
SENATE BILL 5336

State of Washington

61st Legislature

2009 Regular Session

By Senators Jacobsen and Kohl-Welles

Read first time 01/20/09. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to allowing dogs in designated outdoor areas of
2 bars and coffee shops; creating new sections; and providing an
3 expiration date.

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

5 NEW SECTION. **Sec. 1.** The department of health shall establish a
6 pilot project by which local government can apply for an exemption from
7 certain food and drug administration food code sections to allow dogs
8 within certain designated outdoor portions of premises holding a
9 spirits, beer, and wine restaurant license or a beer and/or wine
10 restaurant license or certain designated outdoor portions of premises
11 whose main business purpose is selling coffee.

12 NEW SECTION. **Sec. 2.** (1) The governing body of a local government
13 participating in the pilot project is authorized to establish, by
14 ordinance, a local exemption procedure to section 6-501.115, 2001 food
15 and drug administration food code.

16 (2) The adoption of the local government exemption procedure shall
17 be at the sole discretion of the governing body of the participating
18 local government.

1 NEW SECTION. **Sec. 3.** (1) Any local exemption procedure adopted
2 under this act shall only provide a variance to section 6-501.115, 2001
3 food and drug administration food code, to allow patrons' dogs within
4 certain designated outdoor portions of the establishments designated in
5 section 1 of this act.

6 (2) In order to protect the health, safety, and general welfare of
7 the public, the local exemption procedure shall require participating
8 establishments to apply for and receive a permit from the local
9 department of health before allowing patrons' dogs on their premises.
10 The local department of health shall require such information from the
11 applicant as the department determines reasonably necessary to enforce
12 the provisions of this act but shall require, at a minimum, the
13 following information:

14 (a) Name, location, and mailing address of the establishment;

15 (b) Name, mailing address, and telephone contact information of the
16 permit applicant;

17 (c) A diagram and description of the outdoor area to be designated
18 as available to patrons' dogs, including dimensions of the designated
19 area; a depiction of the number and placement of tables, chairs, and
20 restaurant equipment, if any; the entryways and exits to the designated
21 outdoor areas; the boundaries of the designated area and of other areas
22 of outdoor dining not available for patrons' dogs; any fences or other
23 barriers; surrounding property lines and public rights-of-way,
24 including sidewalks and common pathways; and such other information
25 reasonably required by the local department of health; and

26 (d) A description of the days of the week and hours of operation
27 that patrons' dogs will be allowed in the designated outdoor area.

28 (3) In order to protect the health, safety, and general welfare of
29 the public, the local exemption ordinance shall include such
30 regulations and limitations as deemed necessary by the participating
31 local government and shall include at least the following requirements:

32 (a) All employees of the establishments participating in the pilot
33 shall wash their hands immediately after touching, petting, or
34 otherwise handling dogs. Employees are prohibited from touching,
35 petting, or otherwise handling dogs while serving food or beverages or
36 handling tableware or before entering other parts of the establishment;

37 (b) Patrons in a designated outdoor area shall be advised that they

1 should wash their hands before eating. Waterless hand sanitizer shall
2 be provided at all tables in the designated outdoor area;

3 (c) Employees and patrons shall be instructed that they shall not
4 allow dogs to come into contact with serving dishes, utensils,
5 tableware, linens, paper products, or any other items involved with
6 food service operations;

7 (d) Patrons shall ensure their dogs are licensed by the appropriate
8 authority, keep their dogs on a leash at all times, and keep their dogs
9 under reasonable control;

10 (e) Dogs shall not be allowed on chairs, tables, or other
11 furnishings;

12 (f) All table and chair surfaces shall be cleaned and sanitized
13 with an approved product between seating of patrons. Spilled food and
14 drink shall be removed from the floor or ground between seating of
15 patrons;

16 (g) Accidents involving dog waste shall be cleaned immediately and
17 the area sanitized with an approved product. A kit with the
18 appropriate materials for this purpose shall be kept near the
19 designated outdoor area;

20 (h) A sign or signs reminding employees of the applicable rules
21 shall be posted on the premises in a manner and place as determined by
22 the local department of health; and

23 (i) A sign or signs shall be posted in a manner and place as
24 determined by the local permitting authority that places the public on
25 notice that the designated outdoor area is available for the use of
26 patrons and patrons' dogs.

27 NEW SECTION. **Sec. 4.** The participating local departments of
28 health shall have such powers as are reasonably necessary to regulate
29 and enforce this act.

30 NEW SECTION. **Sec. 5.** The department of health shall develop rules
31 to implement this act.

32 NEW SECTION. **Sec. 6.** This act expires June 30, 2014.

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