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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 290 Session of  
2019

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INTRODUCED BY SIMMONS, STURLA, DONATUCCI, HILL-EVANS, NEILSON,  
SCHLOSSBERG, CONKLIN, ISAACSON, FREEMAN, CIRESI, CALTAGIRONE,  
SCHWEYER, ULLMAN, JAMES, KORTZ AND RAVENSTAHL,  
JANUARY 30, 2019

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
JANUARY 30, 2019

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, in food protection, further providing for retail  
3 food facility and employee cleanliness.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 5710 of Title 3 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 5710. Retail food facility and employee cleanliness.

9 (a) Cleanliness.--The following shall apply:

10 (1) All retail food facilities, kitchens, dining rooms  
11 and all places where foods are prepared, kept or stored shall  
12 be kept in a clean and sanitary condition and be protected  
13 from dust, dirt, insects and vermin in the manner prescribed  
14 by the regulations of the department. The clothing and hands  
15 of employees shall at all times be clean and sanitary. Except  
16 when washing fruits and vegetables or when approved by the  
17 department, food employees may not contact exposed, ready-to-

1 eat food with their bare hands and shall use suitable  
2 utensils such as deli tissue, spatulas, tongs, single-use  
3 gloves or dispensing equipment. [No]

4 (2) Except as specified under subsection (b), no  
5 domestic pets or other animals shall be permitted where food  
6 or drink is prepared, handled or stored unless specifically  
7 permitted or required under the Americans with Disabilities  
8 Act of 1990 (Public Law 101-336, 104 Stat. 327) or other  
9 Federal or State law. No person shall be permitted to use for  
10 living or sleeping purposes any room or place in any retail  
11 food facility which is regularly and customarily used for the  
12 preparation, handling, storing or serving of food.

13 (b) Pet dogs.--Notwithstanding the provisions of section 6-  
14 501.115 of the Food Code published by the United States Food and  
15 Drug Administration, a pet dog under the control of the pet dog  
16 owner may be permitted in an outdoor dining area if the  
17 proprietor of the retail food establishment elects to allow pet  
18 dogs in the retail food establishment's outdoor dining area and  
19 the retail food establishment complies with all of the  
20 following:

21 (1) A separate outdoor entrance shall be present at the  
22 retail food establishment where a pet dog may enter without  
23 going through the retail food establishment to reach the  
24 outdoor dining area.

25 (2) The pet dog may not sit on a table, chair, bench,  
26 seat or other furniture or fixtures located at the retail  
27 food establishment.

28 (3) The outdoor dining area may not be used for food or  
29 drink preparation or the storage of utensils. A food employee  
30 may refill a beverage glass in the outdoor dining area from a

1 pitcher or other container.

2 (4) Food and water provided to a pet dog shall only be  
3 in single-use disposable containers.

4 (5) Food employees may not have direct contact with a  
5 pet dog while on duty.

6 (6) The outdoor dining area shall be kept in a clean and  
7 sanitary condition and be protected from dust, dirt, insects  
8 and vermin in the manner prescribed by the regulations of the  
9 department. Surfaces that have been contaminated by dog  
10 excrement or other bodily fluids shall be cleaned and  
11 sanitized.

12 (7) A pet dog shall be on a leash or confined in a pet  
13 carrier and under the control of the pet dog owner.

14 (8) The proprietor of the retail food establishment  
15 ensures compliance with local ordinances relating to  
16 sidewalks, public nuisance and sanitation.

17 (9) Other control measures as specified by the licensor.

18 Section 2. This act shall take effect in 60 days.