

18100596D

HOUSE BILL NO. 79

Offered January 10, 2018

Prefiled December 6, 2017

A BILL to amend and reenact §§ 3.2-6506, 3.2-6518, and 18.2-403.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6519.1, relating to dog boarding establishments; group play requirements; notice; penalties.

Patrons—Yancey and Miyares

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6506, 3.2-6518, and 18.2-403.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6519.1 as follows:

§ 3.2-6506. Exceptions regarding veterinarians.

Sections 3.2-6503, 3.2-6504, 3.2-6508 through ~~3.2-6519~~ 3.2-6519.1, 3.2-6557, 3.2-6559, 3.2-6561, 3.2-6564, 3.2-6565, and 3.2-6574 through 3.2-6580 shall not apply to: (i) a place or establishment that is operated under the immediate supervision of a duly licensed veterinarian as a hospital or boarding establishment where animals are harbored, boarded, and cared for incident to the treatment, prevention, or alleviation of disease processes during the routine practice of the profession of veterinary medicine; or (ii) animals boarded under the immediate supervision of a duly licensed veterinarian.

§ 3.2-6518. Boarding establishments and groomers; veterinary care requirements; dog group play boarding supervision requirements; consumer notification; penalty.

A. When an animal is boarded at a boarding establishment, or under the care, custody, or subject to the actions of a groomer, the boarding establishment or groomer shall be responsible for providing the animal care requirements for each animal as specified in § 3.2-6503.

B. *When a dog is boarded at a boarding establishment, an employee of the boarding establishment shall be present at all times that the dog is able to have physical contact with another dog. Physical contact does not include separation by a fence or barrier when all openings in the fence are smaller than the muzzle of the dog. A boarding establishment that allows groups of dogs to have physical contact shall not exceed the following group sizes based on weight classifications:*

1. For dogs that weigh under 15 pounds, there shall be no more than 10 dogs per group at any given time;

2. For dogs that weigh at least 15 but less than 30 pounds, there shall be no more than five dogs per group at any given time;

3. For dogs that weigh at least 30 but less than 50 pounds, there shall be no more than three dogs per group at any given time;

4. For dogs that weigh at least 50 but less than 75 pounds, there shall be no more than three dogs per group at any given time; and

5. For dogs that weigh 75 pounds or more, there shall be no more than two dogs per group at any given time.

An employee of the boarding establishment shall supervise each group of dogs. No employee shall supervise more than one group of dogs at a time. No dog shall be in a group with another dog that is not of the same weight classification, unless such dogs, according to their owner, are bonded and live together, in which case the dogs may be permitted to have physical contact when no other dog is in the group.

C. If an animal becomes ill or injured while in the custody of the boarding establishment or groomer, the boarding establishment or groomer shall provide the animal with emergency veterinary treatment for the illness or injury. The consumer shall bear the reasonable and necessary costs of emergency veterinary treatment for any illness or injury occurring while the animal is in the custody of the boarding establishment or groomer. The boarding establishment or groomer shall pay for veterinary treatment of any injury that the animal sustains while at the establishment or under the care or custody of a groomer if the injury resulted from the establishment's or groomer's failure, whether accidental or intentional, to provide the care required by § 3.2-6503, or if the injury is a result of the actions of the boarding establishment or groomer. Boarding establishments and groomers shall not be required to bear the cost of veterinary treatment for injuries resulting from the animal's self-mutilation.

D. If an animal is seized from a boarding establishment or groomer because of the establishment's or groomer's failure to provide adequate food, water, shelter, exercise, and care as defined in § 3.2-6500 and required by § 3.2-6503 or because of any other violation of this chapter, the animal shall be

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59 returned to the rightful owner as soon as possible or, if the owner refuses to reclaim the animal, be
60 impounded and disposition made pursuant to § 3.2-6569.

61 *D. E. Violation of this section by a boarding establishment or groomer is a Class 1 misdemeanor.*

62 **§ 3.2-6519.1. Written notice of risk of group play boarding required to be supplied by boarding**
63 **establishments; penalty.**

64 *A. A boarding establishment that allows multiple dogs to have physical contact as provided in*
65 *subsection B of § 3.2-6518 shall give the notice hereinafter set forth in writing to a consumer prior to*
66 *the consumer's delivery of the dog to the boarding establishment. Such notice shall be embodied in a*
67 *written document and shall state in 10-point boldfaced type the following:*

68 **NOTICE**

69 *The boarding of dogs in a group play manner is subject to Article 4 (§ 3.2-6518 et seq.) of Chapter*
70 *65 of Title 3.2 of the Code of Virginia. All group play boarding carries the inherent risk of injury or*
71 *death. In order to prevent injury, this boarding facility is required to allow groups of no more than 10*
72 *dogs that weigh under 15 pounds, five dogs that weigh at least 15 but less than 30 pounds, three dogs*
73 *that weigh at least 30 but less than 50 pounds, three dogs that weigh at least 50 but less than 75*
74 *pounds, and two dogs that weigh 75 pounds or more to play together. No dog may be allowed physical*
75 *contact with another dog that is not of the same weight classification unless such dogs, according to*
76 *their owner, are bonded and live together, in which case the dogs may be permitted to have physical*
77 *contact when no other dog is in the group.*

78 *If you witness a violation of these restrictions, please report it to your local animal control officer*
79 *immediately.*

80 *B. Failure to display or provide the consumer with the written notice as required by this section is a*
81 *Class 3 misdemeanor.*

82 **§ 18.2-403.2. Offenses involving animals — Class 3 misdemeanors.**

83 The following unlawful acts and offenses against animals shall constitute and be punished as a Class
84 3 misdemeanor:

85 1. Violation of § 3.2-6511 pertaining to the failure of a shopkeeper or pet dealer to provide adequate
86 care to animals.

87 2. Violation of § 3.2-6509 pertaining to the misrepresentation of an animal's condition by the
88 shopkeeper or pet dealer.

89 3. Violation of § 3.2-6504 pertaining to the abandonment of animals.

90 4. Violation of § 3.2-6510 pertaining to the sale of baby fowl.

91 5. Violation of clause (iii) of subsection A of § 3.2-6570 pertaining to soring horses.

92 6. Violation of § 3.2-6519 or 3.-6519.1 pertaining to notice of consumer remedies required to be
93 supplied by boarding establishments.