLIANCE WITH LOCAL ORDINANCES  
7 RELATED TO SIDEWALKS, PUBLIC NUISANCE AND SANITATION; AND  
8 (I) SUCH OTHER CONTROL MEASURES APPROVED BY THE ENFORCEMENT AGENCY ARE  
9 COMPLIED WITH.  
10 S 2. This act shall take effect immediately.