

By: Goldman

H.B. No. 1801

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to requirements for and municipal regulation of dogs in an  
3 outdoor dining area of a food service establishment.

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

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

7 Sec. 437.025. REQUIREMENTS FOR DOGS IN OUTDOOR DINING  
8 AREAS; MUNICIPAL PREEMPTION. (a) A food service establishment may  
9 permit a customer to be accompanied by a dog in an outdoor dining  
10 area if:

11 (1) the establishment posts a sign in a conspicuous  
12 location in the area stating that dogs are permitted;

13 (2) the customer and dog access the area directly from  
14 the exterior of the establishment;

15 (3) the dog does not enter the interior of the  
16 establishment;

17 (4) the customer keeps the dog on a leash and controls  
18 the dog;

19 (5) the customer does not allow the dog on a seat,  
20 table, countertop, or similar surface; and

21 (6) in the area, the establishment does not:

22 (A) prepare food; or

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

1        (b) A municipality may not adopt or enforce an ordinance,  
2 rule, or similar measure that imposes a requirement on a food  
3 service establishment for a dog in an outdoor dining area that is  
4 more stringent than the requirements described by Subsection (a).

5        (c) The requirements described by Subsection (a) do not  
6 apply to a service animal, as defined by Section [437.023\(c\)](#).

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