



The Equine Esquire

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Are There Minimum Legal Standards of Horse Care in California?

I've been asked on more than one occasion about horse husbandry and if there are minimum legal standards for keeping a horse. This article will answer that question and possibly surprise (and disappoint) you that the minimum care standards fall well below our own personal standards for horsekeeping. Nevertheless, in California there are equine-related statutes pertaining to water, feed, shelter, health care, and transport. The laws are contained in the Penal Code, Food and Agriculture Code, Health and Safety Code, Vehicle Code, and the California Code of Regulations.

Water

Horses must be provided with "necessary...drink" (California Penal Code section 597(b).) Regarding horses for hire, "equines shall be supplied with...clean water" (California Health and Safety Code section 25988). "Necessary" and "supplied" are vague terms, which leave open the very minimum to be offered to an equine and can result in an actual cruelty to animals crime. Generally speaking, a 1,000-pound horse under no workload will need a minimum of 6 gallons of water daily. That amount goes up for work, gestation, and/or high heat/humidity.

Feed

Horses must be provided with "necessary food." (California Penal Code section 597(b).) Horses for hire shall be supplied with nutritionally adequate feed..." (California Health and Safety Code section 25988). Again, arguably, California laws only offer vague guidance, and it seems that cases of abuse and/or neglect must be so severe in order to be considered punishable and prosecuted.

Shelter

Horses must be provided with "necessary...shelter or protection from the weather." (California Penal Code section 597(b).) "Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area. If the animal is restricted by a leash, rope, or chain, the leash, rope, or chain shall be affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food, and water. (California Penal Code section 597(t).) Regarding horses for hire, "any enclosure where an equine is primarily kept shall be of sufficient size to enable the equine to comfortably stand up, turn around, and lie down, and shall be kept free of excessive urine and waste matter." (California Health and Safety Code section 25988).

Again, these standards are the absolute legal minimum, and are sadly not difficult to meet. When making sheltering decisions, owners and handlers should consider age, weather conditions, health issues, size, pregnancy, ventilation, and clearing the area of excessive urine and waste. On average, a horse defecates 54 pounds of feces and voids 2.7 gallons of water per day!

Health Care

"Whoever, having the charge or custody of any animal, either as owner or otherwise, subjects any animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any

manner abused any animal...is...guilty of a crime..." (California Penal Code section 597(b).) "Every owner, driver, or keeper of any animal who permits the animal to be in any...enclosure...without proper care and attention is guilty of a misdemeanor." (California Penal Code section 597.1(a).)

There are other equine health care laws related to humane destruction and docking of tails. See California Penal Code section 597f(d) and 597n.

Transport

"Whoever carries or causes to be carried in or upon any vehicle or otherwise any domestic animal in a cruel or inhumane matter, or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind, is guilty of a misdemeanor..." (California Penal Code section 597a.)

"It is unlawful for any person that owns or operates any motor truck, or motor truck and trailer, or semitrailer, to confine or permit to be confined, in such vehicle, any animal for a longer period than 28 consecutive hours from the time the animal was last fed and watered. Upon the written request of the owner or person in charge of the animal, the period of confinement may be extended to 36 hours. Before the expiration of the permissible period of confinement, the animal shall be unloaded in a humane manner by means of a chute or tailgate of sufficient size into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours." (Food and Agriculture Code Section 16908).

The only equine-related Federal regulations are the Commercial Transportation of Equines to Slaughter Act (7 U.S.C.) and Horse Protection Act (15 U.S.C.).

While I am certain that all of us well-exceed the minimum legal standards, it is important that we teach others who may be new to caring for equines, and also be ever-faithful advocates of the horse. A particularly helpful resource is a guide published by the Center for Equine Health (U.C. Davis School of Veterinary Medicine) and is available here: http://www.vetmed.ucdavis.edu/ceh/local_resources/pdfs/special_castandards_feb2014.pdf.



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The above article is not intended to be legal advice. Readers should seek legal counsel regarding their particular circumstances.