

A BILL TO BE ENTITLED
AN ACT

relating to requirements for and municipal regulation of dogs in an outdoor dining area of a food service establishment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 437, Health and Safety Code, is amended by adding Section 437.025 to read as follows:

Sec. 437.025. REQUIREMENTS FOR DOGS IN OUTDOOR DINING AREAS; MUNICIPAL PREEMPTION. (a) A food service establishment may permit a customer to be accompanied by a dog in an outdoor dining area if:

- (1) the establishment posts a sign in a conspicuous location in the area stating that dogs are permitted;
- (2) the customer and dog access the area directly from the exterior of the establishment;
- (3) the dog does not enter the interior of the establishment;
- (4) the customer keeps the dog on a leash and controls the dog;
- (5) the customer does not allow the dog on a seat, table, countertop, or similar surface; and
- (6) in the area, the establishment does not:
 - (A) prepare food; or
 - (B) permit open food other than food that is being served to a customer.

(b) A municipality may not adopt or enforce an ordinance, rule, or similar measure that imposes a requirement on a food service establishment for a dog in an outdoor dining area that is more stringent than the requirements described by Subsection (a).

(c) The requirements described by Subsection (a) do not apply to a service animal, as defined by Section 437.023(c).

SECTION 2. This Act takes effect September 1, 2019.