

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, size of enclosures, sanitation, provision of enrichment devices, health of the pet, and safety. 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
6

CHAPTER 11. PET BOARDING FACILITIES

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

8 (a) ~~“Adequate space” means sufficient height and sufficient~~
9 ~~floor space for a pet to stand up, sit down, turn about freely using~~
10 ~~normal body movements without the head touching the top of the~~
11 ~~primary enclosure, lie down with limbs outstretched, exercise~~
12 ~~normal postural movement, move about freely as appropriate for~~
13 ~~the species, age, size, and condition of the pet, and, when~~
14 ~~appropriate, to experience socialization with other pets, if any, in~~
15 ~~the primary enclosure. However, when freedom of movement~~
16 ~~would endanger the pet, temporarily and appropriately restricting~~
17 ~~movement of the pet in a humane manner is permitted.~~

18 (b) ~~“Enrichment” means providing objects or activities,~~
19 ~~appropriate to the needs of the species, as well as the age, size,~~
20 ~~and condition of the pet that stimulate the pet and promote the~~
21 ~~pet’s well-being.~~

22 (c) ~~“Impervious to moisture” means a surface that prevents the~~
23 ~~absorption of fluids and that can be thoroughly and repeatedly~~
24 ~~sanitized, will not retain odors, and from which fluids bead up and~~
25 ~~run off or can be removed without being absorbed into the surface~~
26 ~~material.~~

27 (d) ~~“Intact” means a pet that retains its sexual organs or ability~~
28 ~~to procreate and has not been sterilized.~~

29 (e)

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

33 (f)

34 (b) “Pet” means any nonhuman animal housed in the pet
35 boarding facility, including, but not limited to, mammals, birds,
36 reptiles, amphibians, and fish.

37 (g)

1 (c) “Pet boarding facility” means any lot, building, structure,
2 enclosure, or premises whereupon ~~four~~ *two* or more dogs, cats, or
3 other pets in any combination are boarded for ~~profit~~. *compensation*.

4 (h)

5 (d) “Pet boarding facility operator” or “operator” means a person
6 who ~~owns~~, *owns or* operates, or both, a pet boarding facility.

7 (i) “Primary enclosure” means a structure used to immediately
8 restrict a pet or pets to a limited amount of space, such as a room,
9 pen, cage, aquarium, terrarium, habitat compartment, or hutch,
10 where the pet or pets reside while they are being boarded.

11 (j) “Sanitize” means to make physically clean and to destroy,
12 to the extent practical, agents injurious to health.

13 (k) “Temporary enclosure” means a confined space used by the
14 pet boarding facility to house a pet when the pet is not in its
15 primary enclosure for a period not to exceed four consecutive
16 hours. The temporary enclosure shall allow the pet to stand up, lie
17 down, and turn around. An enclosure used by the pet boarding
18 facility to house an animal for longer than four consecutive hours
19 shall meet the requirements of a primary enclosure.

20 (l) “Veterinary treatment” means treatment by, or at the direction
21 of, a California-licensed veterinarian.

22 (e) “Primary enclosure” means a structure, including, but not
23 limited to, an exercise run, kennel, or room, used to restrict a pet,
24 that provides for the effective separation of a pet from the pet’s
25 waste products, such as by providing the pet with access to a
26 separate indoor room or outside area. A primary enclosure shall
27 enable the pet to turn about freely, stand easily, and sit or lie in a
28 comfortable position.

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

33 (2) A pet may be contained in a temporary enclosure for a period
34 not to exceed eight hours or the length of time that is humane for
35 that particular pet, whichever is less. However, the pet shall remain
36 outside the temporary enclosure for no less than 15 minutes for
37 each consecutive hour spent in the enclosure. For example, if a
38 pet spends four consecutive hours in a temporary enclosure, the
39 pet shall remain outside the temporary enclosure for no less than
40 60 consecutive minutes.

