

BILL ANALYSIS

Senate Research Center

S.B. 476
By: Hancock
Business & Commerce
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law generally prohibits live animals, including dogs, inside restaurants where food could potentially be contaminated. However, many food service establishments with outdoor dining areas—such as patios or sidewalk seating—choose to allow patrons to be accompanied by their well-behaved and well-controlled dogs.

Unfortunately, certain municipalities have enacted onerous restrictions on these establishments, including dog variance applications, periodic fees, extra inspections, and over-the-top regulations.

S.B. 476 allows a food service establishment to permit a customer to be accompanied by a dog in an outdoor dining area, while maintaining reasonable health and safety regulations.

For instance, this bill would not allow the dog to enter the interior of the establishment at any point. This bill also would not require restaurants to permit dogs in outdoor dining areas. It remains the choice of the food service establishment to decide whether or not to allow dogs on premises. (Original Author's/Sponsor's Statement of Intent)

S.B. 476 amends current law relating to requirements for and municipal regulation of dogs in an outdoor dining area of a food service establishment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 437, Health and Safety Code, by adding Section 437.025, as follows:

Sec. 437.025. REQUIREMENTS FOR DOGS IN OUTSIDE DINING AREAS; MUNICIPAL PREEMPTION. (a) Authorizes a food service establishment to permit a customer to be accompanied by a dog in an outdoor dining area if:

- (1) the establishment posts a sign in a conspicuous location in the area stating that dogs are permitted;
- (2) the customer and dog access the area directly from the exterior of the establishment;
- (3) the dog does not enter the interior of the establishment;
- (4) the customer keeps the dog on a leash and controls the dog;
- (5) the customer does not allow the dog on a seat, table, countertop, or similar surface; and

(6) in the area, the establishment does not prepare food, or permit open food other than food that is being served to a customer.

(b) Prohibits a municipality from adopting or enforcing an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements described by Subsection (a).

(c) Provides that the requirements described by Subsection (a) do not apply to a service animal, as defined by Section 437.023(c) (relating to the definition of "service animal").

SECTION 2. Effective date: September 1, 2019.