



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

**Infectious Disease and Environmental Health Administration**

Heather L. Hauck, LICSW, MSW, Director

Angela M. Wakhweya, MD, MSc., Deputy Director

Meena Abraham, DrPh, Assistant Director

David Blythe, MD, MPH, Assistant Director/State Epidemiologist

Clifford S. Mitchell, MS, MD, MPH, Assistant Director

Richard W. Stringer, Chief Financial Officer

<b>MARYLAND INTERPRETIVE MEMORANDUM (MIM)</b>	
<b>MIM #:</b>	<b>11-02</b>
<b>TO:</b>	Food Program Supervisors/ Sanitarians
<b>FROM:</b>	Gwendolyn John, Chief, Division Facility and Process Review
<b>THRU:</b>	Alan Taylor, Chief, Center for Food Protection
<b>THRU:</b>	Clifford S. Mitchell, Assistant Director, Office of Environmental Health and Food Protection
<b>DATE:</b>	July 25, 2011
<b>SUBJECT:</b>	<b>Dining Out Growth Act of 2011</b>

This memorandum provides guidance concerning the Dining Out Growth Act of 2011 (DOG Act) and the implications for local retail food programs. The current statute authorizes a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area during the hours designated by the owner of the restaurant. This bill is effective July 1, 2011 and can be found online at the following link:

[http://mlis.state.md.us/2011rs/chapters\\_noln/Ch\\_607\\_hb0941T.pdf](http://mlis.state.md.us/2011rs/chapters_noln/Ch_607_hb0941T.pdf).

Under current COMAR 10.15.03.23, Building – Cleanliness and operations, live birds and animals are not permitted on the premises of a food service facility, with only a few exceptions. The regulation will be amended to reflect compliance with the statute which does permit the presence of dogs in the outdoor dining area of a food service facility.

Be advised that not less than 30 days prior to the day on which dogs will be allowed in the outdoor dining area, the owner of the restaurant must provide written notice that this activity will be allowed to the local health department. Contact information for local health departments can be found at: <http://ideha.dhmh.maryland.gov/local-health-departments.aspx>.

Office of Environmental Health and Food Protection  
6 St. Paul Street, Suite 1301, Baltimore, Maryland 21202  
410-767-8400 • Fax 410-333-8931

Toll Free 1-877-4MD-DHMH • TYY for Disabled - Maryland Relay Service 1-800-735-2258

Web Site: <http://ideha.dhmh.maryland.gov>

The owner of the restaurant:

1. May determine the location and the amount of space designated for a patron accompanied by a dog.
2. May establish limits on the size and type of dogs and any other limitations relating to dogs that may accompany a patron.
3. May deny entry to the restaurant or eject from the restaurant any patron accompanied by a dog at the discretion of the restaurant owner.
4. Shall place on permanent display a written notice notifying the patrons of the policy of allowing dogs in the outdoor dining area. The written notice must be in a typeface that is large enough to be easily legible to the average person from a distance of 8 feet and that is in a location that is plainly visible to the patrons of the restaurant.

The patron accompanied by a dog:

1. May not allow the dog to travel through an indoor space of the restaurant.
2. Shall keep the dog on a leash at all times with the patron at the table at which the patron is seated.
3. May not leave the dog unattended at any time in the restaurant.
4. Shall be an adult who is responsible to the behavior of the dog.
5. Is liable for any damages caused by the dog to the restaurant or any other patron of the restaurant.

This law does not affect the right of an individual to use a service animal as defined in § 7-701 of the Human Services Article.

We request that notification be made to the Office of Environmental Health and Food Protection, either by calling the toll-free help line (1-866-703-3266), or by facsimile (410-333-5995), upon receipt of a complaint or report of an incident involving this statute.

This memorandum will be placed on the “Regulator Resources” page of the DHMH IDEHA Center for Food Protection website at: <http://ideha.dhmh.maryland.gov/OFPCHS>. Any questions regarding this document should be directed to the Division of Facility and Process Review at 410-767-8400.

Cc: Heather L. Hauck  
 Angela M. Wakhweya  
 David Blythe  
 Meena Abraham  
 Helen E. Bowlus