
**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Jerry Hill, Chair
2015 - 2016 Regular

Bill No: SB 945 **Hearing Date:** April 4, 2016
Author: Monning
Version: March 29, 2016
Urgency: No **Fiscal:** Yes
Consultant: Nicole Billington

Subject: Pet boarding facilities

SUMMARY: Establishes facility standards and operation guidelines for pet boarding facilities including the sound construction and sanitary maintenance of enclosures, maximum hours a pet may be left unobserved, number of pets allowed in an enclosure, and availability of food and water. Provides for consumer notice requirements and creates an infraction punishable by a fine for violation of this chapter.

Existing law:

- 1) Enacts the Pet Store Animal Care Act (Act) that establishes procedures for the care and maintenance of animals in the custody of a pet store and details the responsibilities of the pet shop, the standards for enclosures, animal care requirements, record keeping, standards keeping the animals healthy including veterinary care, euthanasia standards and disclosures that must be made to a person who purchases a pet. Provides for a “notice to correct” and monetary misdemeanor penalties for specified violations of this Act. (Health and Safety Code § 122350 et seq.)
- 2) Establishes that an act of malicious and intentional maiming, mutilating, torturing, wounding, or killing of an animal is punishable as a misdemeanor or felony and fine of not more than \$20,000. (Penal Code § 597)

This bill:

- 1) Defines “pet boarding facility” as any lot, building, structure, enclosure, or premises where four or more dogs, cats, or other pets in any combination are boarded for compensation, excluding city, county, or city and county animal control agency, society for prevention of cruelty to animals, or humane society that contracts for the care of stray or abandoned cats.
- 2) Defines “temporary enclosure” as a structure used to restrict a pet that does not provide for the effective separation of a pet from the pet’s waste products. Requires that temporary enclosures allow the pet to turn about freely, stand easily, and sit or lie down in a comfortable position.
- 3) Defines “permanent enclosure” as 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.

- 4) Requires that a boarded pet be contained in a temporary enclosure for a period not to exceed four hours during the day, 12 hours at night, or the length of time that is humane for that particular pet, whichever is less, and that the pet remain outside the temporary enclosure for no less than the amount of time needed for the pet to eliminate its waste.
- 5) Requires pet boarding facility operator to:
 - a) Ensure that the entire pet boarding facility is structurally sound and maintained in good repair.
 - b) Ensure 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) Ensure pets are contained within the facility, and, in the event that a pet escapes, report this fact immediately to the local animal control agency and the owner and make reasonable efforts to immediately capture the escaped pet.
 - d) Ensure 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.
 - e) Ensure that light, by natural or artificial means, is distributed in a manner that permits routine inspection and cleaning, as well as the proper care and maintenance of pets.
 - f) Separate the grooming work area from the pet boarding facility's primary enclosures, pet food storage areas, and isolation areas, as well as clean and sanitize the grooming area at least once daily, if grooming services are offered by the pet boarding facility.
- 6) Requires that each primary and temporary enclosure:
 - a) Be structurally sound and maintained in good repair to protect the enclosed pet from injury, to contain the pet, to keep out other animals, and to promote the health and well-being of the pet.
 - b) Be maintained in a comfortable and sanitary manner. A pet must be removed from the enclosure when being cleaned in a manner or with a substance that is or may be harmful to the pet.
 - c) Be constructed of a material suitable for regular cleaning and sanitizing.
 - d) Provide heating, cooling, lighting, ventilation, shade, and protection from the sun, wind, rain, and snow as needed to ensure the comfort and well-being of the pet.

- 7) Requires a pet boarding facility operator to comply with 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 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 impractical, 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 food of the type, in the quantities, and at the intervals as directed in writing by the owner, or in the absence of written directions by the owner, with nutritious food in the quantities and at the intervals suitable for that pet.
 - e) Provide each pet with at least one enrichment device that is appropriate for the age, size, and condition of the pet unless otherwise directed in writing by the owner.
 - f) Maintain and abide by written policies and procedures that address animal care, management and safe handling, disease prevention and control, routine care, preventative care, emergency care, veterinary treatment, and disaster planning, evacuation, and recovery that are applicable to the location of the pet boarding facility. Review these procedures with each employee who provides animal care. Make a copy, either electronically or physically, available to all employees and present in the facility.
 - 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 veterinary treatment and that the owner of the pet is notified immediately of the pet's condition.
 - i) 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, in the event of a natural disaster, an emergency room evacuation, or other similar occurrence.
- 8) Establishes that an operator must provide, in writing:
- a) Times, if any, when there will be no personnel on site.
 - b) The square footage of any primary and temporary enclosures in which the pet will be contained.

