

# Bill as Introduced

HB 1417 - AS INTRODUCED

2010 SESSION

10-2636  
08/01

HOUSE BILL            **1417**

AN ACT                allowing companion dogs in certain areas of restaurants.

SPONSORS:            Rep. Butler, Carr 1; Rep. Bettencourt, Rock 4

COMMITTEE:          Commerce and Consumer Affairs

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ANALYSIS

This bill allows companion dogs in certain areas of restaurants.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struckthrough.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Ten*

AN ACT allowing companion dogs in certain areas of restaurants.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Dogs; Restaurants and Food Stores. Amend RSA 466:44 to read as follows:  
2 466:44 Restaurants and Food Stores.

3 ***I. Except as provided in paragraph II, no person shall bring any animal into any***  
4 ***restaurant or any store that sells food; and no person shall allow any animal to enter in any store***  
5 ***that sells food, except for guide dogs leading blind persons, and the hearing ear dog and the service***  
6 ***dog as provided in RSA 167-D. Whoever violates the provisions of this [section] paragraph shall be***  
7 ***guilty of a violation.***

8 ***II. A restaurant owner may allow, at the restaurant owner's discretion, any person***  
9 ***possessing a properly disciplined companion dog inside his or her place of business. Such***  
10 ***dogs shall not be allowed in food preparation or production areas. Restaurant owners***  
11 ***allowing companion dogs shall prominently display a sign at all public entrances advising***  
12 ***patrons that companion dogs are allowed on the premises.***

13 2 Effective Date. This act shall take effect 60 days after its passage.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1417

**BILL TITLE:** allowing companion dogs in certain areas of restaurants.

**DATE:** 2-2-10

**LOB ROOM:** 302      **Time Public Hearing Called to Order:** 1012

**Time Adjourned:** 1028

(please circle if present)

**Committee Members:** Reps. Butler, DeStefano, Kopka, McEachern, Hammon, Nord, Winters,  
Meador, Gidge, Schlachman, Keans, ~~D. Eaton~~, Hunt, Quandt, Belanger, D. Flanders, R. Holden,  
Dowling, Headd, Nevins and Palfrey.

**Bill Sponsors:** Reps. Butler and Bettencourt

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Edward Butler, prime sponsor** – Opened bill. Bill comes forward due to a change in health inspection; read a letter from the owner of a local coffee house allowing dogs.

**Q: Rep. Patricia Dowling** – Asked for definition of well behaved.

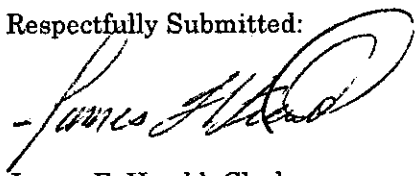
**A:** On a leash and controlled by owners; service animals would be given preference over companion animals.

**Suzanne Laciberte of Grafton, representing self** – Opposes this bill. I am speaking for myself. I love dogs but would never think of taking a dog into an eating establishment. Service animals are trained to interact with other animals and people; companion dogs are beggars. Are we going to allow horses or cats in if people claim they are companions.

**Q: Rep. Susi Nord** - The bill says “may” not “shall”; so this is up to the owner?

**A:** I see the problem of service dog and a companion dog.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "James F. Headd". The signature is written in a cursive style with a large, looping initial "J".

James F. Headd, Clerk



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Bill Sponsors: Reps. Butler and Bettencourt

TESTIMONY

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Rep Butler - opened bill - Bill comes forward  
due to a change in Health inspection -  
Read a letter from the owner of a local  
cupper house allow dogs -

Q Dowdy - asked for definition of  
well behaved

A - on a leash and controlled by owner -  
service animals would be your preference  
over companion animals -

# 2 Suzanne LaLiberte - Representing self  
opposes this Bill.

I am open to the possibility  
I have dogs I but would prefer  
that of taking a dog into an  
eating establishment.

Service animals are trained  
to interact with other animals and  
people - companion dogs are  
beggers.

Are we going to allow horses  
or cats in if people claim they  
are companions?

Q None - the bill says may  
not shall - so they are up to the  
owner.

A - to see the problem of service  
dog vs a companion dog.

# Testimony

Subj: FW: In response to LegLink 1/29/2010  
Date: 2/1/2010 3:15:57 P.M. Eastern Standard Time  
From: [hveilleux@sheehan.com](mailto:hveilleux@sheehan.com)  
To: [EdoftheNotch@aol.com](mailto:EdoftheNotch@aol.com)  
Hi Ed,

Mike and I need to be in Senate Ways and Means tomorrow for 10:15. I will try and swing by Commerce around 10:00 - but thought you should see this below. Good thoughts on the bill.

