S T A T E O F N E W Y O R K

5956--C

2015-2016 Regular Sessions

I N A S S E M B L Y

March 9, 2015

Introduced by M. of A. ROSENTHAL, GLICK, McDONALD, BROOK-KRASNY, GALEF, SOLAGES, BARRETT, SEAWRIGHT, TITONE, RA, TEDISCO, SANTABARBARA -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

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:

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

S 1352-E. COMPANION DOGS AT FOOD SERVICE ESTABLISHMENTS. 1. COMPANION DOGS UNDER THE CONTROL OF A PERSON MAY BE ALLOWED IN AN OUTDOOR DINING AREA AT A FOOD SERVICE ESTABLISHMENT IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

(A) THE OWNER OF THE FOOD FACILITY ELECTS TO ALLOW COMPANION DOGS IN ITS OUTDOOR DINING AREA OR A DESIGNATED PORTION OF IT, AND SUBJECT TO ANY RESTRICTIONS THAT THE OWNER OF THE FACILITY MAY ESTABLISH;

(B) A SEPARATE OUTDOOR ENTRANCE IS PRESENT WHERE COMPANION DOGS ENTER WITHOUT GOING THROUGH THE FOOD ESTABLISHMENT TO REACH THE OUTDOOR DINING AREA AND COMPANION DOGS ARE NOT ALLOWED ON CHAIRS, BENCHES, SEATS OR OTHER FIXTURES;

(C) THE OUTDOOR DINING AREA IN WHICH COMPANION DOGS ARE ALLOWED IS NOT USED FOR FOOD OR DRINK PREPARATION OR THE STORAGE OF UTENSILS. A FOOD EMPLOYEE MAY REFILL A BEVERAGE GLASS IN THE OUTDOOR DINING AREA FROM A PITCHER OR OTHER CONTAINER;

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

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

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

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

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

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

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

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

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

3. FOR PURPOSES OF THIS SECTION:

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

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

S 2. This act shall take effect immediately.