

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, health of the pet, and safety. The bill would also prohibit a person convicted of an offense related to the welfare of animals, as specified, from operating a pet boarding facility or from being employed as an employee of a pet boarding facility. *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 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:*

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

CHAPTER 11. PET BOARDING FACILITIES

122380. As used in this chapter, the following definitions apply:

(a) "Person" means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, or other legal entity.

(b) "Pet" means 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.*

(c) "Pet boarding facility" means any lot, building, structure, enclosure, or premises whereupon four or more dogs, cats, or other pets in any combination are boarded for compensation. 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~~. *animals, or the premises of a veterinary facility that is registered pursuant to Section 4853 of the Business and Professions Code.*

(d) "Pet boarding facility operator" or "operator" means a person who owns or operates, or both, a pet boarding facility.

(e) "Primary 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.

1 (f) (1) “Temporary enclosure” means a structure used to restrict  
2 a pet, including, but not limited to, a crate or cage, that does not  
3 provide for the effective separation of a pet from the pet’s waste  
4 products.

5 (2) A pet may be contained in a temporary enclosure for a period  
6 not to exceed four hours during the day and 12 hours at night or  
7 the length of time that is humane for that particular pet, whichever  
8 is less. However, the pet shall remain outside the temporary  
9 enclosure for no less than the amount of time needed for the pet  
10 to eliminate its waste.

11 (3) A temporary enclosure shall allow the pet to turn about  
12 freely, stand easily, and sit or lie in a comfortable position.

13 122381. Each pet boarding facility operator shall be responsible  
14 for all of the following:

15 (a) Ensuring that the entire pet boarding facility is structurally  
16 sound and maintained in good repair, including, but not limited  
17 to, heating and cooling systems, drying cages, flooring, and door  
18 latches and locks.

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

22 (c) Ensuring the containment of pets within the pet boarding  
23 facility, and, in the event that a pet escapes, being responsible for  
24 reporting this fact immediately to the local agency responsible for  
25 animal control and to the owner and making reasonable efforts to  
26 immediately capture the escaped pet.

27 (d) Ensuring that the pet boarding facility’s interior building  
28 surfaces, including walls and floors, are constructed in a manner  
29 that permits them to be readily cleaned and sanitized.

30 (e) Ensuring that light, by natural or artificial means, is  
31 distributed in a manner that permits routine inspection and cleaning,  
32 and the proper care and maintenance of the pets.

33 (f) When pet grooming services are offered by a pet boarding  
34 facility, separating the grooming work area from the pet boarding  
35 facility’s primary enclosures, pet food storage areas, and isolation  
36 areas for housing sick pets. The grooming area shall be cleaned  
37 and sanitized at least once daily.

38 122382. (a) Each primary and temporary enclosure shall  
39 comply with all of the following standards:

1 (1) Be structurally sound and maintained in good repair to  
2 protect the enclosed pet from injury, to contain the pet, to keep  
3 other animals out, and to promote the health and well-being of the  
4 pet.

5 (2) Be maintained in a comfortable and sanitary manner. When  
6 being cleaned in a manner or with a substance that is or may be  
7 harmful to a pet within the enclosure, that pet shall be removed  
8 from the enclosure.

9 (3) Be constructed of material suitable for regular cleaning and  
10 sanitizing.

11 (4) As needed to ensure the comfort and well-being of the pet,  
12 provide heating, cooling, lighting, ventilation, shade, and protection  
13 from the elements, including but not limited to, the sun, wind, rain,  
14 and snow.

15 (b) Each enclosure is either a primary enclosure or a temporary  
16 enclosure.

17 (c) In addition to the requirements set forth in subdivision (a),  
18 a primary enclosure for a cat shall provide an elevated platform  
19 appropriate for the size of the cat.

20 122383. A pet boarding facility operator shall comply with all  
21 of the following animal care requirements:

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

24 (b) Observe each pet as necessary, but no less than once every  
25 24 hours, in order to recognize the signs of sickness, injury, or  
26 distress, and in order to ensure that the pet, food, and waste or  
27 debris is removed as necessary to prevent contamination or injury.

