

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0315.01 Yelana Love x2295

SENATE BILL 20-078

SENATE SPONSORSHIP

Donovan,

HOUSE SPONSORSHIP

Garnett,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF A PERSON TO BRING A PET DOG ONTO
102 THE PREMISES OF A RESTAURANT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill authorizes a retail food establishment to allow a person to bring a pet dog to an outdoor dining area if certain conditions are met. Local governing bodies may prohibit the presence of pet dogs for all retail food establishments within the governing body's jurisdiction.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-4-1615 as
3 follows:

4 **25-4-1615. Pet dogs in retail food establishments - prohibited**
5 **- exceptions.** (1) EXCEPT AS SPECIFIED IN SUBSECTION (2) OF THIS
6 SECTION, A PERSON MAY HAVE A PET DOG IN AN OUTDOOR DINING AREA OF
7 A RETAIL FOOD ESTABLISHMENT IF:

8 (a) THE RETAIL FOOD ESTABLISHMENT ELECTS TO ALLOW PET DOGS
9 IN ITS OUTDOOR DINING AREA;

10 (b) A SEPARATE ENTRANCE IS PRESENT THROUGH WHICH THE PET
11 DOG ENTERS AND EXITS THE OUTDOOR DINING AREA WITHOUT PASSING
12 THROUGH THE RETAIL FOOD ESTABLISHMENT;

13 (c) THE PERSON DOES NOT ALLOW THE PET DOG ON CHAIRS,
14 BENCHES, SEATS, OR OTHER FURNITURE OR FIXTURES;

15 (d) THE OUTDOOR DINING AREA IS NOT USED FOR FOOD OR DRINK
16 PREPARATION; EXCEPT THAT AN EMPLOYEE OF THE RETAIL FOOD
17 ESTABLISHMENT MAY REFILL A BEVERAGE GLASS IN THE OUTDOOR DINING
18 AREA FROM A PITCHER OR OTHER CONTAINER;

19 (e) THE PET DOG IS ON A LEASH OR CONFINED IN A PET CARRIER
20 AND IS UNDER THE CONTROL OF A PERSON;

21 (f) THE LICENSEE OF THE RETAIL FOOD ESTABLISHMENT ENSURES
22 COMPLIANCE WITH LOCAL ORDINANCES RELATED TO SIDEWALKS, PUBLIC
23 NUISANCES, AND SANITATION; AND

24 (g) THE RETAIL FOOD ESTABLISHMENT IS IN COMPLIANCE WITH
25 ANY OTHER CONTROL MEASURES APPROVED BY THE COUNTY OR DISTRICT
26 PUBLIC HEALTH AGENCY.

27 (2) (a) THE GOVERNING BODY OF A CITY, COUNTY, OR CITY AND

1 COUNTY MAY PROHIBIT THE PRESENCE OF PET DOGS IN OUTDOOR DINING
2 AREAS OF RETAIL FOOD ESTABLISHMENTS LOCATED WITHIN THE
3 GOVERNING BODY'S JURISDICTION.

4 (b) A RETAIL FOOD ESTABLISHMENT MAY ELECT NOT TO ALLOW
5 PET DOGS IN ITS OUTDOOR DINING AREA.

6 (3) NOTHING IN THIS SECTION IS INTENDED TO RESTRICT THE
7 PRESENCE OF A SERVICE ANIMAL, AS DEFINED IN SECTION 24-34-301 (6.5).

8 **SECTION 2. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2020 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.