

JAN 24 2019

A BILL FOR AN ACT

RELATING TO PET BOARDING FACILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 11 to be appropriately designated
3 and to read as follows:

4 "CHAPTER

5 PET BOARDING FACILITIES

6 § -1 Definitions. As used in this chapter, unless the
7 context requires otherwise:

8 "Board" means the board of agriculture.

9 "Department" means the department of agriculture.

10 "Enclosure" means a permanent or temporary enclosure used
11 at a pet boarding facility.

12 "Enrichment" means the provision of objects or activities,
13 appropriate to the needs of the species, age, size, and
14 condition of a pet, that stimulate the pet and promote the pet's
15 well-being.

16 "Illness" means a disordered, weakened, or unsound
17 condition.



1 "Injury" means physical pain or impairment of physical
2 condition.

3 "Operator" means a person who owns or operates a pet
4 boarding facility.

5 "Permanent enclosure" means a structure, including an
6 exercise run, kennel, or room, used to restrict a pet, that
7 provides for the safe and effective separation of a pet from the
8 pet's waste products.

9 "Person" means an individual, partnership, firm, limited
10 liability company, corporation, association, trust, estate, or
11 other legal entity.

12 "Pet" means any nonhuman animal housed in the pet boarding
13 facility, including any mammal, birds, reptile, or amphibian.

14 "Pet" does not include any horse.

15 "Pet boarding facility":

16 (1) Means any lot, building, structure, enclosure, or
17 premises, or a portion thereof, whereupon four or more
18 pets in any combination are boarded at the request of,
19 and in exchange for consideration provided by, the
20 respective owners of the pets; and



1 (2) Does not include a county animal control agency;
2 society for the prevention of cruelty to animals;
3 humane society that contracts with a county for the
4 care of stray or abandoned animals; or the premises of
5 a facility under the control of a licensed
6 veterinarian.

7 "Temporary enclosure" means a structure used to restrict a
8 pet, including a crate or cage, that does not provide for the
9 effective separation of a pet from the pet's waste products.

10 § -2 Pet board facilities. An operator shall:

- 11 (1) Ensure that the entire pet boarding facility,
12 including all equipment therein, is structurally sound
13 and maintained in good repair;
- 14 (2) Ensure that pests do not inhabit any part of the pet
15 boarding facility in a number large enough to be
16 harmful, threatening, or annoying to the pets;
- 17 (3) Ensure the containment of pets within the pet boarding
18 facility, and, if a pet escapes from the facility,
19 make reasonable efforts to immediately capture the
20 escaped pet;



- 1 (4) If an escaped pet has not been captured despite
2 reasonable efforts, ensure that all material facts
3 regarding the pet's escape are reported to the
4 department and to the owner;
- 5 (5) Ensure that the pet boarding facility's interior
6 building surfaces, including walls and floors, are
7 constructed in a manner that permits them to be
8 readily cleaned and sanitized;
- 9 (6) Ensure that light is distributed, by natural or
10 artificial means, in a manner that permits routine
11 inspection and cleaning, and the proper care and
12 maintenance of the pets;
- 13 (7) If pet grooming services are offered by a pet boarding
14 facility, separate the grooming work area from the pet
15 boarding facility's permanent or fixed and temporary
16 enclosures, and ensure that the grooming areas are
17 cleaned and sanitized at least once daily;
- 18 (8) Store food in an area separate from permanent or fixed
19 enclosures or temporary enclosures;
- 20 (9) Maintaining an area for isolating pets with illnesses
21 from healthy pets;



1 (10) Ensure pets always have access to areas that do not
2 exceed degrees Fahrenheit; and

3 (11) Comply with this chapter and any administrative rules
4 adopted thereunder.

5 § -3 Enclosures. (a) An operator shall ensure that
6 each enclosure:

7 (1) Is structurally sound and maintained in good repair to
8 protect an enclosed pet from injury, to contain a pet,
9 to keep other animals from straying inside, and to
10 promote the health and well-being of the pet;

11 (2) Is maintained in a comfortable and sanitary manner;

12 (3) Is constructed of material suitable for regular
13 cleaning and sanitizing;

14 (4) Does not contain any pets when the container is being
15 cleaned in a manner or with a substance that may be
16 harmful to a pet;

17 (5) Houses only one pet at a time, unless otherwise
18 consented to by the respective owner of each pet
19 enclosed;

20 (6) Provides heating, cooling, lighting, ventilation,
21 shade, and protection from the elements, including the



1 sun, wind, and rain, to the extent needed to ensure
2 the comfort and well-being of any enclosed pet; and

3 (7) Is of sufficient size to allow any enclosed pet to
4 turn around freely, stand easily, and sit or lie down
5 in a comfortable position.

