

## CONCURRENCE IN SENATE AMENDMENTS

AB 485 (O'Donnell and Dababneh)

As Amended September 7, 2017

Majority vote

ASSEMBLY: 55-11 (May 30, 2017)

SENATE: 38-0 (September 12, 2017)

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Original Committee Reference: **B. & P.**

**SUMMARY:** Prohibits a pet store operator from selling a live cat, dog, or rabbit in a retail pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter or rescue group as defined; requires all authorized sales of dogs and cats to be in compliance with laws requiring the spaying or neutering of animals; permits a public or private shelter to enter into cooperative agreement with animal rescue or adoption organizations regarding rabbits; and requires pet stores to maintain and post records relating to the source of each dog, cat, or rabbit the pet store sells for at least one year.

**The Senate amendments:**

- 1) Remove language relative to enforcement by animal control officers.
- 2) Revises language to allow pet stores to sell dogs, cats, or rabbits sourced from a nonprofit "rescue group" instead of a nonprofit "animal rescue or adoption organization."
- 3) Define "rescue group" for purposes of the bill to mean a nonprofit organization that does not obtain animals from breeders or brokers for compensation.
- 4) Require the maintenance and posting of records relating to the source of all dogs, cats, and rabbits sold.
- 5) Expressly provide that violators of the section are subject to a \$500 civil penalty, per animal, and not a misdemeanor.
- 6) State that the section does not prohibit a local governing body from adopting more protective animal welfare requirements.
- 7) Exempts a pet store operator subject to this section from certain requirements that are relevant to animals obtained from breeders or other sources than rescue groups.

**THIS BILL:**

- 1) Prohibits a pet store operator from selling a live cat, dog, or rabbit in a retail pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter or rescue group that is in a cooperative agreement with at least one private or public shelter.
- 2) Authorizes a public or private shelter, as specified, to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to existing cooperative agreements regarding dogs and cats, as specified.

- 3) Requires all sales of dogs and cats authorized by the bill to be in compliance with laws requiring the spaying or neutering of animals.
- 4) Requires pet stores to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year.
- 5) Requires pet stores to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit from which each dog, cat, or rabbit was obtained.
- 6) Authorizes public animal control agencies or shelters to periodically require pet stores engaged in sales of dogs to provide access to records.
- 7) Makes a pet store operator who violates these provisions subject to a civil penalty of \$500. Each animal offered for sale in violation of this section constitutes a separate violation.
- 8) Delays implementation of the law until January 1, 2019.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

**COMMENTS:**

**Purpose.** This bill is sponsored by Social Compassion in Legislation. According to the author, "California taxpayers spend a quarter of a billion dollars annually to house and kill animals in local shelters while puppy mills throughout the country continue to mass breed animals for profit. [This bill] attempts to curtail these operations by supporting access to pet rescue and adoption in California retail pet stores. By offering puppies, kittens and rabbits for adoption from nearby shelters, pet stores can save the lives of animals in search for a home, save the breeding animals trapped in puppy mills, and relieve pressure on county budgets and local tax payers."

**Background.** *Animal and Consumer Protection Laws.* In California, there are a host of laws related to the sale of pets in California, including regulations for animal care in pet stores, consumer rights, requirements for breeders, sales at swap meets, and kennels. The Pet Store Animal Care law applies to animals in pet stores and places certain requirements on how animals can be treated while in a store pending sale. For example, Health and Safety Code (HSC) Section 122353 requires that the floor of an animal's primary enclosure to be constructed to prevent injury; requires primary animal enclosures to contain an enrichment device (toy); provide platforms for cats; and, cages for birds are required to be large enough for the bird to spread its wings fully, among others. A pet store operator or at least one employee is required to be present in the store at least once daily, regardless if the store is open for business. Pet stores are required to isolate and not sell those animals suspected of having a contagious condition, and ensure that each animal is treated without delay. However, there are no requirements or restrictions pertaining to the acquisition of animals for purpose of animal sales, although pet store operators are required to maintain specific documentation about an animal's health records and are also required to provide consumers with information about the breeder or broker. Pet store operators are required to maintain records for identification purposes of the person from whom the animals in the pet store was acquired, including that person's name, address, and

telephone number, and the date the animal was acquired (HSC Section 122355(d)). There are no current prohibitions on pet store operators related to the sale of puppies, kittens, rabbits or dogs acquired from individuals, brokers, or mass commercial breeders who have enforcement violations at the local, state or federal level related to animal care laws.

