

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3697

(SENATE AUTHORS: DIBBLE and Champion)

DATE
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OFFICIAL STATUS
Introduction and first reading
Referred to Health and Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to health; permitting local ordinances to be adopted to allow dogs within
1.3 designated indoor areas of food and beverage service establishments; amending
1.4 Minnesota Statutes 2018, section 157.175.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 157.175, is amended to read:

1.7 **157.175 DOGS; ~~OUTDOOR~~ FOOD AND BEVERAGE SERVICE**
1.8 **ESTABLISHMENTS.**

1.9 Subdivision 1. **Municipal authorization.** A statutory or home rule charter city may
1.10 adopt an ordinance to permit food and beverage service establishments to allow dogs to
1.11 accompany persons patronizing designated ~~outdoor~~ areas of food and beverage
1.12 establishments.

1.13 Subd. 2. **Dangerous and potentially dangerous dogs.** The ordinance must prohibit
1.14 dangerous and potentially dangerous dogs, as defined in section 347.50, from accompanying
1.15 patrons to food and beverage establishments.

1.16 Subd. 3. **Banning dogs.** The ordinance may not prohibit a food and beverage
1.17 establishment from banning dogs. A person accompanied by a dog who remains at an
1.18 establishment knowing that the operator of the establishment or its agent has posted a sign
1.19 banning dogs or otherwise informed the person that dogs are not permitted in the
1.20 establishment may be ordered to leave the premises.

1.21 Subd. 4. **Permit process.** (a) The ordinance must require participating establishments
1.22 to apply for and receive a permit from the city before allowing patrons' dogs on their

2.1 premises. The city shall require from the applicant such information as the local government
2.2 deems reasonably necessary, but shall require, at a minimum, the following information:

2.3 (1) the name, location, and mailing address of the establishment;

2.4 (2) the name, mailing address, and telephone contact information of the permit applicant;

2.5 (3) a description of the designated ~~outdoor~~ areas in which the permit applicant intends
2.6 to allow dogs; and

2.7 (4) a description of the days of the week and hours of operation that patrons' dogs will
2.8 be permitted in the designated ~~outdoor~~ areas.

2.9 (b) A permit issued pursuant to the authority granted in this section must not be transferred
2.10 to a subsequent owner upon the sale of a food and beverage establishment but must expire
2.11 automatically upon the sale of the establishment. The subsequent owner shall be required
2.12 to reapply for a permit pursuant to this section if the subsequent owner wishes to continue
2.13 to accommodate patrons' dogs.

2.14 (c) A city may incorporate the permit requirements of this section into a permit or license
2.15 issued under an existing ordinance if the city ensures that current and future permit and
2.16 license holders comply with the requirements of this section. A city may exempt current
2.17 permit and license holders from reapplying for a permit, if the current permit or license
2.18 holder provides the city with the information required in paragraph (a) and any other
2.19 information that the city requests.

2.20 (d) A city may require an establishment to submit a plan to the city describing proposed
2.21 provisions for security, staffing, animal care and control, health and sanitation, and physical
2.22 layout of the proposed area.

2.23 Subd. 5. **Minimum requirements for indoor and outdoor areas.** The ordinance must
2.24 include such regulations and limitations as the local government deems reasonably necessary
2.25 to protect the health, safety, and general welfare of the public, but must require, at a
2.26 minimum, the following requirements, which must be clearly printed on a sign or signs
2.27 posted on premises in a manner and place that are conspicuous to employees and patrons:

2.28 (1) employees must be prohibited from touching, petting, or otherwise handling dogs,
2.29 except for employees that do not participate in any food or beverage handling, preparation,
2.30 or service;

2.31 (2) employees and patrons must not allow dogs to come into contact with serving dishes,
2.32 utensils, tableware, linens, paper products, or any other items involved in food service
2.33 operations;

3.1 ~~(3) patrons must keep their dogs on a leash at all times and must keep their dogs under~~
3.2 ~~reasonable control;~~

3.3 ~~(4)~~ (3) dogs must not be allowed on chairs, tables, or other furnishings; and

3.4 ~~(5)~~ (4) dog waste must be cleaned immediately and the area sanitized.

3.5 Subd. 5a. Additional minimum requirements for designated outdoor areas. In
3.6 addition to the minimum requirements in subdivision 5, patrons must keep their dogs on a
3.7 leash at all times when in the designated outdoor area and must keep their dogs under
3.8 responsible control.

3.9 Subd. 5b. Minimum requirements for designated indoor areas. In addition to the
3.10 minimum requirements in subdivision 5, the following requirements apply to designated
3.11 indoor areas:

3.12 (1) the designated indoor area must be a contiguous area of at least 500 square feet in
3.13 which no food or beverage service or preparation takes place;

3.14 (2) no table seating or service may be provided for patrons in the designated indoor area,
3.15 except that patrons may be permitted to consume beverages, including alcohol, if the alcohol
3.16 has been legally purchased from the establishment;

3.17 (3) the designated indoor area must be staffed and monitored at any time dogs are present
3.18 by employees that do not participate in any food or beverage handling, preparation, or
3.19 service;

3.20 (4) dogs may be off-leash while in the designated indoor area provided that the area is
3.21 secure and dogs cannot exit the designated indoor area unless leashed;

3.22 (5) dogs may not be present in any other indoor area of the establishment except for the
3.23 purpose of being transported directly, while on a leash, between the entry or exit of the
3.24 establishment and the designated indoor area; and

3.25 (6) the establishment must apply for, obtain, and maintain any applicable animal care
3.26 license as determined by the city or the animal care and control authority of the jurisdiction.

3.27 **Subd. 6. Service animals.** Nothing in this statute, or an ordinance adopted pursuant to
3.28 this statute, shall be construed to limit:

3.29 (1) the right of a person with disabilities to access places of public accommodation while
3.30 accompanied by a service animal as provided in sections 256C.02 and 363A.19; or

3.31 (2) the lawful use of a service animal by a licensed peace officer.

- 4.1 Subd. 7. **Designated ~~outdoor area~~ areas**. The ordinance must include ~~a definition of~~
4.2 definitions for "designated outdoor area" and "designated indoor area" that ~~is~~ are consistent
4.3 with applicable rules adopted by the commissioner of health.