ASSEMBLY, No. 2156

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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SYNOPSIS

"Chloe's Pet Access Law"; permits dogs in outdoor seating areas of restaurants under certain circumstances; codifies current requirements concerning live animals in food establishments.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning animals at outdoor dining facilities, designated as Chloe's Pet Access Law, 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. Except as specified in subsections b. and c. of this section, a live animal shall not be allowed on the premises of a food establishment.

b. A live animal may be allowed on the premises of a food establishment in the following situations, and under the following conditions, provided the presence of the live animal would not result in the contamination of food, clean equipment, utensils, and linens, and unwrapped single-use articles:

(1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems;

(2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;

(3) In areas that are not used for food preparation, including dining and sales areas, service animals such as guide dogs that are trained to assist an employee or other person who has a disability, are controlled by the employee or person, and are not allowed to be on the seats or tables;

(4) Pets in the common dining areas of group residences at times other than during meals if effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas; if condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and if dining areas, including tables, countertops, and similar surfaces, are effectively cleaned before the next meal service; and

(5) Pet dogs under the control of a person in an outdoor dining area, provided that

(a) the owner of the food establishment elects to allow pet dogs in the outdoor dining areas of the establishment,

(b) a separate outdoor entrance is present where pet dogs enter without going through the food establishment to reach the outdoor dining area and pet dogs are not allowed on chairs, benches, seats, or other fixtures,

(c) the outdoor dining area is not used for food or drink preparation or the storage of utensils, except that food service employees of the establishment may refill beverage glasses from a pitcher or other container,

(d) food and water provided to pet dogs is dispensed in single-use disposable containers,

(e) food service employees are prohibited from having direct contact with pet dogs while on duty; a food service employee who does have such prohibited direct contact is required to wash the employee's hands in accordance with State public health and sanitation requirements,

(f) the outdoor dining area is kept clean, and surfaces that have been contaminated by dog excrement or other bodily fluids shall be cleaned and sanitized,

(g) the pet dog is on a leash or confined in a pet carrier and is under the control of the pet dog owner, and

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

c. Live or dead fish bait may be stored on the premises of the food establishment, provided the storage would not result in the contamination of food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.

2. This act shall take effect immediately.

STATEMENT

This bill permits dogs in the outdoor dining areas of food establishments, provided that certain conditions are met. The bill also allows animals in food establishments under certain circumstances. The bill codifies the current requirements regarding the presence of live animals in food establishments as set forth in the New Jersey Administrative Code at N.J.A.C.8:24-6.5. The bill is designated as "Chloe's Pet Access Law," to recognize the dog belonging to the family who advocated for the measures in the bill.

Specifically, the bill allows a live animal on the premises of a food establishment under limited conditions if the presence of the live animal would not result in the contamination of food, clean equipment, utensils, and linens, and unwrapped single-use articles. Live animals are allowed on the premises of a food establishment in aquariums and display tank systems, when accompanying police or security officers as patrol dogs, when used as service animals, and in common areas of group residences.

The bill also includes additional specific conditions that would apply when pet dogs are allowed in outdoor dining areas. The bill also allows for the storage of live or dead fish bait on the premises of the food establishment, if the storage would not result in the contamination of food, clean equipment, utensils, and linens, and unwrapped single-service and single-use articles.