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

33 (d) Provide each pet with food of the type, in the quantities, and  
34 at the intervals as directed in writing by the owner, or in the  
35 absence of written directions by the owner, with nutritious food  
36 in quantities and at intervals suitable for that pet.

37 (e) Provide each pet with at least one enrichment device that is  
38 appropriate for the age, size, and condition of the pet unless  
39 otherwise directed in writing by the owner.

1 (f) Maintain and abide by written policies and procedures that  
2 address animal care, management and safe handling, disease  
3 prevention and control, routine care, preventative care, emergency  
4 care, veterinary treatment, and disaster planning, evacuation, and  
5 recovery that are applicable to the location of the pet boarding  
6 facility. These procedures shall be reviewed with each employee  
7 who provides animal care and shall be present, in writing, either  
8 electronically or physically, in the facility and made available to  
9 all employees.

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

12 (h) Ensure that each sick or injured pet is immediately provided  
13 with veterinary treatment and that the owner of the pet is notified  
14 immediately of the pet's condition.

15 (i) In the event of a natural disaster, an emergency evacuation,  
16 or other similar occurrence, ensure that the humane care and  
17 treatment of each animal is provided for, as required by this  
18 chapter, to the extent access to the pet is reasonably available.

19 122384. (a) A pet boarding facility operator shall ~~provide, in~~  
20 ~~writing, provide~~ each owner with *written information describing*  
21 all of the following:

22 ~~(a) Times, if any, when there will be no personnel on site.~~

23 ~~(b)~~

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

26 *(2) Days and times during which no personnel is on site.*

27 *(3) The square footage of ~~any~~ the primary and temporary*  
28 *enclosures in which the ~~pet will be breed of pet that the owner is~~*  
29 *boarding is customarily contained.*

30 ~~(e)~~

31 *(4) The number of times and at which intervals during each*  
32 *24-hour period the ~~pet will be breed of pet that the owner is~~*  
33 *boarding is customarily observed by personnel.*

34 ~~(d)~~

35 *(5) The ~~pet's anticipated~~ pet boarding facility's customary daily*  
36 *activity ~~schedule~~, *schedule for the breed of pet that the owner is**  
37 *boarding, including the length of time the pet will spend in and*  
38 *out of the number of hours spent in primary and temporary*  
39 *enclosures, the time or times at which the ~~pet will be breed of pet~~*

1 is fed, and the opportunities the ~~pet will have~~ breed of pet has to  
2 exercise and eliminate bodily waste.

3 (6) Additional services that the owner may purchase for the pet,  
4 if any, and the cost of those services.

5 (b) If the pet boarding facility will materially deviate from the  
6 customary practices described in the written information required  
7 by subdivision (a) with respect to an owner's pet, the pet boarding  
8 facility operator shall disclose those deviations to the owner, in  
9 writing.

10 122385. A pet boarding facility shall maintain either of the  
11 following:

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

14 (b) A fire suppression sprinkler system.

15 ~~122385.~~

16 122386. A person convicted of ~~an infraction, misdemeanor, a~~  
17 ~~misdemeanor~~ or felony directly related to the welfare of animals,  
18 including, but not limited to, a violation of Section 597 of the Penal  
19 Code, is prohibited from operating a pet boarding facility or from  
20 being employed as an employee of a pet boarding facility. *If a pet*  
21 *boarding facility is located within a pet store, this prohibition only*  
22 *applies to an employee who works directly with pets that are*  
23 *boarded overnight in the pet boarding facility.*

24 ~~122386.~~

25 122387. A pet boarding facility operator who violates any  
26 provision of this chapter is guilty of an infraction punishable by a  
27 fine not to exceed two hundred fifty dollars (\$250) for the first  
28 violation and by a fine not to exceed one thousand dollars (\$1,000)  
29 for each subsequent violation. The court shall weigh the gravity  
30 of the offense in setting the penalty.

31 ~~122387.~~

32 122388. (a) Nothing in this chapter shall be construed to in  
33 any way limit or affect the application or enforcement of any other  
34 law that protects animals or the rights of consumers, including,  
35 but not limited to, Section 597 of the Penal Code.

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

1     122389. *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.