

1 HB235  
2 197877-6  
3 By Representative McMillan  
4 RFD: County and Municipal Government  
5 First Read: 02-FEB-21  
6 PFD: 02/01/2021

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Relating to pet dogs; to permit a pet dog in  
9 an outdoor dining area of a food service  
10 establishment under certain conditions.

11  
12 A BILL  
13 TO BE ENTITLED  
14 AN ACT

15  
16 Relating to pet dogs; to permit a pet dog in an  
17 outdoor dining area of a food service establishment under  
18 certain conditions.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) A pet dog that is under the control  
21 of a person shall be permitted in an outdoor dining area of a  
22 food service establishment if all of the following conditions  
23 are met:

24 (1) The owner of the food service establishment  
25 elects to allow pet dogs in its outdoor dining area. To  
26 evidence this election, the owner of the food service facility

1 shall file for a waiver with the State Health Department  
2 stating they will adhere to the prescribed rules.

3 (2) A separate outdoor entrance is present where the  
4 pet dog can enter without going through the food service  
5 establishment to reach the outdoor dining area.

6 (3) A prominent sign is displayed sufficient to put  
7 the public on notice that the designated outdoor dining area  
8 is available for the use of patrons with pet dogs.

9 (4) A pet dog is not allowed on the chairs, benches,  
10 seats, or other fixtures in the outdoor dining area of the  
11 food service establishment.

12 (5) The outdoor dining area is not used for food  
13 preparation or the storage of utensils.

14 (6) The designated outdoor dining area where pet  
15 dogs are allowed is at least 12 feet away from any bar or area  
16 where beverages are prepared.

17 (7) A food service establishment employee refills  
18 beverages from a pitcher or other container at the table in  
19 the outdoor dining area where pet dogs are allowed.

20 (8) The outdoor dining area is well maintained, kept  
21 clean, and all surfaces that have been contaminated by pet dog  
22 excrement or other pet dog bodily fluids are properly cleaned  
23 and sanitized.

24 (9) The pet dog is kept on a leash or confined in a  
25 pet carrier at all times and is kept under the control of the  
26 person possessing the pet dog.

1           (10) The food service establishment ensures it is in  
2 compliance with all local ordinances related to sidewalks,  
3 public nuisances, and sanitation.

4           (b) (1) A food service establishment employee is  
5 prohibited from having direct contact with a pet dog in the  
6 outdoor dining area while on duty.

7           (2) A food service establishment employee who  
8 violates subdivision (1) shall wash his or her hands as  
9 required by food safety regulations.

10          (c) The owner of a pet dog is liable for any damages  
11 to the property of the food service establishment by the pet  
12 dog.

13          (d) All live animals are prohibited from being  
14 inside a food service establishment, except as provided by the  
15 applicable regulations of the federal Food and Drug  
16 Administration, and except as follows:

17           (1) Service dogs which are individually trained to  
18 provide assistance to an individual with a disability.

19           (2) Dogs under the control of a uniformed law  
20 enforcement officer acting within the course and scope of his  
21 or her duties.

22          (e) Emotional support animals are not service dogs  
23 within the meaning of the Americans with Disabilities Act and  
24 are therefore expressly prohibited from being inside a food  
25 service establishment.

26          Section 2. (a) A state or local health department  
27 may not prohibit the serving of wine or beer, including draft

1 beer, in a food service establishment that allows pet dogs in  
2 accordance with Section 1 or a dog park if the establishment  
3 or dog park otherwise meets the requirements for having a  
4 retail license to serve wine or beer for on-premises  
5 consumption.

6 (b) For purposes of this section, dog park means an  
7 enclosed area used primarily for dogs to play off-leash in a  
8 controlled environment under the supervision of the dog's  
9 owner and authorized to operate under existing laws.

10 Section 3. This act shall become effective on the  
11 first day of the third month following its passage and  
12 approval by the Governor, or its otherwise becoming law.