

ASSEMBLY BILL

No. 1965

Introduced by Assembly Member Yamada
(Coauthor: Senator Lieu)

February 19, 2014

An act to amend Section 114259.5 of, and to add Section 114259.6 to, the Health and Safety Code, relating to outdoor dining facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1965, as introduced, Yamada. Outdoor dining facilities: pet dogs.

The California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, as defined, by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing this code. A violation of these provisions is punishable as a misdemeanor.

The code prohibits live animals from being allowed in a food facility, except under specified conditions if the contamination of food, clean equipment, utensils, linens, and unwrapped single-use articles cannot result.

This bill would authorize a food facility to allow a person to bring a pet dog in outdoor dining areas. The bill would authorize a city, county, or city and county to prohibit that conduct by ordinance.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 114259.5 of the Health and Safety Code
2 is amended to read:

1 114259.5. (a) Except as specified in subdivision (b) *and*
2 *Section 114259.6*, live animals may not be allowed in a food
3 facility.

4 (b) Live animals may be allowed in any of the following
5 situations if the contamination of food, clean equipment, utensils,
6 linens, and unwrapped single-use articles cannot result:

7 (1) Edible fish or decorative fish in aquariums, shellfish or
8 crustacea on ice or under refrigeration, and shellfish and crustacea
9 in display tank systems.

10 (2) Animals intended for consumption if the live animals are
11 kept separate from all food and utensil handling areas, are held in
12 sanitary conditions, are slaughtered in a separate room designed
13 solely for that purpose and separated from other food and utensil
14 handling areas, and maintained in an area that has ventilation
15 separate from food and utensil handling areas.

16 (3) Dogs under the control of a uniformed law enforcement
17 officer or of uniformed employees of private patrol operators and
18 operators of a private patrol service who are licensed pursuant to
19 Chapter 11.5 (commencing with Section 7580) of Division 3 of
20 the Business and Professions Code, while those employees are
21 acting within the course and scope of their employment as private
22 patrol persons.

23 (4) In areas that are not used for food preparation and that are
24 usually open for consumers, such as dining and sales areas, service
25 animals that are controlled by a disabled employee or person, if a
26 health or safety hazard will not result from the presence or activities
27 of the service animal.

28 (5) Pets in the common dining areas of restricted food service
29 facilities at times other than during meals if all of the following
30 conditions are satisfied:

31 (A) Effective partitioning and self-closing doors separate the
32 common dining areas from food storage or food preparation areas.

33 (B) Condiments, equipment, and utensils are stored in enclosed
34 cabinets or removed from the common dining areas when pets are
35 present.

36 (C) Dining areas including tables, countertops, and similar
37 surfaces are effectively cleaned before the next meal service.

38 (6) In areas that are not used for food preparation, storage, sales,
39 display, or dining, in which there are caged animals or animals

1 that are similarly restricted, such as in a variety store that sells pets
2 or a tourist park that displays animals.

3 (7) If kept at least 20 feet (6 meters) away from any mobile food
4 facility, temporary food facility, or certified farmers' market.

5 (c) Those persons and operators described in paragraphs (3) and
6 (4) are liable for any damage done to the premises or facilities by
7 the dog.

8 (d) Live or dead fish bait may be stored if contamination of
9 food, clean equipment, utensils, linens, and unwrapped single-use
10 articles cannot result.

11 SEC. 2. Section 114259.6 is added to the Health and Safety
12 Code, to read:

13 114259.6. (a) A food facility may permit a person to bring a
14 pet dog on to the food facility's outdoor dining areas.

15 (b) A city, county, or city and county may by ordinance prohibit
16 a food facility from allowing a person to bring a pet dog to the
17 food facility's outdoor dining area.