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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:

"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
control;

(3) pet dogs shall not be allowed on chairs,
tables or other furnishings; and

(4) a sign or signs shall be posted to place
the public on notice that the designated outdoor dining area
is available for the use of patrons with pet dogs. Signs
shall be at a minimum eight and one-half inches by eleven
inches in size and use type that is uniform in size and no
smaller than necessary to fill the sign to within two inches

1 of the borders. The signs shall contain language reasonably
2 designed to inform the public that dogs are permitted and may
3 be present. Signs shall be posted prominently and be easily
4 visible in both the area where dogs are permitted and at the
5 entrance of the establishment. The board shall promulgate by
6 rule the specific language to be included in the signs
7 pursuant to Section 74-1-9 NMSA 1978.

8 B. Employees shall:

9 (1) wash their hands immediately after
10 touching, petting or otherwise handling pet dogs; and

11 (2) immediately clean up accidents involving
12 pet waste and sanitize the area.

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

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

24 "25-1-4. BOARD--POWERS AND DUTIES.--The board shall
25 promulgate procedural and substantive regulations consistent

1 with the provisions of Section 74-1-9 NMSA 1978 and shall
2 include provisions for:

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

9 (1) disease control;

10 (2) employee hygiene and sanitation;

11 (3) food service establishment premises
12 sanitation;

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

18 (5) control of pests and infestation by
19 pests;

20 (6) lavatory and toilet facility placement
21 and sanitation;

22 (7) lavatory hygiene;

23 (8) food equipment and utensil design and
24 construction;

25 (9) food equipment and utensil storage and

1 handling;

2 (10) liquid and solid waste disposal;

3 (11) food and drink preparation, handling,
4 display and storage;

5 (12) food service establishment ventilation;

6 (13) water supply;

7 (14) itinerant food service establishment
8 construction and operation; and

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

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

24 C. establishing requirements for inspections of
25 food service establishments, which shall include provisions

1 for inspections at a frequency of at least once every twelve
2 months."

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

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