

AMENDED IN ASSEMBLY MAY 5, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1965

Introduced by Assembly Member Yamada
(Coauthors: Assembly Members Gatto, Levine, and Williams)
(Coauthor: Senator Lieu)

February 19, 2014

An act to amend Sections 113709 and 114259.5 of the Health and Safety Code, relating to outdoor dining facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1965, as amended, 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 if specified conditions are satisfied. 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 113709 of the Health and Safety Code
2 is amended to read:

3 113709. This part does not prohibit a local governing body
4 from adopting an evaluation or grading system for food facilities,
5 from prohibiting any type of food facility, from adopting an
6 employee health certification program, from regulating the
7 provision of consumer toilet and handwashing facilities, from
8 adopting requirements for the public safety regulating the type of
9 vending and the time, place, and manner of vending from vehicles
10 upon a street pursuant to its authority under subdivision (b) of
11 Section 22455 of the Vehicle Code, or from prohibiting the
12 presence of pet dogs in outdoor dining areas of food facilities.

13 SEC. 2. Section 114259.5 of the Health and Safety Code is
14 amended to read:

15 114259.5. (a) Except as specified in ~~subdivision (b)~~, *this*
16 *section*, live animals may not be allowed in a food facility.

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

20 (1) Edible fish or decorative fish in aquariums, shellfish or
21 crustacea on ice or under refrigeration, and shellfish and crustacea
22 in display tank systems.

23 (2) Animals intended for consumption if the live animals are
24 kept separate from all food and utensil handling areas, are held in
25 sanitary conditions, are slaughtered in a separate room designed
26 solely for that purpose and separated from other food and utensil
27 handling areas, and maintained in an area that has ventilation
28 separate from food and utensil handling areas.

29 (3) Dogs under the control of a uniformed law enforcement
30 officer or of uniformed employees of private patrol operators and
31 operators of a private patrol service who are licensed pursuant to
32 Chapter 11.5 (commencing with Section 7580) of Division 3 of
33 the Business and Professions Code, while those employees are
34 acting within the course and scope of their employment as private
35 patrol persons.

36 (4) In areas that are not used for food preparation and that are
37 usually open for consumers, such as dining and sales areas, service
38 animals that are controlled by a disabled employee or person, if a

1 health or safety hazard will not result from the presence or activities
2 of the service animal.

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

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

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

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

13 (6) In areas that are not used for food preparation, storage, sales,
14 display, or dining, in which there are caged animals or animals
15 that are similarly restricted, such as in a variety store that sells pets
16 or a tourist park that displays animals.

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

19 (c) Those persons and operators described in paragraphs (3) and
20 (4) of *subdivision (b)* are liable for any damage done to the
21 premises or facilities by the dog.

22 ~~(8)~~

23 (d) Pet dogs under the control of a person in an outdoor dining
24 area if all of the following conditions are satisfied:

25 ~~(A)~~

26 (1) The owner of the food facility elects to allow pet dogs in its
27 outdoor dining area.

28 ~~(B)~~

29 (2) A separate outdoor entrance is present where pet dogs enter
30 without going through the food establishment to reach the outdoor
31 dining area and pet dogs are not allowed on chairs ~~or tables~~,
32 *benches, seats, or other fixtures*.

33 ~~(C)~~

34 (3) The outdoor dining area is not used for food or drink
35 preparation or the storage of utensils. *A food employee may refill*
36 *a beverage glass in the outdoor dining area from a pitcher or other*
37 *container*.

38 ~~(D)~~

39 (4) Food and water provided to pet dogs shall only be in
40 single-use disposable containers.

- 1 ~~(E)~~
- 2 (5) Food employees are prohibited from having direct contact
- 3 with pet dogs while on duty. *A food employee who does have that*
- 4 *prohibited direct contact shall wash his or her hands as required*
- 5 *by Section 113953.3.*
- 6 ~~(F) If a pet dog deposits excrement or other bodily fluids, an~~
- 7 ~~employee shall immediately clean and sanitize the affected areas.~~
- 8 (6) *The outdoor dining area is maintained clean. Surfaces that*
- 9 *have been contaminated by dog excrement or other bodily fluids*
- 10 *shall be cleaned and sanitized.*
- 11 (7) *The pet dog is on a leash or confined in a pet carrier and is*
- 12 *under the control of the pet dog owner.*
- 13 (8) *The food facility owner ensures compliance with local*
- 14 *ordinances related to sidewalks, public nuisance, and sanitation.*
- 15 ~~(G)~~
- 16 (9) Other control measures approved by the enforcement agency.
- 17 ~~(H)~~
- 18 (e) Live or dead fish bait may be stored if contamination of
- 19 food, clean equipment, utensils, linens, and unwrapped single-use
- 20 articles cannot result.