

AMENDED IN ASSEMBLY JUNE 9, 2016

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~~, *devices or activities*, 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:

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

4
 5 CHAPTER 11. PET BOARDING FACILITIES
 6

7 122380. As used in this chapter, the following definitions apply:

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

11 (b) “Pet” means any nonhuman animal housed in the pet
 12 boarding facility, including, but not limited to, mammals, birds,
 13 reptiles, ~~amphibians, and fish.~~ *and amphibians.* However, “pet”
 14 does not include a horse.

15 (c) “Pet boarding facility” means any lot, building, structure,
 16 enclosure, or premises whereupon four or more dogs, cats, or other
 17 pets in any combination are boarded for compensation. However,
 18 “pet boarding facility” does not include a city, county, or city and
 19 county animal control agency, society for the prevention of cruelty
 20 to animals, or humane society that contracts for the care of stray
 21 or abandoned animals, or the premises of a veterinary facility that
 22 is registered pursuant to Section 4853 of the Business and
 23 Professions Code.

24 (d) “Pet boarding facility operator” or “operator” means a person
 25 who owns or operates, or both, a pet boarding facility.

26 (e) ~~“Primary”~~ “*Permanent or fixed enclosure*” means a structure,
 27 including, but not limited to, an exercise run, kennel, or room,
 28 used to restrict a pet, that provides for the effective separation of
 29 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~~ *facility*,
16 *including all equipment therein*, is structurally sound and
17 maintained in good repair, ~~including, but not limited to, heating~~
18 ~~and cooling systems, drying cages, flooring, and door latches and~~
19 ~~locks.~~ *repair.*

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

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

29 (d) *If an escaped pet has not been captured despite reasonable*
30 *efforts, ensuring that all material facts regarding the pet’s escape*
31 *are reported to the local agency for animal control and to the*
32 *owner.*

33 ~~(d)~~

34 (e) Ensuring that the pet boarding facility’s interior building
35 surfaces, including walls and floors, are constructed in a manner
36 that permits them to be readily cleaned and sanitized.

37 ~~(e)~~

38 (f) Ensuring that light, by natural or artificial means, is
39 distributed in a manner that permits routine inspection and cleaning,
40 and the proper care and maintenance of the pets.

1 ~~(f) When pet~~

2 (g) *If pet grooming services are offered by a pet boarding*
3 *facility, separating the grooming work area from the pet boarding*
4 *facility's primary enclosures, pet food storage areas, and isolation*
5 *areas for housing sick pets. The grooming area shall be permanent*
6 *or fixed and temporary enclosures and ensuring that the grooming*
7 *areas is cleaned and sanitized at least once daily.*

8 (h) *Storing food in an area separate from permanent or fixed*
9 *enclosures or temporary enclosures.*

10 (i) *Maintaining an area for isolating sick pets from healthy pets.*

11 122382. (a) Each ~~primary permanent or fixed~~ and temporary
12 enclosure shall comply with all of the following standards:

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

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

21 (3) Be constructed of material suitable for regular cleaning and
22 sanitizing.

23 (4) As needed to ensure the comfort and well-being of the pet,
24 provide heating, cooling, lighting, ventilation, shade, and protection
25 from the elements, ~~including~~ including, but not limited to, the sun,
26 wind, rain, and snow.

27 (5) *Allow a pet to turn around freely, stand easily, and sit or*
28 *lie down in a comfortable position.*

29 (b) Each enclosure is either a ~~primary permanent or fixed~~
30 enclosure or a temporary enclosure.

31 (c) In addition to the requirements set forth in subdivision (a),
32 a ~~primary permanent or fixed~~ enclosure for a cat shall provide an
33 elevated platform appropriate for the size of the cat.

34 (d) *A pet may be contained in a temporary enclosure for a period*
35 *not to exceed four hours during the day and 12 hours at night or*
36 *the length of time that is humane for that particular pet, whichever*
37 *is less. However, the pet shall remain outside the temporary*
38 *enclosure for no less than the amount of time needed for the pet*
39 *to eliminate its waste.*

1 122383. A pet boarding facility operator shall comply with all
2 of the following animal care requirements:

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

5 (b) Observe each pet as necessary, but no less than once every
6 24 hours, in order to recognize the signs of sickness, injury, or
7 distress, and in order to ensure that the pet, food, and waste or
8 debris is removed as necessary to prevent contamination or injury.

