

JAN 19 2024

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.

17

INTRODUCED BY:



S.B. NO. 2698

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.