Henry

-----Original Message-----

From: Patio Garden Restaurant [<mailto:patiogarden@weirsbeach.com>]  
Sent: Friday, January 29, 2010 5:58 PM  
To: Henry G. Veilleux  
Cc: [msomers@nhlra.com](mailto:msomers@nhlra.com)  
Subject: In response to LegLink 1/29/2010

Dear Mr. Veilleux/Mr. Somers;

I am an owner of the Patio Garden Restaurant in Weirs Beach. We are a seasonal establishment, open only from Memorial Day weekend through Labor Day weekend.

I received the NHLRA email newsletter today. We strongly support HB 1417, which would allow companion dogs in restaurants.

Our operation contains a large percentage of outdoor seating which we feel would be quite appropriate for customers with companion dogs. However, the current regulation does not distinguish between indoor or outdoor seating with regards to dogs.

We suggest that, if necessary for passage, that the HB 1417 bill be amended to allow companion dogs in licensed outside areas of restaurants.

There is precedent to make such a distinction because the current non-smoking law for restaurants does allow for smoking in outside areas.

So why not allow dogs in outside areas? Surely companion dogs do not pose as much of a health risk to adjacent customers as second-hand smoke.

Sincerely,

Robert Ames  
[patiogarden@weirsbeach.com](mailto:patiogarden@weirsbeach.com)  
\*\*\*\*\*

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\*\*\*\*\*

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Subj: **HB 1417**  
Date: 2/1/2010 7:10:01 P.M. Eastern Standard Time  
From: [contact@metcoffeehouse.com](mailto:contact@metcoffeehouse.com)  
To: [stan.kelly@leg.state.nh.us](mailto:stan.kelly@leg.state.nh.us)  
CC: [EdoftheNotch@aol.com](mailto:EdoftheNotch@aol.com)

As owners of The Metropolitan Coffee House in North Conway, NH, we fully support HB1417 allowing companion dogs in certain areas of restaurants. For over five years, customers brought their dogs into our establishment without a single incident, and only one formal complaint. Never were dogs let into food prep areas nor do we believe this should be allowed. We see no reason why folks can't bring their dogs into public establishments as long as their owners exercise complete control of their animals at all times. Of course, owners would be asked to remove their dogs if the animal became unruly or posed a threat to public safety. This is nothing different than what would happen with an unruly customer. Our customers sorely miss the opportunity to bring their dogs into our establishment. In fact, we have lost some business due to the enforcement of the existing statute. Without reservation, we support this bill.

Sincerely,  
Howard Stanten and Erin Wright, Owners  
The Metropolitan Coffee House  
North Conway, NH

He-P 2316.02 Prohibiting Animals.

(a) Live animals shall not be allowed in dining, kitchen or storage areas of food service establishments or retail food stores except for:

- (1) Edible fish or decorative fish in aquariums;
- (2) Shellfish or crustacea on ice or under refrigeration;
- (3) Shellfish and crustacea in display tanks;
- (4) Pets in the common dining areas of institutional care facilities including but not limited to nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:
  - a. Effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
  - b. Condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present;
  - c. Dining areas including but not limited to tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and
- (5) Patrol dogs accompanying police or security officers in offices, dining, sales, and storage areas.

(b) Service animals, including but not limited to guide dogs trained to assist an employee or patron who is handicapped shall be allowed in areas of a food service establishment or retail food store not used for food preparation, including but not limited to dining areas, provided they are:

- (1) Controlled by the handicapped employee or person; and
- (2) Kept off seats or tables.

Source. #2802, eff 8-8-84; EXPIRED 8-8-90

New. #6503, Interim, eff 4-25-97; EXPIRED 8-23-97

New. #6722, eff 3-27-98; ss by #7893, eff 5-21-03

# Voting Sheets

**HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS**

**EXECUTIVE SESSION on HB 1417**

**BILL TITLE:** allowing companion dogs in certain areas of restaurants.

**DATE:** 2-4-18

**LOB ROOM:** 302

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Kopka

Seconded by Rep. Winters

Vote: 15-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent or Regular

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1417

BILL TITLE: allowing companion dogs in certain areas of restaurants.

DATE: 2-4-18

LOB ROOM: 302

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Kupka*

Seconded by Rep. *Winter*

Vote: *150* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Consent or Regular  
(Vote to place on Consent Calendar must be unanimous.)

*150*

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James F. Headd, Clerk

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 1417 Title: Companion Regs

PH Date: 1/1/10 Exec Session Date: 214 110

Motion: OTY Amendment #: \_\_\_\_\_

| MEMBER                          | YEAS | NAYS |
|---------------------------------|------|------|
| Butler, Edward A, Chairman      | /    |      |
| Schlachman, Donna L, V Chairman | /    |      |
| DeStefano, Stephen T            |      |      |
| Kopka, Angeline A               | /    |      |
| Meador, David R                 | /    |      |
| McEachern, Paul                 | /    |      |
| Hammond, Jill Shaffer           | /    |      |
| Nord, Susi                      | /    |      |
| Winters, Joel F                 | /    |      |
| Keans, Sandra B                 |      |      |
| Gidge, Kenneth N                | /    |      |
| Hunt, John B                    | /    |      |
| Quandt, Matt J                  | /    |      |
| Belanger, Ronald J              |      |      |
| Flanders, Donald H              | /    |      |
| Holden, Rip                     |      |      |
| Dowling, Patricia A             |      |      |
| Headd, James F, Clerk           | /    |      |
| Nevins, Chris F                 | /    |      |
| Palfrey, David J                | /    |      |
|                                 | 15-0 |      |
| TOTAL VOTE:                     |      |      |