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

14 (d) Provide each pet with ~~food of the type, in the quantities, and~~
15 ~~at the intervals as directed in writing by the owner, or in the~~
16 ~~absence of written directions by the owner, with~~ nutritious food
17 in quantities and at intervals suitable for that pet.

18 (e) Provide each pet with at least one enrichment device *or*
19 *activity* that is appropriate for the age, size, and condition of the
20 pet unless otherwise directed in writing by the owner.

21 (f) Maintain and abide by written policies and procedures that
22 address animal care, management and safe handling, disease
23 prevention and control, routine care, preventative care, emergency
24 care, veterinary treatment, and disaster planning, evacuation, and
25 recovery that are applicable to the location of the pet boarding
26 facility. These procedures shall be reviewed with each employee
27 who provides animal care and shall be present, in writing, either
28 electronically or physically, in the facility and made available to
29 all employees.

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

32 (h) Ensure that each sick or injured pet is immediately provided
33 ~~with veterinary treatment and that the owner of the pet is notified~~
34 ~~immediately of the pet's condition.~~ *appropriate care and, if*
35 *prudent, veterinary treatment.*

36 (i) *Ensure that the owner of a pet is notified immediately that*
37 *his or her pet is sick or injured unless the owner has indicated in*
38 *writing that notification of any, or a particular, type of illness or*
39 *injury is not required.*

40 (i)

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

5 122384. (a) A pet boarding facility operator shall provide each
 6 owner with written information describing all of the following:

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

9 (2) Days and times during which ~~no~~ personnel ~~is~~ *are* onsite.

10 (3) The square footage of the ~~primary permanent or fixed~~ and
 11 temporary enclosures in which the ~~breed species~~ of pet that the
 12 owner is boarding is customarily contained.

13 (4) ~~The number of times and at which intervals~~ *General*
 14 *observation practices* during each 24-hour period ~~the breed for~~
 15 *the species* of pet that the owner is boarding is customarily
 16 observed by personnel.

17 (5) The pet boarding facility's customary daily activity schedule
 18 for the ~~breed species~~ of pet that the owner is ~~boarding, including~~
 19 ~~the number of hours spent in primary and temporary enclosures,~~
 20 ~~the time or times at which the breed of pet is fed, and the~~
 21 ~~opportunities the breed of pet has to exercise and eliminate bodily~~
 22 ~~waste.~~ *boarding.*

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

25 (b) If the pet boarding facility will materially deviate from the
 26 customary practices described in the written information required
 27 by subdivision (a) with respect to an owner's pet, the pet boarding
 28 facility operator shall disclose those deviations to the ~~owner, in~~
 29 ~~writing.~~ *owner or patron, as appropriate.*

30 122385. A pet boarding facility shall maintain either of the
 31 following:

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

34 (b) A fire suppression sprinkler system.

35 ~~122386. A person convicted of a misdemeanor or felony~~
 36 ~~directly related to the welfare of animals, including, but not limited~~
 37 ~~to, a violation of Section 597 of the Penal Code, is prohibited from~~
 38 ~~operating a pet boarding facility or from being employed as an~~
 39 ~~employee of a pet boarding facility. If a pet boarding facility is~~
 40 ~~located within a pet store, this prohibition only applies to an~~

1 ~~employee who works directly with pets that are boarded overnight~~
2 ~~in the pet boarding facility.~~

3 ~~122387.~~

4 122386. A pet boarding facility operator who violates any
5 provision of this chapter is guilty of an infraction punishable by a
6 fine not to exceed two hundred fifty dollars (\$250) for the first
7 violation and by a fine not to exceed one thousand dollars (\$1,000)
8 for each subsequent violation. The court shall weigh the gravity
9 of the offense in setting the penalty.

10 ~~122388.~~

11 122387. (a) Nothing in this chapter shall be construed to in
12 any way limit or affect the application or enforcement of any other
13 law that protects animals or the rights of consumers, including,
14 but not limited to, Section 597 of the Penal Code.

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

19 ~~122389.~~

20 122388. Pursuant to Section 7 of Article XI of the California
21 Constitution, a city, county, or city and county may adopt
22 ordinances that establish additional standards and requirements
23 for a pet boarding facility.

24 SEC. 2. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 the only costs that may be incurred by a local agency or school
27 district will be incurred because this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.