

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2291**

As Further Amended by House Committee of  
the Whole

**Brief\***

HB 2291, as amended, would modify law related to microbreweries and food establishments. The bill would stipulate the definition of certain beer to be a cereal malt beverage and would permit food establishments to allow dogs in outside areas on the premises if certain conditions are met and would provide a specific exception from the Kansas Food Code for microbreweries to allow dogs in inside areas upon meeting an additional condition.

[*Note:* Under current law, a food establishment may apply for a variance to be allowed to permit dogs in outside areas.]

***Beer as a Cereal Malt Beverage***

The bill would stipulate that any beer containing not more than 6 percent alcohol by volume and sold by the individual drink by any microbrewery be considered cereal malt beverage and not beer for the purposes of the Kansas Liquor Control Act and any requirement that the sale of alcoholic liquor by the individual drink be permitted only when such place derives at least 30 percent of their gross receipts from the sale of food for consumption on the premises.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***Dogs at Food Establishments***

The bill would allow a food establishment to permit dogs in outside areas on its premises if the following conditions are met:

- The establishment shall prepare a written plan detailing the processes and procedures to prevent food contamination from dogs on the premises and post the plan next to the food establishment license inside the premises of the establishment;
- Employees of the establishment shall be trained on the plan, and the plan shall be made available to the Kansas Department of Agriculture (KDA) upon request;
- Dogs shall be under handler control, well-behaved, and respond to their handler's command;
- Dogs belonging to guests of the microbrewery shall be leashed at all times;
- Dogs shall not be permitted on dining surfaces, including table, bars, or counter tops;
- Dogs shall not be fed or watered from any food establishment equipment, including, but not limited to, plates, bowls, and utensils, except for single-service items that are disposed of immediately following use;
- An area outside the food establishment shall be designated for dog urination and defecation;
- Employees shall be required to wash their hands after contact of any kind with a dog prior to handling any food, drink, utensil, or food or drink production, preparation or serving equipment, or

the preparation or use of surfaces that may come into contact with food or drink;

- Guests shall be advised to wash their hands after any contact with a dog; and
- The establishment shall develop and follow a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving, or consumption of food or drink if a dog has contact with such equipment or surfaces, including instructions for disposing of contaminated food or drink.

### ***Dogs at Microbreweries***

In addition to the provisions that permit dogs in outside areas of all food establishments, food establishments that are microbreweries would be permitted to allow dogs in inside areas, but dogs would not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars.

### **Background**

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of Representative Laura Williams.

### ***House Committee on Commerce, Labor and Economic Development***

In the House Committee hearing, representatives of the Kansas Restaurant and Hospitality Association and Transport Brewery provided **proponent** testimony, stating the bill would permit microbreweries to allow dogs in outside and indoor areas on their premises, create a dog-friendly environment for

customers and local communities, and codify the current variance to allow dogs on outdoor patios.

**Opponent** testimony was provided by a representative of the KDA. The KDA representative stated the Food Safety and Lodging Program is in the process of adopting an updated Kansas Food Code that would allow dogs on outdoor patios without a food establishment being required to apply for a variance. The KDA representative also stated the presence of dogs in indoor dining areas raises several significant health and safety concerns, such as food contaminated with dog hair, the transmission of viral and bacterial diseases from dogs to humans, and allergies to dogs.

No other testimony was provided.

The House Committee amended the bill to permit all food establishments to allow dogs in outside areas on the premises if conditions are met.

### ***House Committee of the Whole***

The House Committee of the Whole amended the bill to insert the provisions stipulating beer to be a cereal malt beverage under certain circumstances.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KDA indicates enactment of the bill would not have a fiscal effect on agency operations.

Microbreweries; dogs; food establishments; Kansas Food Code; Kansas Department of Agriculture; Kansas Liquor Control Act; food sales receipts; beer; cereal malt beverage