# Committee Report

**CONSENT CALENDAR**

**February 17, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on COMMERCE AND CONSUMER  
AFFAIRS to which was referred HB1417,**

**AN ACT allowing companion dogs in certain areas of  
restaurants. Having considered the same, report the  
same with the recommendation that the bill OUGHT TO  
PASS.**

**Rep. Angeline A Kopka**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

|                   |  |
|-------------------|--|
| Committee:        | COMMERCE AND CONSUMER AFFAIRS                            |
| Bill Number:      | HB1417   |
| Title:            | allowing companion dogs in certain areas of restaurants. |
| Date:             | February 9, 2010   |
| Consent Calendar: | YES  |
| Recommendation:   | OUGHT TO PASS  |

### STATEMENT OF INTENT

This bill is enabling legislation that will allow a restaurant owner, at his/her discretion, to permit well-behaved companion dogs into public areas of a food service establishment. Dogs would not be permitted to enter any food preparation or production areas. The restaurant owner must post notice prominently displayed at all public entrances advising patrons that companion dogs are permitted on the premises. This does not change the use of service dogs, which are already allowed in restaurants under the Americans with Disabilities Act.

Vote 15-0.

Rep. Angeline A Kopka  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## **CONSENT CALENDAR**

### **COMMERCE AND CONSUMER AFFAIRS**

**HB1417**, allowing companion dogs in certain areas of restaurants. **OUGHT TO PASS.**

Rep. Angeline A Kopka for **COMMERCE AND CONSUMER AFFAIRS**. This bill is enabling legislation that will allow a restaurant owner, at his/her discretion, to permit well-behaved companion dogs into public areas of a food service establishment. Dogs would not be permitted to enter any food preparation or production areas. The restaurant owner must post notice prominently displayed at all public entrances advising patrons that companion dogs are permitted on the premises. This does not change the use of service dogs, which are already allowed in restaurants under the Americans with Disabilities Act. **Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

Blurb for 1417:

Angie Kopka:

This bill is enabling legislation that will allow a restaurant owner, at his/her discretion, to permit well-behaved companion dogs into public areas of a food service establishment. Dogs would not be permitted to enter any food preparation or production areas. The restaurant owner must post notice prominently displayed at all public entrances advising patrons that companion dogs are permitted on the premises. This does not change the use of service dogs, which are already allowed in restaurants under the Americans with Disabilities Act.

Blurb for 1363:

Jill Shaffer Hammond

This bill allows continuing care retirement communities (CCRCs) to enter into 'at-home' continuing care contracts. CCRCs are bricks and mortar operations where an individual or couple contracts with the company for lodging, board, and medical care, by paying a substantial entrance or accommodation fee, for housing ranging from independent apartments, town houses or cottages, through assisted living units, nursing home facilities, to Alzheimer units. This bill would allow a CCRC to deliver at-home care to a contractee who will be a future resident at such a facility, but still resides and receives services in their independent home.

Blurb for 1282:

Jill Shaffer Hammond

This bill would have required insurance companies to send a copy of any claim which is denied to the insured and to the provider. This would have added unnecessarily to paper work requirements in insurance, especially since insureds are already notified when a claim is denied and providers are sent lists of denied claims from the insurers.

Blurb for 1597:

Jill Shaffer Hammond

This bill sought to provide a safety net for workers who lose their jobs by extending indefinitely COBRA coverage beyond 18-months, until an insured either was eligible for another employer-based group plan or for Medicare. It would also have prohibited an insurer from denying a policy or coverage to an individual due to pre-existing condition. As it stands now, those who continue with COBRA (a rather expensive option for someone unemployed) are often those with pre-existing conditions who would find it nearly impossible to get affordable coverage otherwise. As these people stay on an employer's coverage, the employer may find that older ex-employees, or their dependents, may adversely affect that small business' group rating. The mechanism for addressing the needs of hard-to-cover individuals is through the state's high risk pool. It is clear that some reforms and expansion of coverage for the unemployed, addressing access and affordability issues, are still needed. The insurance department will be reporting back to the Commerce Committee in May regarding how this can be achieved through modifications to the state's high risk pool policy.

**Stapler, Carol**

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**From:** EdofttheNotch@aol.com  
**Sent:** Monday, February 08, 2010 2:56 PM  
**To:** Stapler, Carol  
**Subject:** blurbs  
**Attachments:** Blurb for 1417,etc from Jill 2-10.doc

Carol, these are OK.

Ed