



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

Committee on Health

**H.B. 2749, RELATING TO ALLOWING DOGS
IN RESTAURANTS**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**February 7, 2012
10:00 a.m.**

1 **Department's Position:** This bill conflicts with State and Federal regulations and is not supported by
2 the Department of Health in its current form.

3 **Fiscal Implications:** None.

4 **Purpose and Justification:** This bill gives the authority to the owner or manager of a restaurant to
5 allow pet dogs into a restaurant and describes conditions for the owner to control the dogs but does not
6 address public health or food safety concerns. The Council on Food Protection is composed of
7 representatives from the food industry as well as state and federal regulators. The Council meets
8 biennially to address current food science and technology and incorporates that information into what is
9 known as the U.S. Public Health Service FDA Model Food Code (Food Code). The Food Code
10 prohibits live animals on the premises of a food establishment. The reason for the prohibition as
11 explained in "Annex of the 2009 Food Code" is as follows: "Animals carry disease-causing organisms
12 that can be transmitted to humans through direct and or indirect contamination of food and food contact
13 surfaces. Animals shed hair continuously and may deposit liquid or fecal waste, creating the need for

1 vigilance and more frequent and rigorous cleaning efforts.” The Food Code does acknowledge that
2 there are situations in which animals do not pose a potential public hazard and makes provisions for
3 service dogs, as well as for dogs in cases of law enforcement.

4 The Department of Health is currently finalizing the Hawaii Administrative Rules, Chapter 50,
5 which will become the new rules for food establishments. The new rule is drafted to regulate animals in
6 restaurants as stated in the 2009 Food Code. In the future, if the Council on Food Protection approves
7 conditions in which dogs can safely be allowed in dining areas, the Department of Health will consider
8 amending the food rules or implement policies to make the practice acceptable.

9 Some localities in the United States have not adopted the Food Code animal prohibition and
10 allow pets in restaurants.

11 If the legislature chooses to allow animals in restaurants, we would offer the following
12 recommendations:

- 13 1) Any food establishment that chooses to allow animals must have specific cleaning measures in
14 place to properly disinfect any animal feces and urine, waste, saliva, vomitus and any other animal
15 fluids;
- 16 2) The food establishment must demonstrate how it will prevent animal waste from being tracked
17 into food preparation areas by customers and employees; and,
- 18 3) The food establishment shall post a sign in a prominent location that states: “Dogs are allowed
19 in this establishment and may place you at greater risk of contracting a food borne illnesses.”

20 Thank you for the opportunity to testify.

LATE



HAWAII CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 7, 2012
10:00 am
Conference room 329

To: The Honorable Ryan Yamane, Chair
and Members of the House Committee on Health

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai'i Civil Rights Commission

Re: H.B. No. 2749

The Hawai'i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai'i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

H.B. No. 2749 authorizes restaurant owners and managers, at their discretion, to permit dogs inside restaurants with specific conditions. In this respect, the bill both allows and imposes regulation on the discretionary admission of dogs in restaurants.

The HCRC takes no position on the bill with regard to whether restaurant owners and managers should be allowed, at their discretion, to permit dogs inside restaurants with specific conditions.

However, the HCRC requests clarification that nothing in the new section shall diminish the rights of disabled persons to request and obtain reasonable accommodations needed for equal enjoyment of public accommodations under H.R.S. chapter 489. H.B. No. 2749 as drafted, in subsection (f), expressly states that if there is any conflict with federal law governing service animals, federal law shall prevail. The HCRC requests similar language in an H.D.1, adding a subsection (g) that makes it clear that the bill does not diminish the rights of persons with disabilities under chapter 489.

PROPOSED LANGUAGE FOR H.D.1

§321-___ Dogs allowed in restaurants.

(g) Nothing in this section shall diminish the rights of persons with disabilities to request and obtain reasonable accommodations under H.R.S. Chapter 489.

Thank you for your consideration.



L A T E

Hawaiian Humane Society

People for animals. Animals for people.

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To: Honorable Chair Yamane
Vice-Chair Morikawa, and Committee Members

Committee on Health
February 7, 2012, 10:00 am, Room 329

Submitted by: Natalie Lukashevsky, Community Outreach Coordinator
Hawaiian Humane Society, nlukashevsky@hawaiianhumane.org

Date: February 6, 2012

RE: **Support HB2749;**
Relating to allowing dogs in restaurants

Dear Honorable Chair Yamane, Vice-Chair Morikawa and Members,

The Hawaiian Humane Society supports the passage of this bill and supports restaurant owners and managers in having the right to choose whether to allow dogs in their restaurants or not.

Current health code interpretations disallow all animals except service dogs in eating establishments. The Hawaii State Department of Health was asked in 2010 to reconsider their interpretation of the existing administrative rules that prohibit well-behaved dogs and their owners from dining together at private establishments.

Through our Dogs in Restaurants Advocacy Initiative, we have recruited the following restaurants who agree that they should be able to choose to allow dogs with their patrons or not: Brasserie du Vin, Baci Bistro, Big City Diner, Doraku Sushi, Sabrina's Ristorante Italiano, Le Bistro and Chart House.

Thank you for your consideration of this important measure. We ask for your support in promoting a more pet-friendly community.

morikawa2 - Grant

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 06, 2012 10:57 PM
To: HLTtestimony
Cc: redahi@hawaii.rr.com
Subject: Testimony for HB2749 on 2/7/2012 10:00:00 AM

LATE

Testimony for HLT 2/7/2012 10:00:00 AM HB2749

Conference room: 329
Testifier position: Oppose
Testifier will be present: No
Submitted by: B.A. McClintock
Organization: Respiratory & Environmental Disabilities Assoc HI
E-mail: redahi@hawaii.rr.com
Submitted on: 2/6/2012

Comments:

How can you bypass a law protecting people who have respiratory disabilities by allowing animals that are triggers to many respiratory disabilities. The American's with Disabilities Act grants those of us with respiratory disabilities "equal access" to restaurants. Having animals in there would be contrary to this very law. Hawaii has the highest incidence of childhood asthma than any other state. I can assure you, if passed this will generate law suits. We cannot afford a bill like this. Please stop this ill-conceived bill.