

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Dogs in Outside Seating Areas on the Premises of a Food Establishment

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. section 97.30, Wis. Admin. Code, ch. 75 and ch. 75 Appendix.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.


Steve Ingham

Administrator

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GUIDANCE DOCUMENT

Dogs in Outside Seating Areas on the Premises of a Food Establishment

This guidance document is based on Wis. Stat. section 97.30 and chapter(s) ATCP 75 Wis. Admin. Code and ATCP 75 Appendix. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

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Steve Ingham

December 11, 2019

Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety

DATE

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Guidance: Dogs in Outside Seating Areas on the Premises of a Food Establishment

BACKGROUND:

Many states and jurisdictions are now allowing dogs to accompany their owners when dining in outside seating areas of food establishments. Although The FDA Model Food Code indicates that animals are prohibited on a food establishment premises, it is unclear if this applies to the outside seating area.

Outside seating areas are already subject to the wildlife presented by nature. The issue of allowing dogs in the outside seating area of a premise of a food establishment required a thorough review of the relevant scientific studies relating to disease transmission from animals to humans. Additional considerations included the safety of patrons without a dog and the responsibility of the operator as the overseer of the operation.

Determination:

- Only dogs may be allowed in the outside seating areas in a food establishment if the following requirements are strictly followed:
- Applies to the exterior areas of outdoor dining of a food establishment only. Dogs are not allowed in the interior portions of the food establishment.
- A separate entrance is provided to reach the outdoor dining area so that dogs never enter the food establishment.
- The operator shall provide signage alerting customers that dogs are allowed in outdoor seating areas. Signage shall be approved by the regulatory authority.
- No food or beverage preparation shall be allowed in the outdoor dining area.
- Customer multi-use or reusable utensils such as plates, silverware, glasses and bowls shall not be stored, displayed or pre-set at the outdoor dining area.
- Food shall not be served to dogs in the outdoor dining areas of a food establishment. However, water may be provided by the food establishment for consumption by the dog in a single use disposable container.
- Employees shall be prohibited from having direct contact with dogs while on duty.
- Dogs shall not be allowed on chairs, seats, benches, and tables.
- The outdoor dining area of a food establishment shall be maintained clean at all times. In cases where excrement or other bodily fluids such as urine, saliva and vomit are deposited an employee shall immediately clean the affected area.