

HOUSE BILL 1602

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 3, Part 18 and Title 6, Chapter 54, relative to municipal authority to create an ordinance authorizing the admittance of dogs in outside restaurant dining areas.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 6-54-134.

(a) For purposes of this section, "companion dog" means a dog other than a service dog assisting a handicapped person.

(b) Notwithstanding any other prohibition to the contrary, a municipality with a population of at least one hundred thousand (100,000), according to the 2000 federal census or any subsequent census, may, by ordinance, authorize the presence of companion dogs in outdoor areas of restaurants where food is served, if the ordinance provides for adequate controls to ensure compliance with the Tennessee Food, Drug and Cosmetic Act, compiled in title 53, chapter 1, and any other applicable statutes and ordinances. An ordinance enacted pursuant to this section shall provide that:

(1) No companion dog shall be present in the interior of any restaurant or in any area where food is prepared; and

(2) The restaurant shall have the right to refuse to serve the owner of a companion dog if the owner fails to exercise reasonable control over the companion dog or the companion dog is otherwise behaving in a manner that compromises or threatens to compromise the health or safety of any person

present in the restaurant, including, but not limited to, violations and potential violations of any applicable health code or other statute or ordinance.

(c) An ordinance enacted pursuant to this section may also provide for a permitting process to authorize individual restaurants to permit dogs as provided in this section and to charge applicants and authorized restaurants a reasonable permit fee as the ordinance may establish.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.