

5956

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 9, 2015

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Introduced by M. of A. ROSENTHAL -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to live animals at  
food service establishments

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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     SPECIFIED IN THIS SECTION, OR OTHERWISE EXPRESSLY PERMITTED BY LAW, LIVE  
5     ANIMALS SHALL NOT BE ALLOWED IN A FOOD SERVICE ESTABLISHMENT AS DEFINED  
6     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 SERVICE ESTABLISHMENT ELECTS TO ALLOW PET  
11    DOGS IN ITS OUTDOOR DINING AREA.  
12    (B) A SEPARATE OUTDOOR ENTRANCE IS PRESENT WHERE PET DOGS ENTER WITH-  
13    OUT GOING THROUGH THE FOOD SERVICE ESTABLISHMENT TO REACH THE OUTDOOR  
14    DINING AREA AND PET DOGS ARE NOT ALLOWED ON CHAIRS, BENCHES, SEATS, OR  
15    OTHER FIXTURES.  
16    (C) THE OUTDOOR DINING AREA IS NOT USED FOR FOOD OR DRINK PREPARATION  
17    OR THE STORAGE OF UTENSILS. AN EMPLOYEE SERVING FOOD MAY REFILL A BEVER-  
18    AGE GLASS 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) EMPLOYEES SERVING FOOD ARE PROHIBITED FROM HAVING DIRECT CONTACT  
22    WITH PET DOGS WHILE ON DUTY. EMPLOYEES WHO HAVE DIRECT CONTACT WITH A  
23    PET DOG SHALL WASH HIS OR HER HANDS.

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 AND CLEANED. SURFACES THAT  
2 HAVE 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 OWNER OF THE FOOD SERVICE ESTABLISHMENT SHALL ENSURE COMPLI-  
7 ANCE WITH LOCAL ORDINANCES RELATED TO SIDEWALKS, PUBLIC NUISANCE, AND  
8 SANITATION.
- 9 (I) OTHER CONTROL MEASURES APPROVED BY THE ENFORCEMENT AGENCY.
- 10 S 2. This act shall take effect immediately.