

**Conference for Food Protection
2020 Issue Form**

Issue: 2020 I-029

Council Recommendation: Accepted as Submitted _____ Accepted as Amended _____ No Action _____

Delegate Action: Accepted _____ Rejected _____

All information above the line is for conference use only.

Issue History:

This is a brand new Issue.

Title:

Prohibiting Animals to Allow for Dogs in Outside Areas of Premises

Issue you would like the Conference to consider:

The premises of a food establishment includes outdoor seating areas such as patios, picnic tables and decks as the Food Code definition states.

"Premises" means:

- (1) The PHYSICAL FACILITY, its contents, and the contiguous land or property under the control of the PERMIT HOLDER; or
- (2) The PHYSICAL FACILITY, its contents, and the land or property not described in Subparagraph (1) of this definition if its facilities and contents are under the control of the PERMIT HOLDER and may impact FOOD ESTABLISHMENT personnel, facilities, or operations, and a FOOD ESTABLISHMENT is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.

Section 6-501.115 does not address dogs in these outer areas. We are requesting that if a facility has adequate standard operating procedures, dogs could be allowed on the premises.

Public Health Significance:

Dogs are more prevalent and it has become customary for people to enjoy meals with their dogs. Dogs on patios and outdoor seating areas are noted throughout the country from Florida to Colorado. Jurisdictions are either turning a blind eye to dogs in these areas or they are issuing variances to allow them. In Wisconsin, we have issued almost 50 variances to allow dogs in outdoor seating areas with very specific requirements spelled out in the variance approval. Language includes:

- This variance applies to the exterior areas of outdoor dining of a restaurant only. Dogs are not allowed in the interior portions of the restaurant.
- A separate entrance is present where pets do not enter through the food establishment to reach the outdoor dining area.

- The facility shall provide signage alerting customers that dogs are allowed in outdoor seating areas. Signage provided and is deemed adequate.
- No food preparation shall be allowed at the outdoor dining area, including the dispensing/mixing of drinks and ice.
- Customer multi-use or reusable utensils such as plates, silverware, glasses and bowls shall not be stored, displayed or pre-set at the outdoor dining area.
- Food from the restaurant shall not be served to pets on the exterior portions of the outdoor dining areas of a restaurant. However, food provided by the dog owner for consumption by the dog on the premise of the restaurant shall be provided in single-use disposable containers and/or water provided by the restaurant shall be provided in single-use disposable containers.
- Employees shall be prohibited from having direct contact with pets while on duty.
- Pets shall not be allowed on chairs, seats, benches, and tables.
- The exterior areas of outdoor dining areas of a restaurant shall be maintained clean at all times
- In cases where excrement or other bodily fluids (urine, saliva, and vomit) are deposited, an employee shall immediately clean and sanitize the affected areas.
- The outdoor dining area shall not be fully enclosed (a fully enclosed dining area shall be considered to be part of the interior area of the facility).

Recommended Solution: The Conference recommends...:

The Conference recommends....

That a letter be sent to the FDA requesting that Section 6-501.115 of the most current edition of the Food Code be amended as follows:

6-501.115 (B)

(6) Only dogs be allowed in outdoor areas of the premises if a food establishment has written procedures and prior approval from the REGULATORY AUTHORITY.

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It is the policy of the Conference for Food Protection to not accept Issues that would endorse a brand name or a commercial proprietary process.