

THE ANIMAL COUNCIL

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March 17, 2016

Via Facsimile 916-266-9343

The Honorable Jerry Hill, Chair
The Honorable Patricia C. Bates, Vice-Chair
Senate Committee on Business, Professions & Economic Development
State Capitol, Room 2053
Sacramento CA 95814

Attention: Bill Consultant

Re: SB 945, Pet boarding facilities, as amended March 7, 2016, OPPOSE AS WRITTEN

Dear Chairman Hill and Members:

Please register our opposition to the above-captioned bill and include our organization on your Committee's Bill Analysis opposition list.

Pet boarding covers a wide range of out-of-home services for different species of pet animals. Availability of these services is an essential safety net as well as convenience for owners and should be a primary focus of public policy in this field. As an industry, pet boarding is highly fragmented, poorly organized and involves radically different business models, settings and locations. Some operations 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. The common denominator is owners' need for off-site care whether for disaster evacuations and other emergencies, travel or work, planned or unplanned, and sometimes combined with other services for the pet.

Boarding clients and their pets need safe care, but legislation must balance this need with these other considerations. As written, SB 945 would enumerate *many criminal* offenses that would require operators' detailed knowledge, compliance with specific engineering standards and calculations and extensive and continual implementation of many procedures. Criminal violations related to animals are a barrier to many other things involving animals including employment, licensure and even ownership. The current bill only mentions fines, but these are not civil or administrative, and multiple minor, harmless violations could overwhelm some operators.

In California, licensing and regulation of new business areas has been impractical, both politically and fiscally. Without the structure and educational and administrative support of a regulatory agency, regulating an otherwise

legal, needed industry by complicated, impractical criminal laws is not only a barrier to entry but to preserving existing operations that are greatly needed by the public. Yet, this is what SB 945, as written, would do.

If pet boarding were to be regulated, this should only be done under the same provisions afforded other businesses and professions with a regulating body comprised mainly of operators and others working in the field along with minority public representation affording a common sense approach to balance needs of operators, clients and pets. With the numerous constraints on California's existing regulatory agencies, this does not seem feasible, nor has it ever.

Publicity about SB 945 asserted that a major reason for legislation is to prevent fires such as occurred in the author's district in July, 2015 killing 15 dogs at a facility that appeared to be located in leased commercial space. There, installed fire sprinklers and a central station alarm would have been appropriate and reasonable, although these might not be in every pet boarding situation. Yet, neither version of SB 945 has had any mention of fire suppression or alarm or even presence of a fire extinguisher.

Instead of using plain language to afford simple, easy to understand, safety measures that could apply to every covered operator without criminal liability, the March 7 amendments are mired in jargon and engineering standards, calculations and procedures that do not fit the realities of pet boarding. Pet boarding is not an easy business, and it is hard work – physically and financially. As a land use, it is also restricted and regulated. Yet, in its many iterations, pet boarding is essential to pet owners – not just the high end, "luxury" market, either.

In order to codify standards for pet boarding, the content must reflect the diverse realities of an industry that is unorganized and without regular compliance infrastructure to train operators and workers on detailed requirements and procedures or to analyze the value or liabilities of compliance costs. SB 945, as currently written does not do this and moved farther from it with the March 7 amendments.

Accordingly, we must oppose this bill and respectfully as that you not support it.

THE ANIMAL COUNCIL (TAC) is a California nonprofit, public benefit corporation founded in 1991 to seek positive, humane solutions to the challenges of detrimental animal public policies, legislation and regulation through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries.

Very truly yours,



SHARON A. COLEMAN
President, The Animal Council

Cc: Author
Committee Members