

CHAPTER 66

HEALTH AND ENVIRONMENT

SENATE BILL 20-078

BY SENATOR(S) Donovan, Bridges, Ginal, Gonzales, Lee, Smallwood, Tate, Winter, Woodward;
also REPRESENTATIVE(S) Garnett and Neville, Buentello, Caraveo, Cutter, Esgar, Herod, Humphrey, Jackson, Kennedy, Liston,
McLachlan, Michaelson Jenet, Mullica, Sandridge, Sirota, Tipper, Titone, Valdez A., Valdez D., Woodrow, Becker, Coleman,
Jaquez Lewis, Lontine, McCluskie, Young.

AN ACT**CONCERNING THE ABILITY OF A PERSON TO BRING A PET DOG ONTO THE PREMISES OF A RESTAURANT.**

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

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

25-4-1615. Pet dogs in retail food establishments - prohibited - exceptions.

(1) EXCEPT AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, A PERSON MAY HAVE A PET DOG IN AN OUTDOOR DINING AREA OF A RETAIL FOOD ESTABLISHMENT IF:

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

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

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

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

(e) THE PET DOG IS ON A LEASH OR CONFINED IN A PET CARRIER AND IS UNDER THE

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CONTROL OF A PERSON;

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

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

(2) A PERSON WHO BRINGS A PET DOG IN AN OUTDOOR DINING AREA IN ACCORDANCE WITH THIS SECTION IS RESPONSIBLE FOR THE BEHAVIOR OF THAT PET DOG.

(3) (a) THE GOVERNING BODY OF A CITY, COUNTY, OR CITY AND COUNTY MAY PROHIBIT THE PRESENCE OF PET DOGS IN OUTDOOR DINING AREAS OF RETAIL FOOD ESTABLISHMENTS LOCATED WITHIN THE GOVERNING BODY'S JURISDICTION.

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

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

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

Approved: March 23, 2020