

Non-Service Dogs on Restaurant Patios

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Issue

Are non-service dogs allowed on Connecticut restaurant patios?

Summary

Each restaurant can decide whether it wants to request permission from its local health department to allow dogs in its outdoor dining areas. Restaurants are not required to allow non-service dogs in their outdoor dining areas.

While it appears that in practice some Connecticut restaurants have been allowing non-service (pet) dogs in the outdoor dining portions of restaurants for years, according to the Department of Public Health (DPH), until February 2023, state regulations prohibited it. But [recently adopted regulations](#) repealed this prohibition (formerly Conn. Agencies Regs., § 19-13-B42) and now pet dogs are allowed in outdoor dining areas if restaurants allow it and are granted permission from the local health department director (on a restaurant-by-restaurant basis).

According to DPH, local health directors must use the [Food and Drug Administration's \(FDA\) Food Code, Annex 3](#) for guidance in making their decisions (see § 6-501.115(D) on PDF page 159 and PDF page 489).

FDA Guidelines

The FDA Food Code guidelines for local health departments reviewing requests to allow dogs in the outdoor dining areas of restaurants state that officials should consider the following, among other considerations:

1. the vaccination status of the pet dog;
2. ensuring consumers properly restrain or contain the pet dog and prevent it from serving as a source of contamination by preventing access to waitstaff, consumer food, utensils, linens, and single-service items, as well as food contact surfaces such as tables and chairs, including when entering and leaving;
3. signs alerting patrons to increased risk and designated areas for pet dogs;
4. ensuring compliance with local ordinances (e.g., related to sidewalks, public nuisance, sanitation, and size and breed restrictions);
5. preparing or serving food and water to dogs, if done, how will those items be contained, designated, and handled to prevent cross-contamination with food, equipment, utensils, linens, and single service items for humans (note: all food prepared and served to dogs must not be adulterated or misbranded);
6. maintaining the outdoor dining area, including the exterior walls and floors, and ensuring surfaces that have been contaminated with dog excrement or other bodily fluids (e.g., urine, saliva, and vomit) are cleaned and sanitized;
7. providing a covered refuse container exclusively to store all pet waste generated; and
8. developing a protocol for requesting that a pet dog owner remove from the establishment any dog that menaces, threatens, or bites any person or other dog, and reporting the incident to the appropriate health authority ([FDA Food Code 2022](#) (January 18, 2023 version), Annex 3, PDF page 489).

JSB:kl