

AMENDED IN ASSEMBLY AUGUST 1, 2016

AMENDED IN ASSEMBLY JUNE 9, 2016

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE MARCH 29, 2016

AMENDED IN SENATE MARCH 7, 2016

SENATE BILL

No. 945

Introduced by Senator Monning

February 3, 2016

An act to add Chapter 11 (commencing with Section 122380) to Part 6 of Division 105 of the Health and Safety Code, relating to pet boarding facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Monning. Pet boarding facilities.

Existing law regulates the care and maintenance of animals in the care of a pet store.

This bill would establish procedures for the care and maintenance of pets boarded at a pet boarding facility, including, but not limited to, sanitation, provision of enrichment ~~devices or activities~~, *for the pet*, health of the pet, and safety. The bill would specifically authorize a city, county, or city and county to adopt ordinances that establish additional standards and requirements for a pet boarding facility. *The bill would require an animal control officer, a humane officer, or a peace officer who detects a violation of specified provisions by a pet boarding facility operator to issue a notice to correct and would provide that if the operator complies with the notice to correct he or she would not be subject to an infraction, except as provided. The bill would*

provide that an 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. The bill, except as provided, would make a violation of these provisions an infraction punishable by a fine not to exceed \$250 for the first violation and not to exceed \$1,000 for each subsequent violation. Because it would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 11 (commencing with Section 122380)
2 is added to Part 6 of Division 105 of the Health and Safety Code,
3 to read:

4
5 CHAPTER 11. PET BOARDING FACILITIES
6

7 122380. As used in this chapter, the following definitions apply:
8 (a) “Enrichment” means providing objects or activities,
9 appropriate to the needs of the species, as well as the age, size,
10 and condition of the pet, that stimulate the pet and promote the
11 pet’s well-being.

12 (b) “Permanent or fixed enclosure” means a structure,
13 including, but not limited to, an exercise run, kennel, or room,
14 used to restrict a pet, that provides for the effective separation of
15 a pet from the pet’s waste products.

16 (a)
17 (c) “Person” means an individual, partnership, firm, limited
18 liability company, joint-stock company, corporation, association,
19 trust, estate, or other legal entity.

20 (b)
21 (d) “Pet” means any nonhuman animal housed in the pet
22 boarding facility, including, but not limited to, mammals, birds,
23 reptiles, and amphibians. However, “pet” does not include a horse.

1 (e)
2 (e) “Pet boarding facility” means any lot, building, structure,
3 enclosure, or ~~premises~~ *premises, or a portion thereof*, whereupon
4 four or more dogs, cats, or other pets in any combination are
5 boarded ~~for compensation~~. *at the request of, and in exchange for*
6 *compensation provided by, their owner*. However, “pet boarding
7 facility” does not include a city, county, or city and county animal
8 control agency, society for the prevention of cruelty to animals,
9 or humane society that contracts for the care of stray or abandoned
10 animals, or the premises of a veterinary facility that is registered
11 pursuant to Section 4853 of the Business and Professions Code.

12 (f)
13 (f) “Pet boarding facility operator” or “operator” means a person
14 who owns or operates, or both, a pet boarding facility.

15 (e) ~~“Permanent or fixed enclosure” means a structure, including,~~
16 ~~but not limited to, an exercise run, kennel, or room, used to restrict~~
17 ~~a pet, that provides for the effective separation of a pet from the~~
18 ~~pet’s waste products.~~

19 (f)
20 (g) “Temporary enclosure” means a structure used to restrict a
21 pet, including, but not limited to, a crate or cage, that does not
22 provide for the effective separation of a pet from the pet’s waste
23 products.

24 122381. Each pet boarding facility operator shall be responsible
25 for all of the following:

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

29 (b) Ensuring that pests do not inhabit any part of the pet boarding
30 facility in a number large enough to be harmful, threatening, or
31 annoying to the pets.

32 (c) Ensuring the containment of pets within the pet boarding
33 facility, and, in the event that a pet escapes, making reasonable
34 efforts to immediately capture the escaped pet.

35 (d) If an escaped pet has not been captured despite reasonable
36 efforts, ensuring that all material facts regarding the pet’s escape
37 are reported to the local agency for animal control and to the owner.

38 (e) Ensuring that the pet boarding facility’s interior building
39 surfaces, including walls and floors, are constructed in a manner
40 that permits them to be readily cleaned and sanitized.

