A BILL FOR AN ACT

RELATING TO PET BOARDING FACILITIES.

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

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

"CHAPTER

PET BOARDING FACILITIES

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

"Board" means the board of agriculture.

"Department" means the department of agriculture.

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

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

"Illness" means a disordered, weakened, or unsound condition.
"Injury" means physical pain or impairment of physical condition.

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

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

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

"Pet" means any nonhuman animal housed in the pet boarding facility, including any mammal, birds, reptile, or amphibian. "Pet" does not include any horse.

"Pet boarding facility":

(1) Means any lot, building, structure, enclosure, or premises, or a portion thereof, whereupon four or more pets in any combination are boarded at the request of, and in exchange for consideration provided by, the respective owners of the pets; and
(2) Does not include a county animal control agency; society for the prevention of cruelty to animals; humane society that contracts with a county for the care of stray or abandoned animals; or the premises of a facility under the control of a licensed veterinarian.

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

§ 2 Pet board facilities. An operator shall:

(1) Ensure that the entire pet boarding facility, including all equipment therein, is structurally sound and maintained in good repair;

(2) Ensure that pests do not inhabit any part of the pet boarding facility in a number large enough to be harmful, threatening, or annoying to the pets;

(3) Ensure the containment of pets within the pet boarding facility, and, if a pet escapes from the facility, make reasonable efforts to immediately capture the escaped pet;
If an escaped pet has not been captured despite reasonable efforts, ensure that all material facts regarding the pet's escape are reported to the department and to the owner;

Ensure that the pet boarding facility's interior building surfaces, including walls and floors, are constructed in a manner that permits them to be readily cleaned and sanitized;

Ensure that light is distributed, by natural or artificial means, in a manner that permits routine inspection and cleaning, and the proper care and maintenance of the pets;

If pet grooming services are offered by a pet boarding facility, separate the grooming work area from the pet boarding facility's permanent or fixed and temporary enclosures, and ensure that the grooming areas are cleaned and sanitized at least once daily;

Store food in an area separate from permanent or fixed enclosures or temporary enclosures;

Maintaining an area for isolating pets with illnesses from healthy pets;
(10) Ensure pets always have access to areas that do not exceed degrees Fahrenheit; and

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

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

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

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

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

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

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

(6) Provides heating, cooling, lighting, ventilation, shade, and protection from the elements, including the
sun, wind, and rain, to the extent needed to ensure
the comfort and well-being of any enclosed pet; and
(7) Is of sufficient size to allow any enclosed pet to
turn around freely, stand easily, and sit or lie down
in a comfortable position.
(b) Each permanent enclosure used for a cat shall provide
an elevated platform appropriate for the size of the cat or cats
in the enclosure.
(c) A pet may be contained in a temporary enclosure for a
period not to exceed four hours during the day and twelve hours
at night or the length of time that is humane for that
particular pet, whichever is less. However, the pet shall
remain outside the temporary enclosure for no less than the
amount of time needed for the pet to eliminate its waste.
§ -4 Pet care. An operator shall:
(1) Observe each pet as necessary, and in no event less
than twice every twenty-four hours, to monitor the pet
for signs of illness, injury, or distress, and to
ensure that the pet, food, waste, or debris are
removed from the enclosure as necessary to prevent
contamination or injury;
(2) Provide each pet with easy and convenient access to potable water at all times, or if the behavior of the pet makes unrestricted access to water impracticable, offer water as often as necessary to ensure the pet's health and well-being; provided that water may be restricted as directed by the pet's owner or a licensed veterinarian;

(3) Provide each pet with nutritious food in quantities and at intervals suitable for that pet;

(4) Provide each pet with daily enrichment sufficient to maintain the behavioral health of the pet;

(5) Isolate a pet that has or is suspected of having an illness and expeditiously and completely sanitize all areas that the pet inhabited, including indoor and outdoor fecal waste areas;

(6) Ensure that a pet with an illness or injury immediately receives appropriate care and veterinary treatment, as needed;

(7) Ensure that the owner of a pet is notified immediately if the owner's pet has an illness or has an injury, unless the owner has indicated in writing that
notification of any, or any particular, type of illness or injury is not required; and

(8) If a natural disaster, an emergency evacuation, or other similar occurrence occurs, ensure the humane care and treatment of each pet to the extent that access to the pet is reasonably available.

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

(1) Days and times during which the pet boarding facility allows pets to be dropped off and picked up;

(2) Days and times during which personnel are on site;

(3) The square footage of the permanent or fixed and temporary enclosures in which pets are customarily contained;

(4) Daily observation practices applicable to each species of pet; and

(5) The expected daily activity schedule for the owner's pet.

(b) If the pet boarding facility expects to deviate from the information provided pursuant to subsection (a) with respect
to an owner's pet, the operator shall disclose the deviations to
the owner, as appropriate.

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

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

(2) Fire suppression sprinkler system.

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

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

(c) The notice to correct shall:

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

(2) Specify each violation of this chapter;

(3) Identify the corrective action for the violation or
violations; and
(4) Include a specific period of time during which the listed violation or violations to be corrected.

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

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

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

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

(h) Except as provided in subsections (e) and (g), an operator who violates this chapter shall be subject to a civil
fine not to exceed $250 for the first violation and a civil fine
of $1,000 for each subsequent violation.

(i) This chapter shall be not construed to supersede,
limit, or affect the application or enforcement of any other
law.

§ - 8 Enforcement; penalties. The board shall adopt
rules, pursuant to chapter 91, necessary for the purposes of
this chapter."

SECTION 2. This Act shall take effect upon its approval.

INTRODUCED BY: Andrei K. Nakamura

JAN 23 2019
Report Title:
Department of Agriculture; Animals; Pet Boarding

Description:
Regulates the operation of pet boarding facilities within the State.

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