

## **DOG LAW CHANGES – BOARDING KENNEL LICENSE REQUIRED**

On October 9, 2008, Governor Rendell signed into law House Bill 2525, amending The Dog Law. The new law requires all veterinarians who operate a boarding kennel to obtain a boarding kennel license from the Department of Agriculture, Bureau of Dog Law Enforcement. These provisions become effective December 8, 2008. The new licensure year begins on January 1, 2009.

The law defines a “boarding kennel” as “any establishment available to the public where a dog or dogs are housed for compensation by the day, week or a specified or unspecified time.” The term specifically includes “any boarding kennel operated by a licensed doctor of veterinary medicine whether or not this facility is on the same premises as a building or structure subject to the provisions of the Veterinary Medicine Practice Act.” The definition however, exempts “...a kennel where the practice of veterinary medicine is performed if the kennel is covered by the provisions of the act...known as the “Veterinary Medicine Practice Act.” Thus, it does not include the area where hospitalized animals are housed. An animal is hospitalized if it is receiving veterinary care, recovering from a veterinary medical procedure, or awaiting a veterinary medical procedure.

The Pennsylvania Department of Agriculture, Bureau of Dog Law Enforcement (BDLE) interprets these definitions to mean that any veterinarian-owned boarding kennel that is separate from the veterinary practice requires a boarding kennel license. This would include any boarding kennel in a separate building. It would also include a separate boarding area under the same roof as the veterinarian’s practice if that area is used to board dogs owned by the general public. A veterinarian who has a separate boarding area that is used only to temporarily house animals that belong to clients of the veterinary practice will not be required to have a separate boarding kennel license.

Because a veterinarian is familiar with the health status of his or her patients, the State Board of Veterinary Medicine believes that the standards of acceptable and prevailing veterinary medical practice require veterinarians to separately house client-owned animals and boarded animals. Therefore, a veterinarian may not avoid the licensure requirement by boarding animals for the public alongside hospitalized patients.

The Dog Law provides for three classes of boarding kennel licenses. A Class I license is required for a boarding kennel that has the capacity to accommodate a total of 1 to 10 dogs at any time during a calendar year. The fee for a Class I license is \$100 per year. A Class II license is required for a boarding kennel that has the capacity to accommodate a total of 11 to 25 dogs at any time during a calendar year. The fee for a Class II license is \$150 per year. A Class III license is required for a boarding kennel that has the capacity to

accommodate more than 26 dogs at any time during a calendar year. The fee for a Class I license is \$250 per year.

Additional provisions of note in the amended Dog Law include the recordkeeping requirements for kennels. Each kennel must maintain, for two years, a record of each dog at any time kept in the kennel. The records must include the following:

1. breed, color, markings, sex and age of each dog
2. date on which the dog entered the kennel
3. the purpose for the dog being in the kennel
4. the date on which the dog leaves the kennel
5. how the dog is dispensed
6. the name, address and telephone number of the veterinarian used by the kennel

The kennel license must be conspicuously displayed. Licensed kennels are to be inspected at least twice each year by agents of the Bureau of Dog Law Enforcement.

Kennels must develop and follow an appropriate plan to provide dogs with the opportunity for exercise. A veterinarian must approve the plan.

Veterinarians who board dogs should immediately apply for a boarding kennel license. Once the application has been made, the veterinarian's boarding kennel will be subject to inspection by an agent of the Bureau of Dog Law Enforcement. A kennel license will be required to board animals beginning on January 1, 2009. All kennels must be equipped with smoke alarms or fire extinguishers. Housing facilities shall be equipped with fire extinguishers on the premises. Indoor housing facilities may have a sprinkler system. Following inspection, the boarding kennel license may be issued. Once the 60-day period has passed, a veterinarian is prohibited from boarding dogs until a boarding kennel license has issued.

Information regarding applying for a boarding kennel license may be obtained from;

<http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=126794>.