

Note: Legislative Counsel's Digest states that “Existing law establishes procedures, as administered by the State Department of Public Health, for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment for the pet, health of the pet, and safety. Existing law similarly regulates the sale of dogs by pet breeders.” To our knowledge, the “State Department of Health” is not involved in the Pet Boarding Facilities law nor was the involvement of any state agency ever intended in the development of 2016 SB 945 (Monning.) This statement should NOT be repeated in discussion of AB 2691. Leg Counsel’s Digest states, “This bill would establish parallel requirements for dog trainers, dog training facilities, and dog training facility operators, as defined,” and this Guide illustrates use of this approach.

As with SB 945, the definition of who is to be covered is first concern. Because pet boarding is now done in homes on a small scale, a threshold of practicality had to balance the need to protect pets versus the public interest in available boarding case outside the owner’s home. Boarding facilities were poorly organized in a very fragmented sector with different types of facilities and users throughout the state. In order to develop workable provisions, operators had to educate the author and sponsor on workable practices. For AB 2691, these same factors apply. The reported reason for the bill is reports of poor experiences with incompetent, abusive and/or dishonest trainers who were also may have been criminally prosecuted or liable for civil damages. Unlike boarding where the service providing care for a period of time, the service of dog training may or may not involve care but it requires modifying a dog’s behavior and usually in coordination with training the owner how to maintain the modifications and manage the dog safely and appropriately. Some dog training is provided in boarding settings to the dog alone, probably presenting consumer protection and humane risks that are greatly reduced when the owner is present regardless of the location or trainer. With SB 2691 drafted in parallel with SB 945, the focus appears to be a boarding setting yet most dog training is not conducted this way yet might be covered by the bill. There are far greater numbers of dog trainers, organizations and businesses than boarding facilities. They are also fragmented, disorganized and represent many niches within subcultures of activities, ranging from recreational, service or law enforcement, often with little or no exposure to the public. Many of these trainers are highly skilled and provide invaluable services to dogs and society with little or no risk to dogs or anyone.

PRELIMINARY CONCERNS:

What actual types of training would be covered by AB 2691? Can those covered comply with provisions that were developed for boarding facilities without reduction or loss of valuable services? Would AB 2691 deter or adequately exclude or punish “bad actor” trainers.

Many years ago, an Assembly Member from Los Angeles considered a similar kind of bill but after consideration of the diverse realities of dog training, never proceeded, and legislative approaches have been elusive beyond dealing with existing offenses such as cruelty, contract law or the like.

The following table compares AB 2691 to the existing Pet Boarding Facilities law. Yellow highlighting shows the same provisions from each – most of each document with changes only for dogs versus pets. New material in AB 2691 is bolded, but some of that appears to be copied from yet another source. There are a few items in the boarding law that do not apply and have no special formatting. However, some provisions that might be worthwhile but are not included are italicized.

2020 AB 2691 - CHAPTER 12. Dog Training	CHAPTER 11. Pet Boarding Facilities [122380 - 122388] (2016 SB 945)
BILL TEXT THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS: SECTION 1. Chapter 12 (commencing with Section 122390) is added to Part 6 of Division 105 of the Health and Safety Code, to read:	HEALTH AND SAFETY CODE - HSC DIVISION 105. COMMUNICABLE DISEASE PREVENTION AND CONTROL [120100 - 122477] (Division 105 added by Stats. 1995, Ch. 415, Sec. 7.) PART 6. VETERINARY PUBLIC HEALTH AND SAFETY [121575 - 122388] (Part 6 added by Stats. 1995, Ch. 415, Sec. 7.)

CHAPTER 12. Dog Training

122390.

This chapter shall be known, and may be cited, as the Dog Trainer Sufficiency Act.

122390.5.

