

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 383

(Senator Mooney)

Finance

Health and Government Operations

Public Health - Frederick County - Dogs in Outdoor Dining Areas

This bill authorizes the County Commissioners for Frederick County to adopt a law, ordinance, rule, or regulation to permit a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area. Any law, ordinance, rule, or regulation adopted must include provisions that prohibit a dog from being allowed to travel through an indoor space of a restaurant to enter or exit an outdoor dining area and must contain a provision to ensure that the law, ordinance, rule, or regulation does not affect the right of an individual to use a service animal.

Fiscal Summary

State Effect: None. The bill only affects local government operations.

Local Effect: Potential minimal increase in expenditures in Frederick County as further enforcement may be necessary to keep dogs from travelling through indoor dining areas.

Small Business Effect: Minimal.

Analysis

Current Law: The Department of Health and Mental Hygiene (DHMH) regulations prohibit live birds and animals from being present at indoor areas of a food service facility except for edible fish, shellfish, crustacean, or decorative fish in aquariums or display tanks and service animals such as a guide dog, signal dog, or animal trained to do work or perform tasks for the benefit of an individual with a disability.

A political subdivision may not adopt a law, ordinance, rule, or regulation that establishes a standard that is less stringent than State rules and regulations.

Background: DHMH advises that new regulations will go into place March 19, 2010, that will prohibit animals and birds from food service facility premises, including outdoor dining areas.

Local Fiscal Effect: In 2009, the Frederick County Health Department responded to six dog-related complaints at five food establishments. Since the health department already responds to such complaints, only a minimal increase in expenditures is expected as additional restaurants may begin to allow dogs in outdoor dining areas.

Small Business Effect: There are 1,011 licensed food service facilities in Frederick County. It is unclear as to how many food service facilities in the county have outdoor dining areas or would want to construct outdoor dining areas as a result of the bill. In addition, it is unknown whether the bill will increase or decrease business within the county's restaurant industry as some patrons would be drawn to dog-friendly establishments while others may avoid them.

Additional Information

Prior Introductions: None.

Cross File: Although not designated as a cross file, HB 1033 (Delegate G. Clagett – Health and Government Operations) is identical.

Information Source(s): Frederick County, Department of Health and Mental Hygiene, Human Relations Commission, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2010
ncs/mwc

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