By:  Hancock, Nichols, Perry S.B. No. 476

(In the Senate - Filed January 25, 2019; February 14, 2019, read first time and referred to Committee on Business & Commerce; March 13, 2019, reported favorably by the following vote: Yeas 9, Nays 0; March 13, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

Zaffirini            X

A BILL TO BE ENTITLED

AN ACT

relating to requirements for and municipal regulation of dogs in an outdoor dining area of a food service establishment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 437, Health and Safety Code, is amended by adding Section 437.025 to read as follows:

Sec. 437.025.  REQUIREMENTS FOR DOGS IN OUTDOOR DINING AREAS; MUNICIPAL PREEMPTION. (a) A food service establishment may 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:

(A)  prepare food; or

(B)  permit open food other than food that is being served to a customer.

(b)  A municipality may not adopt or enforce 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)  The requirements described by Subsection (a) do not apply to a service animal, as defined by Section 437.023(c).

SECTION 2.  This Act takes effect September 1, 2019.

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