**Conference for Food Protection**

**2020 Issue Form**

**Issue: 2020 I-028**

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| **Council Recommendation:** | Accepted as  Submitted |  | Accepted as Amended |  | No Action |  |
| **Delegate Action:** | Accepted |  | Rejected |  |  |  |

*All information above the line is for conference use only.*

**Title:**

Amend Food Code – Permit Pet Dogs in Outdoor Dining Areas

**Recommended Solution: The Conference recommends...:**

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 (new language is underlined; existing language to be deleted is in strikethrough format):

6-501.115 Prohibiting Animals.

A. Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment.

B. Live animals may be allowed in the following situations if the contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result:

1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

3) In areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal;

4) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

a. Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas,

b. Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present, and

c. Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; ~~and~~

5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals; and

6) Pet dogs under the control of a person in an outdoor dining area, or a designated portion of it, if:

a. The owner of the food establishment elects to allow pet dogs,

b. The pet dog is on a leash or confined to a pet carrier,

c. A separate outdoor entrance is present where pet dogs enter without going through the food establishment,

d. Signs are conspicuously posted indicating that pet dogs are allowed in the outdoor dining area,

e. Pet dogs are not allowed on chairs, benches, seats, or other fixtures,

f. The outdoor dining area is not used for food or drink preparation or the storage of utensils,

g. Food and water provided to dogs shall only be in single-use disposable containers,

h. Food establishment employees are prohibited from having direct contact with dogs while on duty. Any employee who does have such direct contact shall wash their hands thoroughly,

i. The outdoor dining area is maintained clean, and surfaces that have been contaminated with dog excrement or other body fluids shall be cleaned and sanitized,

j. A covered refuse container shall be located in the outdoor dining area and shall be used exclusively to store all pet waste generated,

k. The food establishment owner ensures compliance with local ordinances related to sidewalks, public nuisance, and sanitation, and

l. The food establishment owner shall request that a pet dog owner remove from the establishment any dog that menaces, threatens or bites any person or other dog. The food establishment owner shall not serve a dog owner who refuses to comply with a request to remove such a dog.

C. Live or dead fish bait may be stored if contamination of food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles can not result.

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.