

Chapter 607

(House Bill 941)

AN ACT concerning

Dining Out Growth Act of 2011

FOR the purpose of authorizing certain restaurants to allow a patron's dog to accompany the patron in certain areas of the restaurant during certain hours; requiring certain restaurant owners to give certain notice to local health departments under certain circumstances; authorizing certain restaurant owners to make certain determinations and establish certain limitations; requiring certain restaurant owners to post a certain notice; prohibiting certain patrons from allowing dogs to travel through certain areas and leaving dogs unattended under certain circumstances; requiring certain patrons to be responsible for certain dogs; establishing certain liability for certain patrons under certain circumstances; providing that a certain provision of law does not affect certain rights of an individual; ~~requiring certain organizations to report to certain committees of the General Assembly on or before a certain date;~~ and generally relating to authorizing restaurants with outdoor dining areas to allow a patron's dog to accompany the patron.

BY adding to

Article – Health – General

Section 21–304.2

Annotated Code of Maryland

(2009 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

21–304.2.

(A) A RESTAURANT WITH AN OUTDOOR DINING AREA MAY ALLOW A PATRON'S DOG TO ACCOMPANY THE PATRON IN THE OUTDOOR DINING AREA DURING THE HOURS DESIGNATED BY THE OWNER OF THE RESTAURANT.

(B) THE OWNER OF A RESTAURANT:

(1) SHALL PROVIDE WRITTEN NOTICE TO THE LOCAL HEALTH DEPARTMENT THAT THE OWNER INTENDS TO ALLOW A PATRON'S DOG TO ACCOMPANY THE PATRON IN THE OUTDOOR DINING AREA OF THE RESTAURANT

NOT LESS THAN 30 DAYS PRIOR TO THE DAY ON WHICH DOGS WILL BE ALLOWED IN THE OUTDOOR DINING AREA;

(2) MAY DETERMINE THE LOCATION AND THE AMOUNT OF SPACE IN THE OUTDOOR DINING AREA DESIGNATED FOR A PATRON ACCOMPANIED BY A DOG;

(3) MAY ESTABLISH LIMITS ON THE SIZE AND TYPE OF DOGS AND ANY OTHER LIMITATIONS RELATING TO DOGS THAT MAY ACCOMPANY A PATRON INTO THE OUTDOOR DINING AREA OF A RESTAURANT;

(4) MAY DENY ENTRY TO THE RESTAURANT OR EJECT FROM THE RESTAURANT ANY PATRON ACCOMPANIED BY A DOG AT THE DISCRETION OF THE OWNER; AND

(5) SHALL PLACE ON PERMANENT DISPLAY A WRITTEN NOTICE THAT IS IN A TYPEFACE THAT IS LARGE ENOUGH TO BE EASILY LEGIBLE TO THE AVERAGE PERSON FROM A DISTANCE OF 8 FEET AND THAT IS IN A LOCATION THAT IS PLAINLY VISIBLE TO THE PATRONS OF THE RESTAURANT NOTIFYING THE PATRONS OF THE POLICY OF THE RESTAURANT ALLOWING DOGS IN THE OUTDOOR DINING AREA.

(C) A PATRON ACCOMPANIED BY A DOG:

(1) MAY NOT ALLOW THE DOG TO TRAVEL THROUGH AN INDOOR SPACE OF A RESTAURANT TO ENTER OR EXIT AN OUTDOOR DINING AREA;

(2) SHALL KEEP THE DOG ON A LEASH AT ALL TIMES WITH THE PATRON AT THE TABLE AT WHICH THE PATRON IS SEATED;

(3) MAY NOT LEAVE THE DOG UNATTENDED AT ANY TIME IN THE RESTAURANT;

(4) SHALL BE AN ADULT WHO IS RESPONSIBLE FOR THE BEHAVIOR OF THE DOG; AND

(5) IS LIABLE FOR ANY DAMAGES CAUSED BY THE DOG TO THE RESTAURANT OR ANY OTHER PATRON OF THE RESTAURANT.

(D) THIS SECTION DOES NOT AFFECT THE RIGHT OF AN INDIVIDUAL TO USE A SERVICE ANIMAL, AS DEFINED IN § 7-701 OF THE HUMAN SERVICES ARTICLE.

~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Health and Mental Hygiene and the Restaurant Association of Maryland shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the number of restaurants that have notified local health departments that dogs will be allowed in outdoor dining areas, the number and nature of complaints received by local health departments regarding dogs in outdoor dining areas of restaurants, the number and nature of sanitation issues regarding dogs in outdoor dining areas, and increases in the number of patrons at restaurants that allow dogs in outdoor dining areas.~~

SECTION ~~3.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2011.

Approved by the Governor, May 19, 2011.