

JAN 24 2019

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# A BILL FOR AN ACT

RELATING TO DOGS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. In recognition of the bond between humans and  
2 animals and the status of pets as family members, many Hawaii  
3 businesses are implementing pet-friendly policies to better  
4 serve the needs of their customers.

5           The legislature finds that restauranteurs, however, are at  
6 a disadvantage. State administrative rules prohibit the  
7 presence of non-service animals in restaurants. Some pet owners  
8 attempt to circumvent these rules by misrepresenting pets as  
9 service animals, which is a violation of state law.

10           The legislature finds that allowing restauranteurs the  
11 option to welcome dogs gives their businesses the freedom to  
12 better serve their customers and gives dog-owning patrons more  
13 dining options to consider visiting with their dog. This change  
14 would offer an opportunity for businesses to choose to adopt  
15 such policies to increase revenues and broaden their customer  
16 base.



1           The legislature further finds that reasonable safeguards  
2 can prevent risks to public health that might otherwise result  
3 from adopting such a policy. A study published in 2013 in the  
4 *Journal of Environmental Health* found no reported incidents  
5 associated with allowing pets in restaurants and recommended  
6 following the normal safety, sanitation, and hygiene practices  
7 to minimize any threat to human health. Nine states have passed  
8 laws allowing restauranteurs to adopt dog-friendly policies in  
9 order to better serve their customers and in recognition of the  
10 growing bond between pets and their owners.

11           The purpose of this Act is to authorize restaurants to  
12 allow dogs under certain conditions.

13           SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16           "§321-       Dogs allowed in restaurants. (a) At the  
17 discretion of the owner or manager of a restaurant, a restaurant  
18 patron may bring a dog into the restaurant under the following  
19 conditions:



- 1        (1) The dog shall be under the control of the patron at  
2                    all times and in a carrier or on a leash that is held  
3                    by the patron or tied to the patron's table;
- 4        (2) The dog shall remain within the patron's seating area  
5                    and on the floor;
- 6        (3) The dog shall remain in the designated location or  
7                    area of the restaurant pursuant to subsection (b);
- 8        (4) The dog shall not obstruct pathways, interfere with  
9                    the activities of the restaurant's employees, or enter  
10                   the food preparation area;
- 11       (5) The dog shall not disturb or interact with other  
12                   patrons or dogs, except by invitation;
- 13       (6) The dog shall be housebroken; provided that if the dog  
14                   relieves itself within the restaurant, the patron  
15                   shall be responsible for thoroughly cleaning up after  
16                   the dog and any affected areas;
- 17       (7) The patron shall not leave the dog unattended at any  
18                   time; and
- 19       (8) Any other conditions that the owner or manager of the  
20                   restaurant imposes.



- 1        (b) A restaurant that permits dogs in the restaurant  
2 shall:
- 3        (1) Determine and designate the location or area and  
4 amount of space in the restaurant where patrons may be  
5 accompanied by dogs;
- 6        (2) Prohibit food-service employees from having direct  
7 contact with a dog while on duty;
- 8        (3) Require that any food-service employee who comes into  
9 contact with a dog wash their hands as required by  
10 law; and
- 11        (4) Post at each entrance a sign displaying the message  
12 "Dogs are allowed in this restaurant", and shall also  
13 post adjacent to that sign the list of conditions in  
14 subsection (a), including a clear description of any  
15 additional conditions imposed by the owner or manager  
16 of the restaurant.
- 17        (c) Pursuant to title 28 Code of Federal Regulations  
18 section 35.136, or if any of the conditions in subsection (a)  
19 are not met, the owner or manager of the restaurant may require  
20 the patron to remove the dog from the restaurant.



1        (d) The restaurant patron who brings the dog into the  
2 restaurant and the dog's owner, if the owner is not the patron,  
3 shall be liable for all property damage and personal injury that  
4 the dog causes while in the restaurant.

5        (e) For purposes of this section, the term "restaurant"  
6 means any place where food is served or provided to the public  
7 at a charge, including outdoor seating areas, regardless of  
8 whether the food is consumed on or off the premises.

9        (f) If any provision of this section conflicts with  
10 federal law governing service animals, federal law shall  
11 prevail.

12        (g) Any patron that misrepresents a dog as a service  
13 animal to circumvent the requirements of this section shall be  
14 subject to fines and penalties pursuant to 347-2.6."

15        SECTION 3. New statutory material is underscored.

16        SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Mike Gattard  
*for* Alamy Mike BSG



# S.B. NO. 1152

**Report Title:**

Dogs; Restaurants

**Description:**

Allows dogs in restaurants at the restaurant owner's or manager's discretion provided that certain conditions are met.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