The following definitions apply for purposes of this chapter:

- (a) "Dog trainer" or "trainer" means a person, firm, partnership, corporation, or other association that sells, offers, or provides dog training services on the premises of the person, firm, partnership, corporation, or other association.
- (b) "Dog training facility" means any lot, building, structure, enclosure, or premises, or a portion thereof, whereupon dogs are trained at the request of, and in exchange for compensation provided by, their owner. A dog training facility may be on the same premises as a dog boarding facility, as defined in Section 122380.
- (c) "Dog training facility operator" or "operator" means a person who owns or operates, or both, a dog training facility.
- (d) "Enrichment" means providing objects or activities, appropriate to the needs, as well as the age, size, and condition of the dog, that stimulate the dog and promote the dog's well-being.
- (e) "Permanent or fixed enclosure" means a structure, including, but not limited to, an exercise run, kennel, or room, used to restrict a dog, that provides for the effective separation of a dog from the dog's waste products.
- (f) "Person" means an individual, partnership, firm, limited liability company, joint stock company, corporation, association, trust, estate, or other legal entity.
- (g) "Purchaser" means any person who purchases dog training services.
- (h) "Temporary enclosure" means a structure used to restrict a dog, including, but not limited to, a crate or cage, that does not provide for the effective separation of a dog from the dog's waste products.

122391.

- (a) A dog trainer shall deliver to a purchaser of dog training services a written disclosure containing all of the following:

CHAPTER 11. Pet Boarding Facilities [122380 - 122388] (Chapter 11 added by Stats. 2016, Ch. 364, Sec. 1.)

122380. As used in this chapter, the following definitions apply:

- (a) "Enrichment" means providing objects or activities, appropriate to the needs of the species, as well as the age, size, and condition of the pet, that stimulate the pet and promote the pet's well-being.
 - (b) "Permanent or fixed enclosure" means a structure, including, but not limited to, an exercise run, kennel, or room, used to restrict a pet, that provides for the effective separation of a pet from the pet's waste products.
 - (c) "Person" means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, or other legal entity.
 - (d) "Pet" means any nonhuman animal housed in the pet boarding facility, including, but not limited to, mammals, birds, reptiles, and amphibians. However, "pet" does not include a horse.
 - (e) "Pet boarding facility" means any lot, building, structure, enclosure, or premises, or a portion thereof, whereupon four or more dogs, cats, or other pets in any combination are boarded at the request of, and in exchange for compensation provided by, their owner. However, "pet boarding facility" does not include a city, county, or city and county animal control agency, society for the prevention of cruelty to animals, or humane society that contracts for the care of stray or abandoned animals, or the premises of a veterinary facility that is registered pursuant to Section 4853 of the Business and Professions Code.
 - (f) "Pet boarding facility operator" or "operator" means a person who owns or operates, or both, a pet boarding facility.
 - (g) "Temporary enclosure" means a structure used to restrict a pet, including, but not limited to, a crate or cage, that does not provide for the effective separation of a pet from the pet's waste products.
- (Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)

- (1) The trainer's name and address.
 - (2) Whether the trainer is licensed or certified by any animal training organization.
 - (3) The trainer's training techniques and whether they use negative reinforcement or shock collars.
 - (4) A written training plan describing the nature and goals of the training.
 - (5) A record of any injury sustained by dogs in their care.
 - (b) The written disclosure made pursuant to this section shall be signed by the trainer certifying the accuracy of the statement, and by the purchaser of the training services acknowledging receipt of the statement.
 - (c) In addition, all medical information required to be disclosed pursuant to this section shall be made orally by the trainer to the purchaser.
- 122391.5.**
- (a) A dog trainer shall maintain a written record on the health, status, and disposition of each dog trained at the training facility for a period of at least one year after the completion of training.
 - (b) It is unlawful for a dog trainer to fail to do any of the following:
 - (1) Maintain facilities where the dogs are kept or trained in a sanitary condition.
 - (2) Provide dogs with adequate nutrition, when needed, and potable water.
 - (3) Provide adequate space appropriate to the age, size, weight, and breed of dog. For purposes of this paragraph, "adequate space" means sufficient space for the dog to stand up, sit down, and turn about freely using normal body movements, and if caged, without the head touching the top of the cage, and to lie in a natural position.
 - (4) Provide dogs with a rest board, floormat, or similar device that can be maintained in a sanitary condition.
 - (5) Provide dogs with adequate socialization and exercise, as appropriate during the course of the training. For the purpose of this article, "socialization" means physical contact with other dogs and with human beings.
 - (6) Wash hands before and after handling an infectious or contagious dog.
 - (7) Provide veterinary care without delay when necessary.

