1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www. agriculture.ks.gov

Kansas
Department of Agriculture

900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

Opposing Testimony for HB 2291
to the House Committee on Commerce, Labor and Economic Development
by Deputy Secretary of Agriculture Kelsey Olson
Kansas Department of Agriculture
February 8, 2023

Good afternoon, Chairman Tarwater and members of the committee. I am Kelsey Olson and I serve as the Deputy Secretary of the Kansas Department of Agriculture (KDA). Thank you for the opportunity to provide testimony in opposition to House Bill 2291.

House Bill 2291 would allow dogs on both the outside patio and indoor dining areas of microbreweries that are licensed as food establishments in Kansas, notwithstanding certain provisions of the Kansas Food Code that currently prohibit that practice. KDA's currently adopted version of the Kansas Food Code, which is administered by the agency's Food Safety and Lodging Program, prevents non-service dogs from being in any food establishment, including microbreweries, although the Food Code currently allows licensed food establishments to apply for a variance to be allowed to permit dogs on outdoor patios.

The program also is in the process of adopting an updated version of the Food Code, which would allow for dogs on outdoor patios without the establishment being required to apply for a variance. However, even the proposed new version of the Food Code still would not allow dogs inside in a food establishment's dining area. The Food Safety and Lodging Program maintains that the presence of dogs in indoor dining areas raises several significant health and safety concerns.

First, dogs generally shed hair, some breeds more than others. This happens, no matter how well behaved a dog is, and allowing dogs to be in indoor dining areas greatly increases the associated risks of contamination — i.e., the possibility that dog hairs will find their way to tabletops, counter tops, food serving surfaces, food prep areas, napkins/silverware staged in the dining area, dishes and drinking glasses.

One goal of food safety is maintaining a sanitary food establishment, and current requirements recognize that keeping even human hair out of food and areas that come into contact with food is an essential element of ensuring sanitary conditions. The Kansas Food Code requires food preparers, kitchen workers, etc. to control their hair, beards and moustaches by requiring them to wear caps, hair nets, beard nets, etc. to ensure safe food to the consumer. There are not caps or

nets which will mitigate the shedding of dog hair. Allowing dogs in dining areas increases the risk that food may become contaminated with dog hair.

In addition to the risks posed by shedding, dogs can transmit several viral and bacterial diseases to humans, through saliva, aerosols, urine, feces, and direct contact with a person. "The most common foodborne viral infections transmitted to humans by dogs include norovirus, and most common foodborne bacterial infections transmitted to humans by dogs include Salmonella, Campylobacter, Staphylococcus aureus."[1] The recent trend of pet owners serving their animals raw meat pet food only increases the risk of dogs transmitting foodborne bacteria. "Raw meat pet food has been found to contain foodborne bacteria, including Salmonella, E. coli, and Listeria monocytogenes."[2]

These foodborne illness-causing bacteria isolated from companion animals may be a health risk for other animals and people, and it is much more difficult to adequately address these public safety concerns when allowing dogs indoors as opposed to permitting them only on outdoor patios. In general, allowing dogs indoors in food establishments increases the likelihood of contact between the dogs and other patrons because of the close quarters and seating walkways and poorer ventilation than is provided outdoors. This increases the risk of direct disease transmission between dogs and humans. Additionally, allergies to dogs are common and the effects on patrons who suffer from allergies are much more unpleasant if the affected person is seated indoors with a dog as opposed to outdoors.

Further, allowing dogs indoors increases the chances that they will urinate or defecate inside, which in turn poses the risk of contaminated waste being tracked throughout the establishment. Moreover, there is no guarantee that dogs that are present in indoor food establishments will be vaccinated against dangerous diseases. Most notably, in Kansas, rabies vaccines for dogs are not mandated statewide. Rather requirements for rabies vaccination are determined by county and municipal ordinances. An unvaccinated dog poses a health risk not only to the pet but to the owner and public as well, and, if an unvaccinated dog bites someone, that individual would be subject to the grueling rabies prevention therapy. The risk posed by uncertainty in regard to vaccination status is made even greater by the fact that, as reported by the American Veterinary Medical Association, there is an increasing number of pet owners who are rejecting mainstream science and questioning vaccinations for their pets.[3]

---

[1] *Review of Bacterial and Viral Zoonotic Infections Transmitted by Dogs*, Ghasmemzadeh and SH Namazi- Journal of Medicine and Life, 2015, available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5319273/.

[2] *Whole Genome Sequencing confirms source of pathogens associated with bacterial foodborne illness in pets fed raw pet food*, J.Jones, L.Wang, et.al. - Journal of Veterinary Diagnostic Investigation, March 2019, available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6838835/.

[3] *Vaccine Hesitancy-Veterinary professionals face challenges surrounding vaccinations,* Kaitlyn Mattson. American Veterinary Medical Association, February 2020, available at https://www.avma.org/javma-news/2020-03-01/vaccine-hesitancy.

The Food Safety and Lodging Program promotes public safety by regulating the production and sale of food products in Kansas. KDA respectfully requests that the committee carefully consider whether it is in the public interest to pass House Bill 2291 at this time because of the concerns for the health and safety of the general public and the ability to ensure safe food at a food establishment.