

Memorandum Urging Approval

COMMITTEE ON ANIMALS AND THE LAW

Animals and the Law #4 - GOV

September 4, 2015

S. 4327-A

By: Senator Hannon

A. 5956-C

By: M. of A. Rosenthal

Senate Committee: Health

Assembly Committee: Rules

Effective Date: Immediately

AN ACT to amend the public health law, in relation to outdoor seating areas at food service establishments.

SECTION AND LAW REFERRED TO: Public Health Law Section 1352-e

THE COMMITTEE ON ANIMALS AND THE LAW
SUPPORTS THIS LEGISLATION AND URGES ITS APPROVAL

S. 4327-A / A.5956-C would amend the Public Health Law to allow dogs to accompany their owners into the outdoor dining area of a restaurant under certain conditions.

When visiting a restaurant, dog owners are often forced to choose between leaving their dog alone at home or inside a hot car. At best, dog owners rush through their visits to restaurants to return to their dogs left at home, and at worst, dogs are left in perilous and dangerous conditions inside of cars until their owners finish their meals. Permitting dog owners, under certain limited conditions and with the restaurant owner's consent, to bring their dogs into such restaurants would allow dog owners to remain at restaurants longer, have a more enjoyable experience while there, and would cut down on the number of dogs suffering and dying from being left in over-heated cars.

This bill has been carefully crafted to ensure that any concerns regarding the health and safety of patrons and restaurant owners are taken into consideration. First, a restaurant owner must choose to permit dogs to accompany their owners to the establishment and, therefore, choose to be bound by this law - no restaurant owner can be forced to permit dogs into their establishment. If a restaurant owner does choose to permit dogs into their establishment in accordance with this law, the restaurant owner is permitted to institute additional rules as desirable.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.

Further, dogs and their owners are only permitted in an outdoor area of the restaurant which: (i) has a separate outdoor entrance; (ii) is not used for the preparation of food or storage of utensils; and (iii) contains clear signage alerting prospective diners that dogs may be present in such outdoor area.

Finally, and importantly, requiring that the dogs remain on the floor, on a leash, and only in an outdoor area of the restaurant alleviates any potential health and safety risks.

Based on the foregoing, the New York State Bar Association Committee on Animals and the Law **SUPPORTS this legislation and urges its approval by the Governor.**

Chair of the Committee: Natalie A. Carraway, Esq.