

STATE OF TENNESSEE

PUBLIC CHAPTER NO. 508

SENATE BILL NO. 605

By Burchett, Woodson

Substituted for: House Bill No. 1603

By Harry Brooks

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, "pet dog" means a dog other than a service or guide 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, or in any county having a population of not less than:

|         |         |
|---------|---------|
| 105,800 | 105,900 |
| 71,100  | 71,200  |
| 16,600  | 16,700  |

according to the 2000 federal census or any subsequent federal census, may, by ordinance, or a county with a population of at least one hundred thousand (100,000), according to the 2000 federal census or any subsequent census, may, by resolution, authorize the presence of pet dogs in outdoor dining areas of restaurants, 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 under this section shall 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. Additionally, any such ordinance shall provide that:

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

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

(3) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling a pet dog. Employees shall be prohibited from touching, petting, or otherwise handling pet dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment;

(4) Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;

(5) Patrons shall keep their pet dogs on a leash at all times and keep their pet dogs under reasonable control;

(6) Pet dogs shall not be allowed on chairs, tables, or other furnishings;

(7) Accidents involving pet dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area;

(8) A sign or signs reminding employees and patrons of the applicable rules shall be posted on the premises in a manner and place as determined by the local permitting authority; and

(9) Pet dogs shall not be permitted to travel through indoor or nondesignated portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food establishment shall not require entrance into or passage through any indoor area of the food establishment.

(c) The provisions of this section shall also apply in counties having a population of not less than 56,700 nor more than 56,800 according to the 2000 federal census or any subsequent federal census.

SECTION 2. The provisions of this act shall also apply in counties having a population, according to the 2000 federal census or any subsequent federal census, of:

not less than

nor more than

|        |        |
|--------|--------|
| 12,300 | 12,368 |
| 48,000 | 48,100 |
| 39,200 | 39,300 |
| 14,300 | 14,400 |
| 11,369 | 11,450 |
| 5,500  | 5,600  |
| 38,200 | 38,300 |

SECTION 3. The provisions of this act shall not apply in any county having a population of not less than twelve thousand three hundred (12,300) nor more than twelve thousand three hundred sixty-eight (12,368) according to the 2000 federal census or any subsequent federal census.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.

**PASSED: June 12, 2009**

  
\_\_\_\_\_  
RON RAMSEY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 25th day of June 2009**

  
\_\_\_\_\_  
PHIL BREDESEN, GOVERNOR