



CITY OF PORTSMOUTH

Health Department
(603) 610-7273

Kim McNamara, Health Officer

February 18, 2020

Edward Butler, Chair
House Commerce and Consumer Affairs Committee
107 North Main Street
Concord, NH 03301

Re: City of Portsmouth's written testimony in opposition of HB 1483, a bill that would allow dogs on open air restaurant patios

Dear Chairman Butler and Members of the House Commerce and Consumer Affairs Committee:

My name is Kim McNamara and I am the Health Officer for the City of Portsmouth. I am submitting this written testimony in opposition to HB 1483 on behalf of the City of Portsmouth.

The City of Portsmouth is opposed to HB 1483 *AN ACT relative to allowing dogs on open air restaurant patios* because this bill is unnecessary, as the FDA Food Code already allows for a Variance to allow dogs on open air restaurant and brew pub patios while simultaneously providing the safeguards that will continue to protect the public health and other dogs, particularly Service Dogs.

The City of Portsmouth as well as some other Self Inspecting Municipalities already have established Dog Friendly Dining Variances with feedback from local foodservice businesses. The Variance steps are simple and inexpensive to put in place. They are:

- Conditions: Variance for dogs only, may not impede persons with disabilities, or Service Dogs
- Signage: Notifying the public where dogs are allowed and cleaning/incident procedures
- Area Design: Cleanable surfaces, waste handling, required cleaning equipment
- Operations & Cleaning: Cleaning and proper disposal, hygienic practices after incidents, employee training, dog control, avoiding cross contamination to humans and local ordinance compliance

Without this Variance procedure, the safeguards to the public health that underpin the reasons the FDA Food Code does not allow dogs in food service areas are not addressed. Therefore HB 1483 is less protective of public health than the current law.

The City of Portsmouth has adopted a Legislative Principle that supports local control. HB 1483 as introduced would remove local control and require all restaurants and brew pubs to allow dogs on patios. The City of Portsmouth is a self-inspecting municipality that is familiar with its local restaurants and brew pubs. Some want to allow dogs on patios and others do not. Under our current Variance procedure, any restaurant or brew pub that wants to permit dogs on patios may request a Variance. The City opposes HB 1483 because it does not support the City's Legislative Principle to support local control.

Thank you for your consideration.



Kim McNamara, Health Officer
On behalf of the City of Portsmouth

cc: Mayor Becksted
Portsmouth City Council
Karen Conard, City Manager
Portsmouth Legislative Delegates