

REFERENCE - CALIFORNIA LAW: Pet Boarding Facilities, effective January 1, 2017
(2016 SB 945, Senator William Monning)

The California state law on Pet Boarding Facilities is the eleventh chapter added to the statutory Division of the Health and Safety Code for Communicable Disease Prevention and Control, Part 6 Veterinary Public Health and Safety. These chapters are comprised of animal laws developed over the past 20 years that do not fit into other codes. Some of these are strictly civil and others are criminal involving fines rather than incarceration.

The Pet Boarding Facilities law is a criminal rather than civil law but offenses are punishable only by fines. There is no state oversight or regulatory authority. Rather, enforcement is at the discretion of local authorities in the context of other local ordinances and state laws that may apply. These include ordinances for animal control as well as animal facilities, land use and zoning law. Other state law covering animals also applies. Where local law has licensing and inspection of boarding facilities, this statute may overlap, supplement or even conflict with local law and routine enforcement practices. Otherwise, complaints are likely to be consumer driven or related to media coverage of unusual events. This is a new area of state law in California that requires vigilance in coming years. The penalty structure is similar to that of Chapter 9, Pet Store Animal Care so that businesses with minor violations have an opportunity to correct as would be the case in an administrative context of state licensing. Failure to correct or more than one violation of the same violation or offenses harming animals are criminal offenses – infractions or misdemeanors, punishable by fines with the amounts variable to be determined relative to the gravity of the offense.

Anyone operating a covered pet boarding facility should carefully review all provisions of this statute and take steps to implement and monitor its requirements and compliance procedures.

WHERE DOES IT FIT INTO CALIFORNIA LAW?

HEALTH AND SAFETY CODE - HSC

DIVISION 105. COMMUNICABLE DISEASE PREVENTION AND CONTROL
[120100 - 122450] (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 11. Pet Boarding Facilities [122380 - 122388] (Chapter 11 added by Stats.
2016, Ch. 364, Sec. 1.)

PART 6. VETERINARY PUBLIC HEALTH AND SAFETY 121575-122388

CHAPTER 1. Rabies Control 121575-121710

CHAPTER 1.5. Dog Importation: Health Certificates 121720-121723

CHAPTER 2. Avian Zoonosis Control 121745-121765

CHAPTER 3. Importation of Wild Animals 121775-121870

ARTICLE 1. General 121775-121800

ARTICLE 2. Permits 121825-121845

ARTICLE 3. Regulation and Enforcement 121850-121870

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CHAPTER 4. Animal Control 121875-121945

CHAPTER 5. Sale of Dogs and Cats 122045-122315

ARTICLE 1. Sale of Dogs by Breeders 122045-122110

ARTICLE 2. Retail Sale of Dogs and Cats 122125-122220

ARTICLE 3. Dog Pedigree Registries 122300-122315

CHAPTER 6. Sale of Birds 122320-122324

CHAPTER 7. Spay/Neuter and Breeding Programs for Animals 122330-122331

CHAPTER 8. Dog Tethering 122335

CHAPTER 9. Pet Store Animal Care 122350-122361

CHAPTER 10. Sale of Animals at Swap Meets 122370-122374

CHAPTER 11. Pet Boarding Facilities 122380-122388

WHAT ARE THE PROVISIONS?

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.

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(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. Effective January 1, 2017.)

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 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. 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.

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(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) 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. 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.

(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.

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(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. 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. 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. Effective January 1, 2017.)

122386. (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.

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(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. Effective January 1, 2017.)

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.

(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.

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

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.

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