

1 HB235  
2 197877-8  
3 By Representative McMillan  
4 RFD: County and Municipal Government  
5 First Read: 02-FEB-21  
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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(1) The owner of the food service establishment elects to allow pet dogs in its outdoor dining area. To evidence this election, the owner of the food service facility shall file for a waiver with the State Health Department stating they will adhere to the prescribed rules.

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

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

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

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

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

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

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

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

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

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

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

1           (c) The owner of a pet dog is liable for any damages  
2 to the property of the food service establishment by the pet  
3 dog.

4           (d) All live animals are prohibited from being  
5 inside a food service establishment, except as provided by the  
6 applicable regulations of the federal Food and Drug  
7 Administration, and except as follows:

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

10           (2) Dogs under the control of a uniformed law  
11 enforcement officer acting within the course and scope of his  
12 or her duties.

13           (e) Emotional support animals are not service dogs  
14 within the meaning of the Americans with Disabilities Act and  
15 are therefore expressly prohibited from being inside a food  
16 service establishment.

17           Section 2. (a) A state or local health department  
18 may not prohibit the serving of wine or beer, including draft  
19 beer, in a food service establishment that allows pet dogs in  
20 accordance with Section 1 or a dog park if the establishment  
21 or dog park otherwise meets the requirements for having a  
22 retail license to serve wine or beer for on-premises  
23 consumption.

24           (b) For purposes of this section, dog park means an  
25 enclosed area used primarily for dogs to play off-leash in a

1 controlled environment under the supervision of the dog's  
2 owner and authorized to operate under existing laws.

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

