

HOUSE BILL 1033

J1, L2

0lr2614

By: **Delegate G. Clagett**

Introduced and read first time: February 15, 2010

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Frederick County – Dogs in Outdoor Dining Areas**

3 FOR the purpose of authorizing the County Commissioners for Frederick County to
4 enact certain laws, ordinances, rules, or regulations to allow a restaurant to
5 allow dogs in outdoor dining areas of restaurants; requiring the legislation to
6 contain a certain prohibition; requiring the legislation to contain a provision to
7 ensure certain rights are not impeded; and generally relating to the presence of
8 animals in outdoor dining areas in Frederick County.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 21–304
12 Annotated Code of Maryland
13 (2009 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Health – General**

17 21–304.

18 (a) (1) The Department shall adopt rules and regulations necessary to
19 carry out the provisions of this subtitle.

20 (2) For excluded organizations, the Department:

21 (i) Shall adopt separate regulations that establish minimum
22 standards that:

23 1. Ensure food integrity and safety;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2. Preserve public health; and

2 3. Control foodborne illnesses; and

3 (ii) May adopt separate regulations that establish a licensing
4 system, with appropriate standards, that excluded organizations may voluntarily
5 choose to submit to as a nonrescindable alternative to regulation under subparagraph
6 (i) of this paragraph.

7 (b) **[A] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A**
8 political subdivision may not adopt a law, ordinance, rule, or regulation that
9 establishes a standard that is less stringent than rules and regulations adopted under
10 this subtitle.

11 (c) Except as otherwise provided in this section, this subtitle does not limit
12 the power of a home rule or charter county or Baltimore City to adopt and enforce
13 laws, ordinances, and regulations that are consistent with the purposes of this
14 subtitle, including the power to adopt local licensing and enforcement procedures.

15 **(D) (1) THE COUNTY COMMISSIONERS FOR FREDERICK COUNTY**
16 **MAY ADOPT A LAW, AN ORDINANCE, A RULE, OR A REGULATION TO ALLOW A**
17 **RESTAURANT WITH AN OUTDOOR DINING AREA TO ALLOW A PATRON'S DOG TO**
18 **ACCOMPANY THE PATRON IN THE OUTDOOR DINING AREA.**

19 **(2) A LAW, AN ORDINANCE, A RULE, OR A REGULATION ADOPTED**
20 **UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

21 **(I) PROHIBIT A DOG FROM BEING ALLOWED TO TRAVEL**
22 **THROUGH AN INDOOR SPACE OF A RESTAURANT TO ENTER OR EXIT AN**
23 **OUTDOOR DINING AREA; AND**

24 **(II) CONTAIN A PROVISION TO ENSURE THAT THE LAW,**
25 **ORDINANCE, RULE, OR REGULATION DOES NOT AFFECT THE RIGHT OF AN**
26 **INDIVIDUAL TO USE A SERVICE ANIMAL, AS DEFINED IN § 7-701 OF THE HUMAN**
27 **SERVICES ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2010.