122392.

Each dog training facility operator shall be responsible for all of the following:

- (a) Ensuring that the entire dog training facility, including all equipment therein, is structurally sound and maintained in good repair.

122381. Each pet boarding facility operator shall be responsible for all of the following:

- (a) Ensuring that the entire pet boarding facility, including all equipment therein, is structurally sound and maintained in good repair.

- (b) Ensuring that pests do not inhabit any part of the facility in a number large enough to be harmful, threatening, or annoying to the dogs.
- (c) Ensuring the containment of dogs within the facility, and, in the event that a dog escapes, making reasonable efforts to immediately capture the escaped dog.
- (d) If an escaped dog has not been captured despite reasonable efforts, ensuring that all material facts regarding the dog's escape are reported to the local agency for animal control and to the purchaser.
- (e) Ensuring that the facility's interior building surfaces, including walls and floors, are constructed in a manner that permits them to be readily cleaned and sanitized.
- (f) Ensuring that light, by natural or artificial means, is distributed in a manner that permits routine inspection and cleaning, and the proper care and maintenance of the dogs.

(g) Maintaining an area in the facility for isolating sick dogs from healthy dogs. 122392.5.

(a) Each permanent or fixed and temporary enclosure shall comply with all of the following standards:

- (1) Be structurally sound and maintained in good repair to protect the enclosed dog from injury, to contain the dog, to keep other dogs out, and to promote the health and well-being of the dog.
- (2) Be maintained in a comfortable and sanitary manner. When being cleaned in a manner or with a substance that is or may be harmful to a dog within the enclosure, that dog shall be removed from the enclosure.
- (3) Be constructed of material suitable for regular cleaning and sanitizing.
- (4) As needed to ensure the comfort and well-being of the dog, provide heating, cooling, lighting, ventilation, shade, and protection from the elements, including, but not limited to, the sun, wind, rain, and snow.
- (5) Allow a dog to turn around freely, stand easily, and sit or lie down in a comfortable position.

- (b) Ensuring that pests do not inhabit any part of the pet boarding facility in a number large enough to be harmful, threatening, or annoying to the pets.
- (c) Ensuring the containment of pets within the pet boarding facility, and, in the event that a pet escapes, making reasonable efforts to immediately capture the escaped pet.
- (d) If an escaped pet has not been captured despite reasonable efforts, ensuring that all material facts regarding the pet's escape are reported to the local agency for animal control and to the owner.
- (e) Ensuring that the pet boarding facility's interior building surfaces, including walls and floors, are constructed in a manner that permits them to be readily cleaned and sanitized.
- (f) Ensuring that light, by natural or artificial means, is distributed in a manner that permits routine inspection and cleaning, and the proper care and maintenance of the pets.

(g) If pet grooming services are offered by a pet boarding facility, separating the grooming work area from the pet boarding facility's permanent or fixed and temporary enclosures and ensuring that the grooming areas are cleaned and sanitized at least once daily.

(h) *Storing food in an area separate from permanent or fixed enclosures or temporary enclosures.*

(i) Maintaining an area for isolating sick pets from healthy pets.