- c) The number of times and at which intervals during each 24-hour period the pet will be observed by personnel.
 - d) The pet's anticipated daily activity schedule, including the length of time the pet will spend in and out of primary and temporary enclosures, the time or times at which the pet will be fed, and the opportunities the pet will have to exercise and eliminate bodily waste.
- 9) Prohibits persons convicted of an infraction, misdemeanor or felony related to the welfare of animals from operating or being employed by a pet boarding facility.
- 10) Makes violation of any provision of the chapter guilty of an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation.

FISCAL EFFECT: Unknown. This bill is keyed "fiscal" by Legislative Counsel.

COMMENTS:

1. **Purpose.** The Sponsor of this measure is the State Humane Association of California. According to the Author, SB 945 would establish minimum standards for the care of pets while they are in boarding facilities, as current law is silent on animal and consumer protections relating specifically to pet boarding facilities. Pet owners who board their pets may be unaware that California law does not establish minimum standards of care for conditions at pet boarding facilities such as quantity of food and water, limitations on the time pets spend in cages, veterinary care, or emergency evacuation plans. This bill would provide operators of pet boarding facilities with clear guidance, help ensure the safety and wellbeing of pets, and provide protection to pet-owning consumers.
2. **Incidents of Harm.** In recent years, several incidents resulting in harm to pets have occurred at unregulated pet boarding facilities. In 2012, seven dogs were killed in a fire at a pet boarding facility in San Luis Obispo that burned through three kennels in the early morning. Just three years later, in July of 2015, 15 dogs died in a fire at a pet spa in Monterey. In January of this year, a dog escaped from a Brentwood based pet boarding facility, whose operator failed to contact animal control authorities in a timely manner. The dog sustained multiple injuries after escaping from the facility and was reunited with her owner only after a private citizen found and turned her into the Contra Costa County Animal Services.
3. **Consumer Protection.** Although some large cities have animal control ordinances, the primary state law for the protection of animals in pet boarding facilities is California Penal Code Section 597, which gives local animal control officers general authority to prosecute the inhumane treatment of animals through the local judicial system as misdemeanors. Section 597 is brief, written very generally, and, as such, is primarily used for serious mistreatment of animals. California law does not provide detail on the daily operating practices of pet boarding facilities, such as what

constitutes appropriate animal enclosures, feeding, watering, general health veterinary treatment, record keeping, and other related matters. In California, because pet boarding facilities are not licensed, and therefore not directly regulated by a state agency, enforcement is complaint driven. Local animal control agencies provide the primary enforcement, by responding to complaints and referring violations to the district attorney's office.

Proponents of this bill argue that the failure to provide regulation of the day to day operations of pet boarding facilities is a gap in the law that allows for consumer and animal harm.

4. **Prior Related Legislation.** AB 1347 (Caballero, Chapter 703, Statutes of 2007) enacted the Pet Store Animal Care Act to establish procedures for the care and maintenance of animals in the custody of a pet store and detail the responsibilities of the pet shop, the standards for enclosures, animal care requirements, record keeping standards, euthanasia standards, and disclosures that must be made to a person who purchases a pet and provided for monetary misdemeanor penalties for specified violations.
5. **Arguments in Support.** Social Compassion in Legislation is in support of this measure and believes that the procedures and requirements for pet boarding facilities will provide important improvements to the overall health and safety of pets.
6. **Arguments in Opposition.** Rover.com had an oppose unless amended position on this bill and was concerned the definition of "pet boarding facility" as any premise with two or more dogs was too restrictive and believed that it would have an impact on the pet sitting services they facilitate. They argued that raising the pet number to four would be more consistent with exiting California law. The measure has been amended to four or more dogs to address this concern.

The Animal Council is opposed to this bill and are concerned that the standards and requirements for pet boarding facilities would be confusing and disruptive to the businesses which provide such care to animals since pet boarding is highly fragmented, poorly organized and involves radically different business models, setting and locations. Some involve extensive capital investment in high value land, permitting and construction while others might be caring for one other person's pets in the caretaker's home with no extra investment or accommodations. Having to meet such diverse standards and procedures and possible criminal violations for non-compliance would be a barrier to many other things involving animals including employment, licensure and even ownership and have impact on preserving existing operations that are greatly needed by the public. Any approach should balance the need of the operators with the realities of pet boarding.

SUPPORT AND OPPOSITION:

Support:

Beagle Freedom Project
State Humane Association of California

Oppose Unless Amended: (Prior to 3/29 amendments)
Rover.com

Opposition:
The Animal Council

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