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Client Alert: Dogs in Taprooms: Brewery Best Practices

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With the recent passage of Senate Bill 290 (codified as Session Law 2019-182), North Carolina officially welcomed dogs, cats, and other pets back into brewery taprooms, provided that the brewery does not prepare food on-site and otherwise chooses to allow the animals. While the new law is a welcome change, it raises a number of potential liability issues that breweries should consider. Here, we will examine some “best practices” that breweries can adopt to mitigate risk and limit potential liability.

As an initial matter, assuming the brewery does not own its premises outright, the lease agreement should be reviewed to confirm that allowing dogs does not violate any provision with respect to the brewery’s use of the property. Even if it does not, a brewery tenant should discuss with its landlord whether to allow dogs and under what conditions, since the landlord could be responsible if an accident were to occur. Breweries should also confirm that they are not subject to any local ordinance, restrictive covenant, or declaration that might otherwise prohibit dogs or other animals. A call to your insurance agent may also be in order, ensuring that adequate coverage is in place given the possibility of a dog-inflicted injury.

Next, breweries should draft a clear set of rules that will apply to all customers choosing to bring their dog along with them. The rules should be posted in a conspicuous place and strictly enforced, without exception. Breweries should also post the rules on their website or on social media outlets so that customers can read them ahead of time and know what to expect before arriving. Brewery employees should be educated regarding the rules and instructed to monitor and enforce the rules when necessary.

As part of the employee education process, employees should be instructed on what to do in the event an accident happens and someone or something is injured or damaged. First, an incident report should be completed by the taproom manager. The incident report should document the date, time, location, names, and contact information of everyone involved, and a detailed description of what happened. The report should also clearly identify the dog or other animal involved by name and physical description. If the pet’s owner consents, a photograph of the animal can be taken and affixed to the incident report. This will help with future identification should the animal return to the brewery on a future occasion. The brewery’s employees should ensure that an injured customer receives any necessary first-aid, and in cases of serious

injury, that 911 is called and that the customer is examined and treated by a medical professional.

While there is no magic set of rules that will apply to all breweries, below is a list of rules that should be considered:

- No aggressive dogs (consider prohibiting certain breeds that are known to be aggressive or that may make other customers feel unsafe)
- No dogs with a known tendency or history of biting
- Dogs must remain leashed at all times (expandable leashes should be “locked” at a reasonable length or prohibited outright; dogs should not be leashed to furniture or other objects that may not withstand the dog’s pulling weight)
- Dogs must be attended at all times
- Dogs must be current on all required vaccinations
- Dogs allowed only in certain areas (this may not be possible depending on your taproom layout, but consider whether designated areas for customers with/without dogs is feasible; also consider whether dogs should always remain outside unless inclement weather makes that impractical)
- Owner is responsible for cleaning up all dog waste (pee/poop/drool) or notifying brewery staff immediately to prevent slip and fall accidents

Depending on the specific violation, customers should be warned and instructed to comply, or asked to remove their dog from the premises. Repeat offenders should be prohibited from returning with the dog in question. In no event should a brewery allow a customer to remain in non-compliance with the rules after the giving of a warning or being asked to remove the dog. In extreme circumstances, police can be called to enforce the rules. Once a brewery has knowledge of a dog’s aggressive tendencies or history of biting, the dog should be permanently banned from the brewery. Furthermore, a brewery should take customer complaints seriously. If a customer reports that another customer’s dog is being aggressive or otherwise creating an unsafe environment, the dog should be removed from the premises.

There may be other considerations depending upon your specific brewery location, layout, and desired goals as it relates to allowing dogs and other pets, but hopefully this has provided a good starting point. If you have any questions or concerns, or would like to discuss these issues in more detail, please feel free to contact me.

Christian is a partner in the firm’s Charlotte office where he practices in the areas of alcoholic beverage law, commercial leasing, and business litigation. Christian regularly represents craft breweries and other commercial and retail permittees. Christian serves as an Advisory Board Member and Lead Instructor (Legal Bootcamp Class) at the University of North Carolina at Charlotte’s Business of Craft Beer certificate program. Christian can be reached at 704.945.2183 or cstaples@shumaker.com.