(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)

122382. (a) Each permanent or fixed and temporary enclosure shall comply with all of the following standards:

- (1) Be structurally sound and maintained in good repair to protect the enclosed pet from injury, to contain the pet, to keep other animals out, and to promote the health and well-being of the pet.
- (2) Be maintained in a comfortable and sanitary manner. When being cleaned in a manner or with a substance that is or may be harmful to a pet within the enclosure, that pet shall be removed from the enclosure.
- (3) Be constructed of material suitable for regular cleaning and sanitizing.
- (4) As needed to ensure the comfort and well-being of the pet, provide heating, cooling, lighting, ventilation, shade, and protection from the elements, including, but not limited to, the sun, wind, rain, and snow.
- (5) Allow a pet to turn around freely, stand easily, and sit or lie down in a comfortable position.

(b) Each enclosure is either a permanent or fixed enclosure or a temporary enclosure.

(c) A dog may be contained in a temporary enclosure for a period not to exceed four hours during the day and 12 hours at night or the length of time that is humane for that particular dog, whichever is less. However, the dog shall remain outside the temporary enclosure for no less than the amount of time needed for the dog to eliminate its waste.

122393.

A dog training facility operator shall comply with all of the following care requirements:

(a) Use methods of training that will not hurt or injure the dog.

(b) Provide each dog with easy and convenient access to potable water at all times, or if the behavior of the dog makes unrestricted access to water impracticable, offer water as often as necessary to ensure the dog's health and well-being. However, water may be restricted as directed by the purchaser or a licensed veterinarian.

(c) Provide each dog with nutritious food in quantities and at intervals suitable for that dog.

(d) Provide each dog daily with enrichment sufficient to maintain the behavioral health of the dog.

(e) Maintain and abide by written policies and procedures that address dog care, management, and safe handling, disease prevention and control, routine care, preventive care, emergency care, veterinary treatment, and disaster planning, evacuation, and recovery that are applicable to the location of the dog training facility. These procedures shall be reviewed with each employee who provides care to the dogs and shall be present, in writing, either electronically or physically, in the facility and made available to all employees.

(b) Each enclosure is either a permanent or fixed enclosure or a temporary enclosure.

(c) In addition to the requirements set forth in subdivision (a), a permanent or fixed enclosure for a cat shall provide an elevated platform appropriate for the size of the cat.

(d) A pet may be contained in a temporary enclosure for a period not to exceed 4 hours during the day and 12 hours at night or the length of time that is humane for that particular pet, whichever is less. However, the pet shall remain outside the temporary enclosure for no less than the amount of time needed for the pet to eliminate its waste.

(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)

122383. A pet boarding facility operator shall comply with all of the following animal care requirements:

(a) House only one pet at a time in an enclosure unless otherwise consented to by the owner.

(b) Observe each pet as necessary, but no less than once every 24 hours, in order to recognize the signs of sickness, injury, or distress, and in order to ensure that the pet, food, and waste or debris is removed as necessary to prevent contamination or injury.

(c) Provide each pet with easy and convenient access to potable water at all times, or if the behavior of the pet makes unrestricted access to water impracticable, offer water as often as necessary to ensure the pet's health and well-being. However, water may be restricted as directed by the owner or a licensed veterinarian.

(d) Provide each pet with nutritious food in quantities and at intervals suitable for that pet.

(e) Provide each pet daily with enrichment sufficient to maintain the behavioral health of the pet.

(f) Maintain and abide by written policies and procedures that address animal care, management and safe handling, disease prevention and control, routine care, preventive care, emergency care, veterinary treatment, and disaster planning, evacuation, and recovery that are applicable to the location of the pet boarding facility. These procedures shall be reviewed with each employee who provides animal care and shall be present, in writing, either electronically or physically, in the facility and made available to all employees.

(f) Isolate those dogs that have or are suspected of having a contagious condition.

(g) Ensure that each sick or injured dog is immediately provided with appropriate care and, if prudent, veterinary treatment.

(h) Ensure that the purchaser is notified immediately that their dog is sick or injured unless the purchaser has indicated in writing that notification of any, or a particular, type of illness or injury is not required.

