SENATE, No. 4321

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED DECEMBER 12, 2019

Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Allows certain dogs and cats in restaurants if authorized by municipal ordinance.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning restaurants and supplementing P.L.1947, c.177 (C.26:1A-1 et seq.).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. Notwithstanding the provisions of section 7 of P.L.1947, c.177 (C.26:1A-7) to the contrary, a municipality may adopt an ordinance allowing the owner or operator of a food establishment located in that municipality to permit pet dogs, pet cats, or both in the dining area of the food establishment. The municipal ordinance shall specify which types of pet animals will be permitted in the dining areas of food establishments located in the municipality and shall expressly authorize the owner or operator of a food establishment to restrict the days or hours during which pet animals will be permitted in the dining area of the food establishment. In addition, the ordinance shall, at a minimum, require:

(1) the owner or operator of a food establishment to expressly authorize pet dogs, pet cats, or both in the dining area of the food establishment as a condition of permitting pet dogs, pet cats, or both in the dining area of the food establishment;

(2) the owner or operator of a food establishment to post signage at each entrance to the food establishment clearly notifying the public of the following:

(a) that pet dogs, pet cats, or both, as applicable, are permitted in the dining area of the food establishment;

(b) the hours and days during which pet dogs, pet cats, or both will be permitted in the dining area of the food establishment;

(c) the risk that people with allergies to dogs or cats may be exposed to dander or other allergens in the dining area of the food establishment; and

(d) the guidelines to be followed for pet dogs, pet cats, or both, to be allowed in the dining area of the food establishment;

(3) all pet dogs and pet cats are required to be on a leash or confined in a pet carrier and under a person’s control while in the food establishment;

(4) no pet dog or pet cat is permitted access to areas in which food is prepared;

(5) no pet dog or pet cat is allowed on any seat, table, or food contact area in the food establishment;

(6) employees who handle or prepare food are prohibited from having direct contact with pet dogs and pet cats while on duty, and a food service employee who does have such prohibited direct contact shall be required to wash the employee’s hands in accordance with State public health and sanitation requirements;

(7) dining areas in the food establishment are kept clean, and surfaces that have been contaminated by dog or cat excrement or other bodily fluids shall be cleaned and sanitized;

(8) food and water provided to pet dogs or pet cats are dispensed in single-use disposable containers;

(9) the owner or operator of the food establishment implements appropriate measures, which shall be subject to municipal approval, to ensure persons who are allergic to dogs or cats are not exposed to dogs or cats or their dander or other allergens while in the food establishment; and

(10) the owner or operator of the food establishment ensures compliance with local ordinances related to public nuisance and sanitation and any other applicable health and safety control measures.

b. Nothing in this section shall be deemed to modify or supersede any requirements established by State law or municipal ordinance pertaining to the presence of:

(1) service animals, patrol and sentry dogs, live or dead fish bait, decorative fish, or edible fish, shellfish, and crustacea in food establishments: or

(2) pets in the common dining areas of group residences during times other than meals.

c. The provisions of this section shall be enforced in the same manner as the State Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7).

2. This act shall take effect immediately.

STATEMENT

This bill allows municipalities to adopt an ordinance allowing the owner or operator of a food establishment located in that municipality to permit pet dogs, pet cats, or both in the dining area of the food establishment.

The municipal ordinance will be required to specify which types of pet animals will be permitted in food establishments, and to expressly allow the owners and operators of food establishments to restrict the days or hours during which pet animals will be permitted in the dining area of the food establishment. Additionally, the ordinance will require that:

(1) the owner or operator of the food establishment to expressly authorize pet animals in the dining area of the food establishment as a condition of allowing pet animals in the dining area of the food establishment;

(2) to post signage at each entrance to the food establishment clearly notifying the public that pets are permitted in the dining area of the food establishment, the days and hours when pets are allowed on the premises, the risk of exposure to pet allergens, and the guidelines to be followed;

(3) all pets are required to be on a leash or confined in a pet carrier and under a person's control while in the food establishment;

(4) no pet is permitted access to areas in which food is prepared;

(5) no pet is allowed on any seat, table, or food contact area in the food establishment;

(6) employees who handle or prepare food are prohibited from having direct contact with pets while on duty, and those who have direct contact with a pet wash their hands;

(7) dining areas in the food establishment are kept clean, and surfaces that have been contaminated by pet excrement or other bodily fluids are cleaned and sanitized;

(8) food and water provided to pets are dispensed in single-use disposable containers;

(9) the owner or operator of the food establishment implements appropriate measures, subject to municipal approval, to ensure persons who are allergic to dogs or cats are not exposed to dogs or cats or their dander or other allergens while in the food establishment; and

(10) the owner or operator of the food establishment ensures compliance with local ordinances related to public nuisance and sanitation and any other applicable health and safety control measures.

Nothing in the bill will be deemed to modify or supersede any requirements established by State law or municipal ordinance pertaining to the presence of: service animals, patrol and sentry dogs, live or dead fish bait, decorative fish, or edible fish, shellfish, and crustacea in food establishments: or pets in the common dining areas of group residences during times other than meals.

The provisions of the bill will be enforced in the same manner as the State Sanitary Code.