- 1 (f) Ensuring that light, by natural or artificial means, is
2 distributed in a manner that permits routine inspection and cleaning,
3 and the proper care and maintenance of the pets.
- 4 (g) If pet grooming services are offered by a pet boarding
5 facility, separating the grooming work area from the pet boarding
6 facility's permanent or fixed and temporary enclosures and
7 ensuring that the grooming areas ~~is~~ *are* cleaned and sanitized at
8 least once daily.
- 9 (h) Storing food in an area separate from permanent or fixed
10 enclosures or temporary enclosures.
- 11 (i) Maintaining an area for isolating sick pets from healthy pets.
- 12 122382. (a) Each permanent or fixed and temporary enclosure
13 shall comply with all of the following standards:
 - 14 (1) Be structurally sound and maintained in good repair to
15 protect the enclosed pet from injury, to contain the pet, to keep
16 other animals out, and to promote the health and well-being of the
17 pet.
 - 18 (2) Be maintained in a comfortable and sanitary manner. When
19 being cleaned in a manner or with a substance that is or may be
20 harmful to a pet within the enclosure, that pet shall be removed
21 from the enclosure.
 - 22 (3) Be constructed of material suitable for regular cleaning and
23 sanitizing.
 - 24 (4) As needed to ensure the comfort and well-being of the pet,
25 provide heating, cooling, lighting, ventilation, shade, and protection
26 from the elements, including, but not limited to, the sun, wind,
27 rain, and snow.
 - 28 (5) Allow a pet to turn around freely, stand easily, and sit or lie
29 down in a comfortable position.
- 30 (b) Each enclosure is either a permanent or fixed enclosure or
31 a temporary enclosure.
- 32 (c) In addition to the requirements set forth in subdivision (a),
33 a permanent or fixed enclosure for a cat shall provide an elevated
34 platform appropriate for the size of the cat.
- 35 (d) A pet may be contained in a temporary enclosure for a period
36 not to exceed 4 hours during the day and 12 hours at night or the
37 length of time that is humane for that particular pet, whichever is
38 less. However, the pet shall remain outside the temporary enclosure
39 for no less than the amount of time needed for the pet to eliminate
40 its waste.

1 122383. A pet boarding facility operator shall comply with all
2 of the following animal care requirements:

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

5 (b) Observe each pet as necessary, but no less than once every
6 24 hours, in order to recognize the signs of sickness, injury, or
7 distress, and in order to ensure that the pet, food, and waste or
8 debris is removed as necessary to prevent contamination or injury.

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

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

16 ~~(e) Provide each pet with at least one enrichment device or~~
17 ~~activity that is appropriate for the age, size, and condition of the~~
18 ~~pet unless otherwise directed in writing by the owner.~~

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

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

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

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

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

38 (j) In the event of a natural disaster, an emergency evacuation,
39 or other similar occurrence, ensure that the humane care and

1 treatment of each animal is provided for, as required by this
2 chapter, to the extent access to the pet is reasonably available.

3 122384. (a) A pet boarding facility operator shall provide each
4 owner with written information describing all of the following:

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

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

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

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

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

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

21 122385. A pet boarding facility shall maintain either of the
22 following:

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

25 (b) A fire suppression sprinkler system.

26 ~~122386. A pet boarding facility operator who violates any~~
27 ~~provision of this chapter is guilty of an infraction punishable by a~~
28 ~~fine not to exceed two hundred fifty dollars (\$250) for the first~~
29 ~~violation and by a fine not to exceed one thousand dollars (\$1,000)~~
30 ~~for each subsequent violation. The court shall weigh the gravity~~
31 ~~of the offense in setting the penalty.~~

32 *122386. (a) An animal control officer, as defined in Section*
33 *830.9 of the Penal Code, a humane officer qualified pursuant to*
34 *Section 14502 or 14503 of the Corporations Code, or a peace*
35 *officer who detects a violation of Sections 122380 to 122385,*
36 *inclusive, if he or she decides the violation warrants formal action,*
37 *shall issue a single notice to correct that shall contain all of the*
38 *following information:*

39 (1) *Specify each violation of this chapter found in the inspection.*

40 (2) *Identify the corrective action for each violation.*

1 (3) *Include a specific period of time during which the listed*
2 *violation or violations are to be corrected.*

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

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

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

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

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

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

33 122387. (a) *Nothing in this chapter shall be construed to in*
34 *any way limit or affect the application or enforcement of any other*
35 *law that protects animals or the rights of consumers, including,*
36 *but not limited to, Section 597 of the Penal Code.*

37 (b) *Nothing in this chapter limits, or authorizes any act or*
38 *omission that violates, Section 597 of the Penal Code, or any other*
39 *local, state, or federal law that protects animals or the rights of*
40 *consumers.*

1 122388. Pursuant to Section 7 of Article XI of the California
2 Constitution, a city, county, or city and county may adopt
3 ordinances that establish additional standards and requirements
4 for a pet boarding facility.

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

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