

4327--A

Cal. No. 396

2015-2016 Regular Sessions

I N   S E N A T E

March 13, 2015

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Introduced by Sens. HANNON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. COMPANION DOGS AT FOOD SERVICE ESTABLISHMENTS. 1. COMPANION  
4     DOGS UNDER THE CONTROL OF A PERSON MAY BE ALLOWED IN AN OUTDOOR DINING  
5     AREA AT A FOOD SERVICE ESTABLISHMENT IF ALL OF THE FOLLOWING CONDITIONS  
6     ARE SATISFIED:  
7     (A) THE OWNER OF THE FOOD FACILITY ELECTS TO ALLOW COMPANION DOGS IN  
8     ITS OUTDOOR DINING AREA OR A DESIGNATED PORTION OF IT, AND SUBJECT TO  
9     ANY RESTRICTIONS THAT THE OWNER OF THE FACILITY MAY ESTABLISH;  
10    (B) A SEPARATE OUTDOOR ENTRANCE IS PRESENT WHERE COMPANION DOGS ENTER  
11    WITHOUT GOING THROUGH THE FOOD ESTABLISHMENT TO REACH THE OUTDOOR DINING  
12    AREA AND COMPANION DOGS ARE NOT ALLOWED ON CHAIRS, BENCHES, SEATS OR  
13    OTHER FIXTURES;  
14    (C) THE OUTDOOR DINING AREA IN WHICH COMPANION DOGS ARE ALLOWED IS NOT  
15    USED FOR FOOD OR DRINK PREPARATION OR THE STORAGE OF UTENSILS. A FOOD  
16    EMPLOYEE MAY REFILL A BEVERAGE GLASS IN THE OUTDOOR DINING AREA FROM A  
17    PITCHER OR OTHER CONTAINER;  
18    (D) FOOD AND WATER PROVIDED TO COMPANION DOGS SHALL ONLY BE IN  
19    SINGLE-USE DISPOSABLE CONTAINERS;

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

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1 (E) FOOD EMPLOYEES ARE PROHIBITED FROM HAVING DIRECT CONTACT WITH  
2 COMPANION DOGS WHILE ON DUTY. A FOOD EMPLOYEE WHO DOES HAVE SUCH PROHIB-  
3 ITED DIRECT CONTACT SHALL WASH HIS OR HER HANDS AS REQUIRED BY LAW;

4 (F) THE OUTDOOR DINING AREA IS MAINTAINED CLEAN. SURFACES THAT HAVE  
5 BEEN CONTAMINATED BY DOG EXCREMENT OR OTHER BODILY FLUIDS SHALL BE  
6 CLEANED AND SANITIZED;

7 (G) THE COMPANION DOG IS ON A LEASH OR CONFINED IN A PET CARRIER AND  
8 IS UNDER THE CONTROL OF THE COMPANION DOG OWNER;

9 (H) THERE IS REASONABLE SIGNAGE INDICATING THAT COMPANION DOGS ARE  
10 ALLOWED IN THE OUTDOOR DINING AREA OR A DESIGNATED PORTION OF IT. THE  
11 SIGNAGE SHALL STATE THAT RESTRICTIONS ON COMPANION DOGS DO NOT APPLY TO  
12 GUIDE, HEARING OR SERVICE ANIMALS;

13 (I) THE FOOD FACILITY OWNER ENSURES COMPLIANCE WITH LOCAL ORDINANCES  
14 RELATED TO SIDEWALKS, PUBLIC NUISANCE AND SANITATION; AND

15 (J) SUCH OTHER CONTROL MEASURES APPROVED BY THE ENFORCEMENT AGENCY ARE  
16 COMPLIED WITH.

17 2. THIS SECTION SHALL NOT IMPAIR OR DIMINISH THE RIGHT OF AN INDIVID-  
18 UAL TO BE ACCOMPANIED BY AN ANIMAL WHERE OTHERWISE PERMITTED BY LAW,  
19 INCLUDING BUT NOT LIMITED TO THE RIGHTS OF PEOPLE WITH DISABILITIES  
20 USING GUIDE, HEARING OR SERVICE ANIMALS.

21 3. FOR PURPOSES OF THIS SECTION:

22 (A) "FOOD SERVICE ESTABLISHMENT" SHALL MEAN ANY BUSINESS WHICH HAS  
23 AREAS, INCLUDING OUTDOOR SEATING AREAS, IN WHICH FOOD IS SOLD FOR  
24 ON-PREMISES CONSUMPTION.

25 (B) "COMPANION DOG" SHALL MEAN A DOMESTICATED DOG ACCOMPANYING AN  
26 INDIVIDUAL OR OWNER FOR THE PURPOSE OF COMPANIONSHIP OR CONVENIENCE OF  
27 SUCH INDIVIDUAL OR OWNER, AND SHALL NOT INCLUDE GUIDE, HEARING OR  
28 SERVICE DOGS.

29 S 2. This act shall take effect immediately.