
THIRD READING

Bill No: SB 945
Author: Monning (D)
Amended: 4/25/16
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 4/4/16
AYES: Hill, Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza,
Wieckowski

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Pet boarding facilities

SOURCE: State Humane Association of California

DIGEST: This bill 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. It provides for consumer notice requirements and creates an infraction punishable by a fine for violation of this chapter.

ANALYSIS: Existing law 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” as any nonhuman animal housed in the pet boarding facility, including, but not limited to, mammals, birds, reptiles, amphibians, and fish. However, “pet” does not include a horse.

- 2) 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 animal control agencies, society for the prevention of cruelty to animals, humane societies that contract for the care of stray or abandoned animals, and the premises of veterinary facilities that are registered pursuant to Section 4853 of the Business and Professions Code.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) Requires that each primary and temporary enclosure be maintained in a sanitary manner and be structurally sound 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.
- 7) Requires a pet boarding facility to maintain either a fire alarm system that is connected to a central reporting station that alerts the local fire department in case of fire or a fire suppression sprinkler system.
- 8) Requires pet boarding facility operator to:
 - a) 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.
 - b) House only one pet at a time in an enclosure unless otherwise consented to by the owner.

- 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) 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.
- 9) Establishes that an operator must provide owner with certain information in writing including:
- a) The square footage of the primary and temporary enclosures.
 - b) The number of times and at which intervals during each 24-hour period the breed of pet that the owner is boarding is customarily observed by personnel.
 - c) The pet boarding facility's customary daily activity schedule for the breed of pet that the owner is boarding, including the number of hours spent in primary and temporary enclosures, the time or times at which the breed of pet is fed, and the opportunities the breed of pet has to exercise and eliminate bodily waste.
 - d) Any deviation from customary practices described above.
- 10) 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.

- 11) 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.

Background

The State Humane Association of California is the sponsor of this bill. According to the Author, in recent years, several incidents resulting in harm to pets have occurred at unregulated pet boarding facilities. 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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 5/16/16)

State Humane Association of California (source)
Beagle Freedom Project
Rover.Com Social Compassion in Legislation

OPPOSITION: (Verified 5/16/16)

Folsom Dog Resort & Training Center
International Boarding & Pet Services Association
The Animal Council
Five individuals

ARGUMENTS IN SUPPORT: 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.

ARGUMENTS IN OPPOSITION: Many opponents including the International Boarding & Pet Services Association argue that the bill will adversely affect the pet boarding industry in California and that industry improvement is best achieved through education. The Animal Council believes that the provision prohibiting a person convicted of an infraction, misdemeanor, or felony related to the welfare of animals from operating of being employed by a pet boarding facility “is disproportionately harsh, overbroad, and overreaching in the context of criminal law.”

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