1 (3) A temporary enclosure shall allow the pet to turn about
 2 freely, stand easily, and sit or lie in a comfortable position.
 3 122381. Each pet boarding facility operator shall be responsible
 4 for all of the following:
 5 ~~(a) Maintaining the entire pet boarding facility in good repair.~~
 6 ~~(b) Restricting the entry of pests from outside.~~
 7 (a) Ensuring that the entire pet boarding facility is structurally
 8 sound and maintained in good repair, including, but not limited
 9 to, heating and cooling systems, drying cages, flooring, and door
 10 latches and locks.
 11 (b) Ensuring that pests do not inhabit any part of the pet
 12 boarding facility in a number large enough to be harmful,
 13 threatening, or annoying to the pets.
 14 (c) Ensuring the containment of pets within the pet boarding
 15 facility, and, in the event that a pet escapes, being responsible for
 16 reporting this fact, as necessary, to local authorities and making
 17 reasonable efforts to capture the pet that has escaped. ~~fact~~
 18 *immediately to the local agency responsible for animal control*
 19 *and to the owner and making reasonable efforts to immediately*
 20 *capture the escaped pet.*
 21 (d) Ensuring that the pet boarding facility's interior building
 22 surfaces, including walls and floors, are constructed in a manner
 23 that permits them to be readily cleaned and ~~maintained~~ *sanitized.*
 24 ~~(e) Uniformly distributing~~ *Ensuring that* light, by natural or
 25 artificial means, *is distributed* in a manner that permits routine
 26 inspection and cleaning, and the proper care and maintenance of
 27 the pets.
 28 (f) When pet grooming services are offered by a pet boarding
 29 facility, separating the grooming work area from the pet boarding
 30 facility's primary enclosures, pet food storage areas, and isolation
 31 areas for housing sick pets. The grooming area shall be cleaned
 32 and ~~maintained~~ *sanitized* at least once daily.
 33 122382. ~~(a) Primary~~ *Each primary* and temporary enclosures
 34 enclosure shall comply with all of the following ~~structural~~
 35 standards:
 36 (1) ~~Primary and temporary enclosures shall be structurally~~ *Be*
 37 *structurally* sound and maintained in good repair to protect the
 38 ~~pets enclosed~~ *pet* from injury, to contain the ~~pets,~~ *pet,* to keep other
 39 animals out, and to promote the health and well-being of the

1 enclosed pets. Primary enclosures shall be constructed so they can
2 be routinely maintained to allow pets to stay clean. *pet.*

3 ~~(2) The floor of the primary enclosure shall be constructed to~~
4 ~~prevent injury. A solid surface, platform, or shelf shall be provided~~
5 ~~when a grid-flooring system is used.~~

6 ~~(3) Primary enclosures shall be constructed of materials that are~~
7 ~~impervious to moisture and can be sanitized.~~

8 ~~(4) All primary enclosures shall provide adequate space for the~~
9 ~~pet or pets housed in the enclosure.~~

10 ~~(5) Each primary enclosure shall provide each pet with an~~
11 ~~enrichment device or devices appropriate for the species, age, size,~~
12 ~~and condition of the pet.~~

13 ~~(2) Be maintained in a comfortable and sanitary manner. When~~
14 ~~being cleaned in a manner or with a substance that is or may be~~
15 ~~harmful to a pet within the enclosure, that pet shall be removed~~
16 ~~from the enclosure.~~

17 ~~(3) Be constructed of a nonporous material suitable for regular~~
18 ~~cleaning and sanitizing.~~

19 ~~(4) As needed to ensure the comfort and well-being of the pet,~~
20 ~~provide heating, cooling, lighting, ventilation, shade, and~~
21 ~~protection from the sun, wind, rain, and snow.~~

22 ~~(b) Each enclosure is either a primary enclosure or a temporary~~
23 ~~enclosure.~~

24 ~~(b)~~

25 ~~(c) In addition to the requirements set forth in subdivision (a),~~
26 ~~a primary enclosure for cats shall provide an~~
27 ~~elevated platform as appropriate for the size of the cat.~~

28 ~~(e) In addition to the requirements set forth in subdivision (a),~~
29 ~~primary enclosures for birds shall be designed to ensure all of the~~
30 ~~following:~~

