

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 941 (Delegate Morhaim, *et al.*)  
Health and Government Operations

Finance

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**Dining Out Growth Act of 2011**

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This bill authorizes a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area during hours designated by the restaurant owner.

The bill takes effect July 1, 2011.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect governmental finances or operations.

**Local Effect:** The bill is not expected to materially affect local finances or operations.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** The bill specifies that the restaurant owner must (1) provide written notice to the local health department (LHD) at least 30 days before the owner intends to allow a patron's dog to accompany the patron in the outdoor dining area; and (2) permanently display written notice as specified by the bill. In addition, an owner may determine the location and amount of space in the outdoor dining area designated for a patron accompanied by a dog, establish limits such as those related to the size and type of dog that may accompany a patron, and deny entry to or eject from the restaurant any patron accompanied by a dog at the owner's discretion.

A patron accompanied by a dog must be an adult who is responsible for the dog's behavior and must keep the dog on a leash at all times at the table where the patron is seated. The patron may not leave the dog unattended or allow the dog to travel through an indoor space of the restaurant. In addition, the patron is liable for any damages caused by the dog to the restaurant or another patron.

The bill does not affect the right of an individual to use a service animal.

**Current Law/Background:** DHMH regulations prohibit live birds and animals from being present on the premises of a food service facility except for (1) edible fish, shellfish, crustacea, or decorative fish in aquariums or display tank systems; (2) service animals that are controlled by the disabled individual; and (3) under certain circumstances, pets in the common dining areas of health care facilities at times other than during meals.

Chapter 552 of 2010 allowed Frederick County to adopt regulations permitting a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area. DHMH advises that the county's LHD has received no complaints resulting from Chapter 552.

**Local Fiscal Effect:** Based on the experience of Frederick County, the bill is not expected to materially affect the finances or operations of LHDs.

**Small Business Effect:** According to the Restaurant Association of Maryland, there are more than 9,000 eating and drinking establishments in the State. It is unclear how many of these have outdoor dining areas or may elect to construct such areas as a result of the bill. The effect of the bill on business is unclear, as some patrons may be drawn to dog-friendly establishments while others may avoid them. Any restaurant that chooses to allow dogs in an outdoor dining area must post notice, but the cost of any signage is expected to be minimal.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Restaurant Association of Maryland; Baltimore City; Harford, Kent, Montgomery, and Worcester counties; Department of Health and Mental Hygiene; Human Relations Commission; Department of Legislative Services

**Fiscal Note History:** First Reader - March 4, 2011  
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