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Md. HEALTH-GENERAL Code Ann. § 21-304.2

Annotated Code of Maryland
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*** Statutes current through chapters effective June 1, 2012, of the 2012 General Assembly, except for Chapters 66 and 67. ***

HEALTH - GENERAL
TITLE 21. FOOD, DRUGS, AND COSMETICS
SUBTITLE 3. FOOD ESTABLISHMENTS
PART I. DEFINITIONS; GENERAL PROVISIONS

Md. HEALTH-GENERAL Code Ann. § 21-304.2 (2012)

§ 21-304.2. Outdoor dining -- Allowing dogs with patrons

(a) In general. -- 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) Requirements. -- 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) Duties of patrons with respect to dogs. -- 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) Section not affecting right to use service animal. -- 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.

HISTORY: 2011, ch. 607.

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10.15.03.23

.23 Building — Cleanliness and Operations.

A. The person-in-charge shall ensure that:

(1) The facility and parts of the property associated with the operation of the facility are kept:

(a) Clean; and

(b) Free of litter and rubbish;

(2) Traffic through the food operation and utensil washing areas is limited to on-duty personnel conducting pertinent job-related functions;

(3) The facility is not used for living or sleeping quarters;

(4) Sufficient space to store all custodial equipment is provided;

(5) At least one utility sink or curbed cleaning facility with a floor drain is provided and used for:

(a) Cleaning mops or similar wet floor cleaning tools; and

(b) The disposal of mop water or similar liquid wastes;

(6) A hand sink, utensil washing, equipment washing, or food preparation sink is not used as a mop or utility sink;

(7) Except for emergency cleaning due to an accident or spill, all cleaning is done during periods when the least amount of food is exposed, such as after closing to the public;

(8) Cleaning and sanitizing occur in a manner that protects food from contamination;

(9) Vacuum cleaning, wet cleaning, other dustless methods of floor and wall cleaning, or dust-arresting sweeping compounds and brooms are used in a manner that:

(a) Removes dust and soils; and

(b) Prevents the contamination of food and food-contact surfaces;

(10) Linens and clothes are stored:

(a) Laundered and in a clean place until used; and

(b) In non-absorbent containers or laundry bags when damp or soiled until removed for laundering;

(11) Employee clothing and personal belongings are stored in:

(a) Dressing rooms or dedicated areas that are;

- (i) Provided when employees change clothing within the facility;
 - (ii) Located outside of food preparation, serving, and utensil washing areas; and
 - (iii) Kept clean; and
- (b) Lockers or other facilities within dressing rooms or areas; and
- (12) Live birds and animals are not present on the premises of a food service facility except for:
- (a) Edible fish, shellfish, crustacea, or decorative fish in aquariums or display tank systems;
 - (b) Service animals that are controlled by the individual with a disability;
 - (c) Pets in the common dining areas of health care facilities at times other than during meals if:
 - (i) Effective partitioning and self-closing doors separate the common dining areas from food storage and food preparation areas;
 - (ii) Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining area when pets are present; and
 - (iii) Dining areas including tables and countertops are cleaned and sanitized before the next meal service; and
 - (d) A patron's dog in an outdoor dining area of a food service facility in conformance with applicable State and local laws, ordinances, and regulations.

B. Patrons' Dogs in Outdoor Dining Areas.

- (1) Subject to the requirements of §§B(2)—(5) of this regulation, an owner of a restaurant may allow a patron's dog to accompany the patron in the outdoor dining area during the hours designated by the restaurant.
- (2) Before an owner may allow a patron's dog to accompany the patron in the outdoor dining area, the owner shall:
- (a) Provide written notice to the approving authority or the local health department in the jurisdiction where the restaurant is located that the owner intends to allow patrons' dogs to accompany patrons in the outdoor dining area of the restaurant 30 days prior to the days dogs will be allowed; and
 - (b) Place on permanent display in the restaurant a written notice that:
 - (i) States the restaurant's policy of allowing patrons' dogs in an outdoor dining area;
 - (ii) Is in a typeface that is large enough to be easily legible to the average person from a distance of 8 feet; and
 - (iii) Is in a location that is plainly visible to the patrons of the restaurant.
- (3) In establishing the restaurant's policy concerning patron's dogs in outdoor dining areas, the owner may:
- (a) Determine the location and the amount of space designated for a patron accompanied by the patron's dog; and
 - (b) Establish a limit on the size and type of dogs and any other limitations relating to a patron's dog.
- (4) At the owner's discretion, the owner may deny entry to the restaurant or eject from the restaurant any patron and the patron's dog.

(5) A patron accompanied by a dog:

(a) Shall:

(i) Be an adult who is responsible for the behavior of the dog;

(ii) Keep the dog with the patron on a leash at all times at the table at which the patron is seated; and

(iii) Be liable for any damages caused by the dog to the restaurant or any other patron of the restaurant; and

(b) May not:

(i) Allow the dog to travel through an indoor space of a restaurant to enter or exit an outdoor dining area; or

(ii) Leave the dog unattended at any time.