(i) In the event of a natural disaster, an emergency evacuation, or other similar occurrence, ensure that the humane care and treatment of each dog is provided for, as required by this chapter, to the extent access to the dog is reasonably available.

122393.5.

(a) A dog training facility operator shall provide each purchaser with written information describing all of the following:

(1) Days and times during which the facility permits dogs to be dropped off and picked up.

(2) Days and times during which personnel are onsite.

(3) The square footage of the permanent or fixed enclosure or a temporary enclosure in which the dog may be contained during the course of the training.

(4) The training facility's customary daily activity schedule, including any general observation practices conducted by facility personnel during the training period.

(b) If the training facility will materially deviate from the customary practices described in the written information required by subdivision (a) with respect to a dog, the facility operator shall disclose those deviations to the purchaser, as appropriate.

122394.

(g) Isolate those pets that have or are suspected of having a contagious condition.

(h) Ensure that each sick or injured pet is immediately provided with appropriate care and, if prudent, veterinary treatment.

(i) Ensure that the owner of a pet is notified immediately that his or her pet is sick or injured unless the owner has indicated in writing that notification of any, or a particular, type of illness or injury is not required.

(j) In the event of a natural disaster, an emergency evacuation, or other similar occurrence, ensure that the humane care and treatment of each animal is provided for, as required by this chapter, to the extent access to the pet is reasonably available.

(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)

122384. (a) A pet boarding facility operator shall provide each owner with written information describing all of the following:

(1) Days and times during which the pet boarding facility permits pets to be dropped off and picked up.

(2) Days and times during which personnel are onsite.

(3) The square footage of the permanent or fixed and temporary enclosures in which the species of pet that the owner is boarding is customarily contained.

(4) General observation practices during each 24-hour period for the species of pet that the owner is boarding is customarily observed by personnel.

(5) The pet boarding facility's customary daily activity schedule for the species of pet that the owner is boarding.

(b) If the pet boarding facility will materially deviate from the customary practices described in the written information required by subdivision (a) with respect to an owner's pet, the pet boarding facility operator shall disclose those deviations to the owner or patron, as appropriate.

(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)

122385. A pet boarding facility shall maintain either of the following:

(a) A fire alarm system that is connected to a central reporting station that alerts the local fire department in case of fire.

(b) A fire suppression sprinkler system.

(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)

(a) An animal control officer, as defined in Section 830.9 of the Penal Code, a humane officer qualified pursuant to Section 14502 or 14503 of the Corporations Code, or a peace officer who detects a violation of this chapter, if that individual determines that the violation warrants formal action, shall issue a single notice to correct that shall contain all of the following information:

- (1) Specify each violation of this chapter found in the inspection.
- (2) Identify the corrective action for each violation.
- (3) Include a specific period of time during which the listed violation or violations are to be corrected.

(b) After issuing a notice to correct pursuant to this section, the officer or another qualified officer of the issuing agency shall verify compliance with this chapter by conducting a subsequent investigation of the dog training facility within a reasonable period of time.

(c) An exact, legible copy of the notice to correct shall be delivered to the facility operator at the time of signing. In the alternative, the issuing officer may personally deliver the notice to the operator within 48 hours of its issuance, excluding holidays and weekends. The signing of the notice is an acknowledgment of receipt and does not constitute an admission of guilt.

(d) A dog training facility operator who is verified to have complied with a notice to correct shall not be subject to subdivision (g).

(e) A dog training facility operator who violates the same provision of this chapter on more than one occasion within a five-year period is not eligible to receive a notice to correct, and is guilty of an infraction on the second violation, and is guilty of a misdemeanor on the third or subsequent violation.

(f) Notwithstanding subdivision (a), a dog training facility operator that causes or allows harm or injury to a dog, or allows a dog to be subject to an unreasonable risk of harm or injury, is guilty of a misdemeanor.

(g) Except as provided in subdivisions (e) and (f), a dog training facility operator who violates any provision of this chapter is guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) for the first violation and by a fine not to exceed one thousand dollars (\$1,000) for each subsequent violation. The court shall weigh the gravity of the offense in setting the penalty.