6 (b) Each permanent enclosure used for a cat shall provide
7 an elevated platform appropriate for the size of the cat or cats
8 in the enclosure.

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

15 § -4 Pet care. An operator shall:

16 (1) Observe each pet as necessary, and in no event less
17 than twice every twenty-four hours, to monitor the pet
18 for signs of illness, injury, or distress, and to
19 ensure that the pet, food, waste, or debris are
20 removed from the enclosure as necessary to prevent
21 contamination or injury;



- 1 (2) Provide each pet with easy and convenient access to
2 potable water at all times, or if the behavior of the
3 pet makes unrestricted access to water impracticable,
4 offer water as often as necessary to ensure the pet's
5 health and well-being; provided that water may be
6 restricted as directed by the pet's owner or a
7 licensed veterinarian;
- 8 (3) Provide each pet with nutritious food in quantities
9 and at intervals suitable for that pet;
- 10 (4) Provide each pet with daily enrichment sufficient to
11 maintain the behavioral health of the pet;
- 12 (5) Isolate a pet that has or is suspected of having an
13 illness and expeditiously and completely sanitize all
14 areas that the pet inhabited, including indoor and
15 outdoor fecal waste areas;
- 16 (6) Ensure that a pet with an illness or injury
17 immediately receives appropriate care and veterinary
18 treatment, as needed;
- 19 (7) Ensure that the owner of a pet is notified immediately
20 if the owner's pet has an illness or has an injury,
21 unless the owner has indicated in writing that



1 notification of any, or any particular, type of
2 illness or injury is not required; and
3 (8) If a natural disaster, an emergency evacuation, or
4 other similar occurrence occurs, ensure the humane
5 care and treatment of each pet to the extent that
6 access to the pet is reasonably available.

7 § -5 Written information. (a) An operator shall
8 provide the owner of a pet that is boarded at the pet boarding
9 facility with written information describing:

- 10 (1) Days and times during which the pet boarding facility
11 allows pets to be dropped off and picked up;
12 (2) Days and times during which personnel are on site;
13 (3) The square footage of the permanent or fixed and
14 temporary enclosures in which pets are customarily
15 contained;
16 (4) Daily observation practices applicable to each species
17 of pet; and
18 (5) The expected daily activity schedule for the owner's
19 pet.

20 (b) If the pet boarding facility expects to deviate from
21 the information provided pursuant to subsection (a) with respect



1 to an owner's pet, the operator shall disclose the deviations to
2 the owner, as appropriate.

3 § -6 **Fire safety.** Each operator shall ensure that the
4 pet boarding facility has a:

5 (1) Fire alarm system that is connected to a central
6 reporting station that alerts the local fire
7 department in case of fire and a fire escape known to
8 all employees; or

9 (2) Fire suppression sprinkler system.

10 § -7 **Enforcement; penalties.** (a) The department may
11 inspect any pet boarding facility within the State at any time.

12 (b) If the department discovers a violation under this
13 chapter, the department shall issue to the operator a notice to
14 correct the violation.

15 (c) The notice to correct shall:

16 (1) Be delivered in person by a representative of the
17 department to the owner;

18 (2) Specify each violation of this chapter;

19 (3) Identify the corrective action for the violation or
20 violations; and



1 (4) Include a specific period of time during which the
2 listed violation or violations to be corrected.

3 (d) After issuing a notice to correct the department
4 within a reasonable period of time, shall conduct an inspection
5 of the pet boarding facility to verify compliance with this
6 section.

7 (e) An operator who is verified to have complied with a
8 notice to correct shall not be penalized under subsection
9 (h) (1).

10 (f) An operator who violates this chapter on more than one
11 occasion within a five-year period shall not receive a notice to
12 correct for any subsequent violation and shall be subject to
13 penalties as provided in this section; provided that this
14 subsection shall not apply to multiple initial violations that
15 were committed or discovered concurrently.

16 (g) An operator that causes or allows harm or injury to an
17 animal, or allows an animal to be subject to an unreasonable
18 risk of harm or injury, is guilty of a misdemeanor.

19 (h) Except as provided in subsections (e) and (g), an
20 operator who violates this chapter shall be subject to a civil



S.B. NO. 1429

Report Title:

Department of Agriculture; Animals; Pet Boarding

Description:

Regulates the operation of pet boarding facilities within the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

