

THE ANIMAL COUNCIL

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March 31, 2016

Via Facsimile

The Honorable Jerry Hill, Chair
The Honorable Patricia C. Bates, Vice-Chair
and Members
Senate Committee on Business, Professions & Economic Development
Sacramento CA 95814

Re: SB 945, Pet boarding facilities, as amended March 29, 2016, OPPOSE AS WRITTEN

Dear Chairman Hill, Vice-Chair Bates and Members:

The Animal Council opposes SB 945 as written. I have spoken at length with Erica Hughes, Executive Director of the bill's sponsor, which "promotes an agenda that is exclusively based on the needs and interests of California's shelters," and we could only agree to disagree regarding the pet boarding industry.

This industry is very fragmented and covers a wide range of factual situations with different species, day, short or long term care sometimes including additional services such as basic or specialized training or handling including travel. Most operators depend on the income for their livelihood and have made substantial capital investments. Like other service business, pet boarding facilities' reputations are the subject of online client reviews and ratings as well as other social media information. These operators cannot afford dissatisfied clients.

Our concern with SB 945 is that the "standards" it would create are actually criminal offenses even though they are currently classified as infractions and would be in the Health and Safety rather than Penal Code.

The second amendments to SB 945 on March 29 added a new provision, "A person convicted of an infraction, misdemeanor, or felony related to the welfare of animals, including, but not limited to, a violation of Section 597 of the Penal Code, is prohibited from operating a pet boarding facility or from being employed as an employee of a pet boarding facility." Presumably even infraction "convictions" for offenses created by this bill would have this result, and Ms. Hughes thought a criminal court would have to determine whether a specific offense would actually be "related to the welfare of animals." When used in the pet boarding industry, this is disproportionately harsh, overbroad and overreaching in the context of criminal law. Additionally, 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.

The public interest in preserving availability of boarding services should be a high priority when we are all a fire, earthquake, flood, mudslide or other emergency away from evacuating our homes along with our pets and left no choice but boarding care. This interest would not be served by barring individuals from the industry for

infractions, particularly those that may be trivial and harmless. Boarding clients and their pets do need safe care, but legislation must balance this need with these other considerations

In California, licensing and regulation of new business areas has been impractical, both politically and fiscally. However, 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 a disincentive 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 been considered necessary. However, proposing new categories of licensed businesses requires gathering data and analysis, such as how many businesses exist, locations, numbers of employees, different types of operations and projected costs to operators. SB 945 skips this process altogether.

Publicity about SB 945 claimed 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, none of the 3 versions of SB 945 has had any mention of fire suppression or alarms or even presence of a fire extinguisher.

Pet boarding is not an easy business; it is hard work – physically and financially. As a land use, it is also restricted and regulated. Everyone involved is subject to all the other animal laws contained in local ordinances and state statutes as well as clients' wrath for lapses – intentional or not, real or imagined. 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 statutory requirements and procedures or to analyze the value or liabilities of compliance costs. SB 945, as currently written does not do this and has moved farther from it with each round of amendments.

Accordingly, we must oppose this bill and respectfully ask 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