

1-1 By: Hancock, Nichols, Perry S.B. No. 476  
 1-2 (In the Senate - Filed January 25, 2019; February 14, 2019,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 March 13, 2019, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; March 13, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to requirements for and municipal regulation of dogs in an  
 1-20 outdoor dining area of a food service establishment.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 437, Health and Safety Code, is amended  
 1-23 by adding Section 437.025 to read as follows:

1-24 Sec. 437.025. REQUIREMENTS FOR DOGS IN OUTDOOR DINING  
 1-25 AREAS; MUNICIPAL PREEMPTION. (a) A food service establishment may  
 1-26 permit a customer to be accompanied by a dog in an outdoor dining  
 1-27 area if:

1-28 (1) the establishment posts a sign in a conspicuous  
 1-29 location in the area stating that dogs are permitted;

1-30 (2) the customer and dog access the area directly from  
 1-31 the exterior of the establishment;

1-32 (3) the dog does not enter the interior of the  
 1-33 establishment;

1-34 (4) the customer keeps the dog on a leash and controls  
 1-35 the dog;

1-36 (5) the customer does not allow the dog on a seat,  
 1-37 table, countertop, or similar surface; and

1-38 (6) in the area, the establishment does not:

1-39 (A) prepare food; or

1-40 (B) permit open food other than food that is  
 1-41 being served to a customer.

1-42 (b) A municipality may not adopt or enforce an ordinance,  
 1-43 rule, or similar measure that imposes a requirement on a food  
 1-44 service establishment for a dog in an outdoor dining area that is  
 1-45 more stringent than the requirements described by Subsection (a).

1-46 (c) The requirements described by Subsection (a) do not  
 1-47 apply to a service animal, as defined by Section 437.023(c).

1-48 SECTION 2. This Act takes effect September 1, 2019.

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