31 ~~(1) A bird can fully extend both of its wings at the same time~~
32 ~~without contacting the sides of the enclosure.~~

33 ~~(2) Perches are provided in a diameter that is appropriate for~~
34 ~~the species, age, size, and condition of the bird, and for the size of~~
35 ~~the enclosure.~~

36 ~~(3) There is sufficient space to enable each bird to fully extend~~
37 ~~its wings in every direction while all birds are simultaneously~~
38 ~~perched.~~

39 ~~(d) Primary enclosures for prey species shall be located where~~
40 ~~they cannot be directly seen by predator animals for that species.~~

1 (d) In addition to the requirements set forth in subdivision (a),
2 a primary enclosure for a dog shall meet both of the following
3 requirements:

4 (1) Contain an indoor or outdoor area that is no less than three
5 feet wide for a dog weighing not more than 45 pounds and four
6 feet wide for a dog weighing more than 45 pounds and no less
7 than 10 feet long no matter the size of the dog.

8 (2) The area described in paragraph (1) shall also have an
9 adjacent indoor enclosure that has at least the following floor
10 area:

11 (A) For a dog weighing not more than 25 pounds, five square
12 feet.

13 (B) For a dog weighing more than 25 pounds but not more than
14 45 pounds, nine square feet.

15 (C) For a dog weighing over 45 pounds, 16 square feet.

16 ~~122383. (a) When a primary or temporary enclosure is being
17 cleaned in a manner, or with a substance, that is or may be harmful
18 to a pet within the enclosure, that pet shall be removed from the
19 enclosure.~~

20 ~~(b) Primary enclosures shall be observed at least once every
21 eight hours, and pet and food wastes, used bedding, debris, and
22 any other organic wastes shall be removed as necessary to prevent
23 contamination of the pets and to reduce disease hazards and odors.~~

24 ~~(c) Pest control measures shall be implemented to effectively
25 control infestation of vermin, insects, or other pests.~~

26 ~~122384.~~

27 ~~122383. A pet boarding facility operator shall comply with all
28 of the following animal care requirements:~~

29 ~~(a) House only compatible pets in the same enclosure: one pet
30 at a time in an enclosure unless otherwise consented to in writing
31 by the owner.~~

32 ~~(b) Observe each pet at regular intervals, as necessary, but no
33 less than once every eight hours, in order to recognize and evaluate
34 general symptoms of the signs of sickness, injury, or abnormal
35 behavior: distress, and in order to ensure that the pet, food, and
36 waste or debris is removed as necessary to prevent contamination
37 or injury.~~

38 ~~(c) Remove each dog from its primary enclosure at least once
39 every eight 24 hours and enable the dog to remain outside the~~

- 1 primary enclosure for at least 15 minutes each ~~time~~. *time unless*
2 *otherwise directed in writing by the owner.*
- 3 ~~(d) Separately house intact mammals that have reached sexual~~
4 ~~maturity in a manner to prevent unplanned reproduction.~~
- 5 ~~(e) Provide potable water at all times, unless otherwise directed~~
6 ~~by a veterinarian.~~
- 7 ~~(f) Provide each pet with nutritious food in quantities and at~~
8 ~~intervals suitable for that pet.~~
- 9 ~~(g) Provide each pet with heating and ventilation suitable for~~
10 ~~that pet.~~
- 11 *(d) Provide each pet with easy and convenient access to potable*
12 *water at all times, or if the behavior of the pet makes unrestricted*
13 *access to water impracticable, offer water as often as necessary*
14 *to ensure the pet's health and well-being, but not less than every*
15 *eight hours for at least one hour each time. However, water may*
16 *be restricted as directed by the owner or a licensed veterinarian.*
- 17 *(e) Provide each pet with food of the type, in the quantities, and*
18 *at the intervals as directed in writing by the owner, or in the*
19 *absence of written directions by the owner, with nutritious food*
20 *in quantities and at intervals suitable for that pet.*
- 21 *(f) Provide each pet with at least one enrichment device that is*
22 *appropriate for the age, size, and condition of the pet unless*
23 *otherwise directed in writing by the owner.*
- 24 ~~(h)~~
- 25 *(g) Maintain and abide by written animal husbandry policies*
26 *and procedures that address animal care, management and safe*
27 *handling, disease prevention and control, routine care, preventative*
28 *care, emergency care, veterinary treatment, euthanasia, treatment,*
29 *and disaster planning, evacuation, and recovery that are applicable*
30 *to the location of the pet boarding facility. These procedures shall*
31 *be reviewed with each employee who provides animal care and*
32 *shall be present, in writing, either electronically or physically, in*
33 *the facility and made available to all employees.*
- 34 ~~(i)~~
- 35 *(h) Isolate those pets that have or are suspected of having a*
36 *contagious condition.*
- 37 ~~(j) Have a documented program of routine care, preventative~~
38 ~~care, emergency care, disease control and prevention, and~~
39 ~~veterinary treatment, as outlined in subdivision (h), that is~~
40 ~~established and maintained by the pet boarding facility in~~

