ALABAMA STATE COMMITTEE OF PUBLIC HEALTH
BUREAU OF ENVIRONMENTAL SERVICES
ADMINISTRATIVE CODE

CHAPTER 420-3-22
FOOD ESTABLISHMENT SANITATION

420-3-22-.06 Physical Facilities.

(1) **Application** - The provision of section 6-202.14 of the document entitled 2013 edition of the United States Department of Health and Human Services Food Code for self-closing doors on toilet rooms shall not apply to toilet rooms used by children in child day care centers.

(2) **Allowance of a pet dog in an outdoor dining area** - A pet dog that is under the control of a person shall be permitted in an outdoor dining area of a food service establishment if all of the following conditions are met:

(a) The owner of the food service establishment elects to allow pet dogs in its outdoor dining area. To evidence this election, the owner of the food service facility shall file for a waiver with the department stating they will adhere to the rules.

(b) A separate outdoor entrance is present where the pet dog can enter without going through the food service establishment to reach the outdoor dining area. At no time may pet dogs be permitted to travel through the indoor or non-designated outdoor portions of the food establishment.

(c) A prominent sign is displayed sufficient to put the public on notice that the designated outdoor dining area is available for the use of patrons with pet dogs.

(d) A pet dog is not allowed on the chairs, benches, seats, or other fixtures in the outdoor dining area of the food service establishment.

(e) The outdoor dining area is not used for food preparation or the storage of utensils.

(f) The designated outdoor dining area where pet dogs are allowed is at least 12 feet away from any bar or area where beverages are prepared.

(g) A food service establishment employee refills beverages from a pitcher or other container at the table in the outdoor dining area where pet dogs are allowed.

(h) The outdoor dining area is well maintained, kept clean, and all surfaces that have been contaminated by pet dog excrement or other pet dog bodily fluids are properly cleaned and sanitized immediately.

(i) The pet dog is kept on a leash or confined in a pet carrier at all times and is kept under the control of the person possessing the pet dog.

(j) The food service establishment ensures it is in compliance with all local ordinances related to sidewalks, public nuisances, and sanitation.

(k) A food service establishment employee is prohibited from having direct contact with a pet dog in the outdoor dining area while on duty.

(l) A food service establishment employee who violates subdivision (k) shall wash his or her hands as required by food safety regulations immediately.

(m) All live animals are prohibited from being inside a food establishment, except as provided by the applicable regulations of the federal Food and Drug Administration, and except as follows:

1. Service dogs which are individually trained to provide assistance to an individual with a disability.

2. Dogs under the control of a uniformed law enforcement officer acting within the course and scope of his or her duties.

(n) Emotional support animals are not service dogs within the meaning of the Americans with Disabilities Act and are therefore expressly prohibited from being inside a food service establishment.

(o) The food service establishment prepares written procedures that include:

1. A diagram of the outdoor area to be designated as available to consumers with pet dogs.

2. The establishment's procedure for assuring that employees do not touch, pet, or otherwise handle pet dogs.

3. The establishment's procedure describing the location of materials and equipment necessary for the immediate clean up of accidents involving dog waste.

4. The establishment's procedure for notifying employees and consumers of the requirements of this paragraph.

Author: Ronald Dawsey, Mark Sestak, Phyllis Fenn, Lauren Lerner, Rachel Sullenger
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