122386ⁱ

(a) An animal control officer, as defined in Section 830.9 of the Penal Code, a humane officer qualified pursuant to Section 14502 or 14503 of the Corporations Code, or a peace officer who detects a violation of Sections 122380 to 122385, inclusive, if he or she decides the violation warrants formal action, shall issue a single notice to correct that shall contain all of the following information:

- (1) Specify each violation of this chapter found in the inspection.
- (2) Identify the corrective action for each violation.
- (3) Include a specific period of time during which the listed violation or violations are to be corrected.

(b) After issuing a notice to correct pursuant to this section, the officer or another qualified officer of the issuing agency shall verify compliance with this chapter by conducting a subsequent investigation of the pet boarding facility within a reasonable period of time.

(c) An exact, legible copy of the notice to correct shall be delivered to the pet boarding facility operator at the time he or she signs the notice. In the alternative, the issuing agency may personally deliver the notice to the operator within 48 hours of its issuance, excluding holidays and weekends. The signing of the notice is an acknowledgment of receipt and does not constitute an admission of guilt.

(d) A pet boarding facility operator who is verified to have complied with a notice to correct shall not be subject to subdivision (g).

(e) A pet boarding facility operator who violates the same provision of this chapter on more than one occasion within a five-year period is not eligible to receive a notice to correct, and is guilty of an infraction on the second violation, and is guilty of a misdemeanor on the third or subsequent violation.

(f) Notwithstanding subdivision (a), a pet boarding facility operator that causes or allows harm or injury to an animal, or allows an animal to be subject to an unreasonable risk of harm or injury is guilty of a misdemeanor.

(g) Except as provided in subdivisions (e) and (f), a pet boarding facility operator who violates any provision of this chapter is guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) for the first violation and by a fine not to exceed one thousand dollars (\$1,000) for each subsequent violation. The court shall weigh the gravity of the offense in setting the penalty.

(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)

<p>122394.5.</p> <p>(a) A trainer who violates this chapter shall be subject to a civil penalty of up to one thousand dollars (\$1,000), or shall be prohibited from training dogs for up to 30 days, or both. For a second offense, the trainer shall be subject to a civil penalty of up to two thousand five hundred dollars (\$2,500), or a prohibition from training dogs for up to 90 days, or both. For a third offense, the trainer shall be subject to a civil penalty of up to five thousand dollars (\$5,000), or a prohibition from training dogs for up to six months, or both. For a fourth and subsequent offenses, the trainer shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) or a prohibition from training dogs for up to one year, or both.</p> <p>(b) An action for recovery of the civil penalty and for a court order enjoining the trainer from engaging in the business of training dogs pursuant to this section may be prosecuted by the district attorney for the county in which the violation occurred, or the city attorney for the city in that the violation occurred, in the appropriate court.</p> <p>SEC. 2.</p> <p>No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.</p> <p>However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.</p>	<p><i>122387. (a) Nothing in this chapter shall be construed to in any way limit or affect the application or enforcement of any other law that protects animals or the rights of consumers, including, but not limited to, Section 597 of the Penal Code.</i></p> <p><i>(b) Nothing in this chapter limits, or authorizes any act or omission that violates, Section 597 of the Penal Code, or any other local, state, or federal law that protects animals or the rights of consumers.</i></p> <p><i>(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)</i></p> <p><i>122388. Pursuant to Section 7 of Article XI of the California Constitution, a city, county, or city and county may adopt ordinances that establish additional standards and requirements for a pet boarding facility.</i></p> <p><i>(Added by Stats. 2016, Ch. 364, Sec. 1. (SB 945) Effective January 1, 2017.)</i></p>
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i Origin of 122386 in the Boarding Facility Act is the Pet Store Animal Care statute, Sections 122356 and 122358, 2007 AB1347 (Caballero.)