1 consultation with a licensed veterinarian employed by the pet
2 boarding facility or a California-licensed veterinarian, to ensure
3 adherence to the program with respect to each pet. The program
4 shall also include a documented onsite visit to the pet boarding
5 facility by a California-licensed veterinarian at least once a year.

6 ~~(k) Ensure that each diseased, ill, or injured pet is provided~~
7 ~~without delay with veterinary treatment and notify the owner of~~
8 ~~the pet as soon as is practicable.~~

9 *(i) Ensure that each sick or injured pet is immediately provided*
10 *with veterinary treatment and that the owner of the pet is notified*
11 *immediately of the pet's condition.*

12 ~~(t)~~

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

17 ~~122385. (a) Each pet boarding facility operator shall ensure~~
18 ~~that records of all veterinary visits to the pet boarding facility are~~
19 ~~documented writing. Veterinary treatment records shall be kept~~
20 ~~for each animal or group of animals that receives medications or~~
21 ~~immunizations while in the care of the pet boarding facility. These~~
22 ~~records shall include summaries of directions received orally from~~
23 ~~veterinarians, and shall include all of the following, to the extent~~
24 ~~it is provided by the veterinarian:~~

25 ~~(1) Identification of the pet receiving medical treatment.~~

26 ~~(2) Name of the medication or immunization used.~~

27 ~~(3) Amount of medication used.~~

28 ~~(4) Time and date on which the medication or immunization~~
29 ~~was administered.~~

30 ~~(b) Records required by subdivision (a) shall be provided to the~~
31 ~~owner of the pet upon request.~~

32 ~~(c) All records required by this section shall be maintained by~~
33 ~~the pet boarding facility for two years from the date of boarding~~
34 ~~of the pet, and shall be made available upon request to an~~
35 ~~appropriate enforcement officer exercising his or her authority.~~

36 *122384. A pet boarding facility operator shall provide, in*
37 *writing, each owner with all of the following:*

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

39 *(b) The square footage of any primary and temporary enclosures*
40 *in which the pet will be contained.*

1 (c) *The number of times and at which intervals during each*
2 *24-hour period the pet will be observed by personnel.*

3 (d) *The pet’s anticipated daily activity schedule, including the*
4 *length of time the pet will spend in and out of primary and*
5 *temporary enclosures, the time or times at which the pet will be*
6 *fed, and the opportunities the pet will have to exercise and*
7 *eliminate bodily waste.*

8 ~~122386.~~

9 122385. A pet boarding facility operator who violates any
10 provision of this chapter is guilty of an infraction punishable by a
11 fine not to exceed two hundred fifty dollars (\$250) for the first
12 violation and by a fine not to exceed one thousand dollars (\$1,000)
13 for each subsequent violation. The court shall weigh the gravity
14 of the offense in setting the penalty.

15 ~~122387.~~

16 122386. (a) Nothing in this chapter shall be construed to in
17 any way limit or affect the application or enforcement of any other
18 law that protects animals or the rights of consumers, including,
19 but not limited to Section 597 of the Penal Code.

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

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.