

HOUSE BILL 1603

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 18 and Title 6, Chapter 54, relative to municipal authority to create an ordinance authorizing the admittance of dogs in outside restaurant dining areas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 6-54-134.

(a) For purposes of this section, "companion dog" means a dog other than a service or guide dog assisting a handicapped person.

(b) Notwithstanding any other prohibition to the contrary, a municipality with a population of at least one hundred thousand (100,000), according to the 2000 federal census or any subsequent census, may, by ordinance, authorize the presence of companion dogs in outdoor dining areas of restaurants, if the ordinance provides for adequate controls to ensure compliance with the Tennessee Food, Drug and Cosmetic Act, compiled in title 53, chapter 1, and any other applicable statutes and ordinances. An ordinance enacted under this section shall provide for a permitting process to authorize individual restaurants to permit dogs as provided in this section and to charge applicants and authorized restaurants a reasonable permit fee as the ordinance may establish. Additionally, any such ordinance shall provide that:

(1) No companion dog shall be present in the interior of any restaurant or in any area where food is prepared;

(2) The restaurant shall have the right to refuse to serve the owner of a companion dog if the owner fails to exercise reasonable control over the companion dog or the companion dog is otherwise behaving in a manner that compromises or threatens to compromise the health or safety of any person present in the restaurant;

(3) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling a companion dog. Employees shall be prohibited from touching, petting, or otherwise handling companion dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment;

(4) Employees and patrons shall be instructed that they shall not allow companion dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;

(5) Patrons shall keep their companion dogs on a leash at all times and keep their companion dogs under reasonable control;

(6) Companion dogs shall not be allowed on chairs, tables, or other furnishings;

(7) Accidents involving companion dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area;

(8) A sign or signs reminding employees and patrons of the applicable rules shall be posted on the premises in a manner and place as determined by the local permitting authority; and

(9) Companion dogs shall not be permitted to travel through indoor or nondesignated portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food establishment shall not require entrance into or passage through any indoor area of the food establishment.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.