

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 11

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO FOOD SERVICE ESTABLISHMENTS; ALLOWING PET DOGS IN
DESIGNATED OUTDOOR DINING AREAS OF FOOD SERVICE ESTABLISHMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Food Service Sanitation
Act is enacted to read:

"[NEW MATERIAL] PET DOGS IN OUTDOOR DINING AREAS--
REQUIREMENTS.--

A. A food service establishment may allow pet dogs
in designated outdoor dining areas of the establishment if the
following requirements are met:

(1) no pet dog shall be allowed in any area
where food is prepared;

(2) patrons shall keep their pet dogs on a
leash at all times and keep their pet dogs under reasonable

underscored material = new
[bracketed material] = delete

1 control;

2 (3) employees shall wash their hands
3 immediately after touching, petting or otherwise handling pet
4 dogs;

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

7 (5) accidents involving pet waste shall be
8 cleaned immediately and the area sanitized; and

9 (6) a sign or signs shall be posted to place
10 the public on notice that the designated outdoor dining area is
11 available for the use of patrons with pet dogs.

12 B. A food service establishment may in its
13 discretion prohibit pet dogs in outdoor dining areas. If a
14 food service establishment allows pet dogs in a designated
15 outdoor dining area, the food service establishment shall have
16 the right to refuse to serve the owner of a pet dog if the
17 owner fails to exercise reasonable control over the pet dog or
18 the pet dog is otherwise behaving in a manner that compromises
19 or threatens to compromise the health or safety of any person
20 present in the restaurant."

21 SECTION 2. Section 25-1-4 NMSA 1978 (being Laws 1977,
22 Chapter 309, Section 4) is amended to read:

23 "25-1-4. BOARD--POWERS AND DUTIES.--The board shall
24 promulgate procedural and substantive regulations consistent
25 with the provisions of Section [~~12-12-13 NMSA 1953~~] 74-1-9 NMSA

.182774.2

underscored material = new
[bracketed material] = delete

1 1978 and shall include provisions for:

2 A. requiring food service establishments to prepare
3 and serve food in a manner safe for human consumption, free
4 from adulteration, spoilage, contamination and unwholesomeness,
5 and, to accomplish this standard, the following areas of food
6 service establishment operations shall be covered by the
7 regulations:

8 (1) disease control;

9 (2) employee hygiene and sanitation;

10 (3) food service establishment premises
11 sanitation;

12 (4) all aspects of food service establishment
13 construction relating to food service sanitation, including
14 requirements for food service establishment construction plans
15 and specifications review and approval by the [~~agency~~]
16 division;

17 (5) control of pests and infestation by pests;

18 (6) lavatory and toilet facility placement and
19 sanitation;

20 (7) lavatory hygiene;

21 (8) food equipment and utensil design and
22 construction;

23 (9) food equipment and utensil storage and
24 handling;

25 (10) liquid and solid waste disposal;

.182774.2

underscored material = new
[bracketed material] = delete

1 (11) food and drink preparation, handling,
2 display and storage;

3 (12) food service establishment ventilation;

4 (13) water supply;

5 (14) itinerant food service establishment
6 construction and operation; and

7 (15) any other facet of food service
8 operations that reasonably may be considered to pose an
9 existing or potential hazard to the health of the consuming
10 public; provided that no regulation shall prohibit food service
11 establishments from allowing pet dogs in designated outdoor
12 dining areas;

13 B. the issuance, suspension and revocation of
14 permits required under the Food Service Sanitation Act, which
15 regulations shall provide for prior notice to and a hearing for
16 any applicant for or holder of a permit when the [~~agency-~~
17 ~~proposed~~] division-proposed action is to deny an application
18 for or suspend or revoke a permit, except in those specified
19 instances under the provisions of the Food Service Sanitation
20 Act when the [~~agency~~] division is authorized to take any of the
21 foregoing actions without prior notice and hearing; and

22 C. establishing requirements for inspections of
23 food service establishments, which shall include provisions for
24 inspections at a frequency of at least once every twelve
25 months."

.182774.2

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2011.