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## Guidance for Food Service Operations and Retail Food Establishments to Allow Dogs in Outdoor Dining Areas

On July 30, 2018, Governor John Kasich signed House Bill 263, which amends Ohio Revised Code (ORC) section 3717.05 and enacts ORC section 3717.14, authorizing owners of food service operations (FSO) and retail food establishments (RFE) to allow dogs in an outdoor dining area of the FSO or RFE. The new law, which is effective on October 29, 2018, contains the following language:

*(A)(1) A retail food establishment or food service operation may allow a person to bring a dog in an outdoor dining area of the establishment or operation in accordance with this section. However, if the dog is a service animal, no establishment or operation shall refuse to allow the dog in the outdoor dining area unless such refusal is authorized under federal and state laws governing service animals.*

*(2) The director of agriculture and the director of health shall adopt rules allowing dogs in an outdoor dining area of a retail food establishment or food service operation. The rules shall include authorization for the directors to prohibit dogs in an outdoor dining area of an establishment or operation during a public health emergency.*

*(B) If an establishment or operation allows a person to bring a dog in an outdoor dining area of the establishment or operation, the establishment or operation shall do all of the following:*

*(1) Adopt a policy that requires patrons to control their dog, whether with a leash or otherwise, while the dog is in the outdoor dining area. The establishment or operation shall enforce the policy adopted under division (B)(1) of this section.*

*(2) Not allow the person to take the dog into the outdoor dining area through any of the establishment's or operation's indoor areas;*

*(3) Comply with both of the following:*

*(a) All sanitation standards established in the Ohio uniform food safety code other than those standards that prohibit dogs in an outdoor dining area of an establishment or operation;*

*(b) Any other standard established under this chapter.*

*(C) No person shall bring a dog in an outdoor dining area of an establishment or operation if the dog is not properly vaccinated in accordance with all state and local laws.*

*(D) As used in this section, "service animal " means any dog that is individually trained for the benefit of an individual with a disability to do work or perform tasks that are directly related to the individual's disability.*

The Directors of Health and Agriculture will be releasing draft rules in the next couple of months for Dogs in Outdoor Dining Areas. Once completed, the draft rules will be presented to the Retail Food Safety Advisory Council and stakeholders for input and will be posted on ODH's website for an informal 30-day comment period. Once all stakeholder comments and input are received, a final version of the rules will be released for official rule adoption process for inclusion in the Ohio Uniform Food Safety Code.

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The following statutory requirements are effective on October 29, 2018:

Any FSO or RFE that wishes to allow dogs in the outdoor dining area must comply with the following standards in the new law:

- Adopt and enforce a policy that requires patrons to control their dogs while in the outdoor dining area.
- Dogs may not enter the outdoor dining area through the interior of an FSO or RFE.
- Comply with all sanitation standards in the Ohio Uniform Food Safety Code including, but not limited to, cleanliness and maintenance of the outdoor dining area; hand washing; handling and storage of food, equipment and utensils; washing and sanitizing of equipment and utensils.
- All dogs entering an outdoor dining area must be properly vaccinated.
- Service animals are permitted to enter Food Service Operations and Retail Food Establishments as specified in OAC 3717-1-06.4 (O).

The following additional minimum guidance is being provided to FSOs and RFEs that wish to allow dogs in outdoor dining areas. These items will be proposed in draft rules for consideration.

- FSOs and RFEs should have supplies and materials available to clean up urine, feces, or other matter from the outdoor dining area.
- An FSO or RFE should prohibit employees from intentionally contacting dogs while on duty.
- Employees shall wash their hands after touching a dog; cleaning up dog hair, urine, feces or other matter; and as required by the Ohio Uniform Food Safety Code.
- Dogs should not enter areas located in an outdoor dining area that are used for food preparation or for storage of food, equipment, utensils, single use items and single use articles.
- Any dog bites that occur in an outdoor dining area must be reported to the health commissioner of the district in which such bite occurred, as specified under 3701-3-28 of the Administrative Code.
- It is recommended that FSOs and RFEs that allow dogs in outdoor dining areas develop written policies that specify requirements for patrons and employees to follow, such as: cleaning of dog waste; controlling of dogs; posting of signage that includes a statement that the FSO or RFE allows dogs in outdoor dining areas, and contact information for the local health department and local dog warden; and rules of conduct for patrons and dogs in the outdoor dining area.

Please contact your local health district if you have any questions regarding this information.

Revised 10/26/18