



June 11, 2019

SUBJECT: Colorado Retail Food Rules and Regulations, 6 CCR 1010-2
Statewide Variance Request RF19-55
Criteria to Allow Dogs That Are Not Service Animals in an Outdoor Patio Area

Background information:

Numerous retail food establishments have expressed interest in allowing dogs that are not service animals on the outdoor patio areas of their facilities. Current regulations do not allow dogs that are not service animals on the premises of a food establishment.

6-501.115 states, in part:

Live animals may not be allowed on the premises of a food establishment.

This document provides for a statewide variance and allowance of dogs that are not service animals in an outdoor patio area of a retail food establishment under the following stipulations:

1. Approval for the request must be granted by the local regulatory authority.
2. The dog-friendly area must be maintained clean and free of animal waste.
3. Dog waste clean-up bags must be available to customers at all times when the outdoor seating area is open for use.
4. Receptacles for the disposal of animal waste must be available when the outdoor seating area is open. The receptacles must be emptied at least daily and must be kept in a clean and sanitary condition.
5. The dog-friendly outdoor seating area must be accessible from the outdoors. Non-service dogs are not allowed inside the restaurant.
6. Staff are not allowed to pet, hold, or feed dogs.
 - a. Employees that have incidental contact with dogs or dog bowls must wash their hands.
7. If provided, dog water bowls must be filled, cleaned, and stored in a manner that prevents contamination of food, food equipment, and single-service articles.
8. The following requirements will be communicated to customers using signs, printed brochures, advisories, or other effective written means:
 - a. Your dog must be well-behaved and on a leash at all times.
 - b. Keep your dog close to you but not on tables or chairs.
 - c. Do not let your dog eat or drink out of the restaurant's glassware or dishware.
 - d. Clean up after your dog with the provided cleaning supplies.



This statewide variance does not supersede any local laws or ordinances.

Failure to follow the above provisions may result in the regulatory authority citing the violative condition and seeking corrective action. Corrective action may include, but is not limited to, revocation of this allowance.

25-4-1601 C.R.S. provides CDPHE's authority for the uniform statewide administration, implementation, interpretation, and enforcement of the *Colorado Retail Food Establishment Rules and Regulations*. This variance is issued in accordance with this authority and CDPHE expects its contents to be implemented uniformly.



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