CHAPTER 3
SB 17 - FINAL VERSION

02/11/2021 0024s
02/11/2021 0322s
5Jan2022... 2187h

2022 SESSION

21-0327
08/11

SENATE BILL *17*

AN ACT relative to permitting dogs in outdoor dining areas of restaurants.

SPONSORS: Sen. Birdsell, Dist 19; Sen. Gannon, Dist 23; Sen. Cavanaugh, Dist 16; Sen. Carson, Dist 14; Sen. Sherman, Dist 24

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill allows dogs in outdoor dining areas under certain conditions.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to permitting dogs in outdoor dining areas of restaurants.

Be it Enacted by the Senate and House of Representatives in General Court convened:

3:1 Dogs in Restaurant Outdoor Dining Areas. RSA 466:44, II is repealed and reenacted to read as follows:

II. Unless prohibited under subparagraph (d):

(a) A restaurant owner may allow dogs in any outdoor dining area at his or her place of business, if:

(1) Such dog and owner access the outdoor dining area from the exterior of the restaurant, regardless of whether food or drink are served in such outdoor dining area.

(2) All food is prepared and all utensils stored in the interior of the restaurant.

(3) The owner allowing dogs shall prominently display a sign at all public entrances advising patrons that dogs are allowed on the premises. The sign shall state the following text in English:
"Companion dogs are only allowed in certain outdoor dining areas of this establishment.
Only service dogs are allowed in other parts of this establishment.
Your companion dog must be licensed and currently vaccinated against rabies to remain in the outdoor dining area with you.
You are responsible for controlling your dog at all times."

(4) The owner of such dog controls his or her dog within the outdoor dining area.

(5) The owner of a dog keeps the dog on the ground and out of the aisles of the outdoor dining area and does not allow the dog to eat or drink using glasses, plates, or utensils from the restaurant.

(6) The staff of the restaurant does not pet or play with the dog.

(7) The restaurant owner asks a dog owner to remove his or her threatening or aggressive dog from the outdoor dining area.

(8) The restaurant owner calls 911 if such dog bites or hurts another person.

(9) The outdoor dining area, including the exterior walls and floors, is maintained clean, and surfaces that have been contaminated with dog excrement or other bodily fluids such as urine, saliva, and vomit, are immediately cleaned and sanitized.

(10) Dogs are not allowed in food preparation or production areas.

(b) In this paragraph "patio" means an open air, exterior space with an entrance separate from the restaurant.

(c) This paragraph shall not apply to a service animal as defined by RSA 167-D:1, IV.

(d) A municipality may, by ordinance or regulation adopted under RSA 47:17 or RSA 147:1, prohibit dogs in outdoor dining areas of restaurants, regardless of whether the municipality is responsible for licensing food service establishments.

3:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: February 23, 2022
Effective Date: April 24, 2022

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