In order to address consumer protection for the sale of retail pets the Lockyer-Polanco-Farr Pet Protection Act (Pet Protection Act) specifies the requirements for retail sellers of animals to ensure purchaser protection for the sale of ill or sick animals, and provides some form of disclosures to individuals about where the animal was bred. As currently drafted, this bill would prohibit the retail sale of dogs, cats, or bunnies at a retail pet store unless that animal was obtained from an animal shelter, humane association or other non-profit. However, the specifications of the Pet Store Animal Care laws and the Pet Protection Act would still apply to the *sale* of shelter animals at retail stores. As currently drafted, this bill does not change or limit current practices for individuals purchasing animals from local breeders, the Internet (if applicable laws allow), other states, or by other private sales.

*Puppy Mills.* "Puppy Mills" or "Kitty Factories" are common terms for large commercial breeding facilities that mass produce animals for sale at retail markets. It is estimated that there are 10,000 puppy mills in the United States. These are separate from other types of breeders who produce a smaller quantity of animals and typically in California do not sell directly to retail pet outlets; however, there are no restrictions on pet stores as to where they can acquire animals for retail sale. Mass produced, commercial animal breeders are typically scrutinized for their treatment of the animals including producing sick animals, inhumane treatment, and providing abhorrent living conditions. This bill aims to limit the sales of animals in California that are from "puppy mills," "kitten factories" or other commercial breeding facilities and to help ensure that available shelter animals are a source of animal sales.

*Federal Law.* The federal Animal Welfare Act was passed by Congress in 1966 and establishes minimum standards for the care and treatment of animals bred for commercial sale, exhibited to the public, used in biomedical research or commercial transport. The United States Department of Agriculture (USDA) is responsible for overseeing the commercial dog breeding industry. Breeders who sell to a pet store or consumers over the Internet are required to hold a license. However, as noted by various animal welfare organizations, federal laws provide a minimal level of specificity for animal care and violations are often found in many commercial breeding organizations, while others operate underground making enforcement of the laws difficult and challenging. According to the USDA, there are approximately 120 field-based employees who inspect licensed commercial breeding facilities in all 50 states. If a violation is found, then a facility is given a notice to correct, and in those serious cases of neglect, legal action may occur. According to the USDA, the system used to inspect a dog or cat breeding facility is based on a risk-based system. The frequency of an inspection is dependent upon a facility's compliance record, while all licensed facilities are inspected; those facilities with more compliance issues are inspected more frequently. In addition, the USDA reports that its inspectors may visit a facility when the USDA receives a complaint.

*Animal Shelters.* According to information provided by the ASPCA (American Society for the Prevention of Cruelty to Animals), approximately 6.5 million companion animals enter the United States animal shelters nationwide every year, approximately 3.3 million dogs and 3.2 million cats, and approximately 1.5 million of those are euthanized. The Humane Society notes that across the United States there are more 3,300 shelters and a large number of non-sheltered

rescue and fostering groups. In California, there are approximately 200 shelters or rescue organizations.

*Local Ordinances.* There are approximately 33 cities in California that have placed restrictions on the retail sale of pets at pet stores including Los Angeles, West Hollywood, Irvine, Chula Vista, San Francisco, Beverly Hills, San Marcos, Colton, Truckee, and Turlock.

*Other States.* Across the country there are at least 16 states, including: Colorado, Florida, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Texas, and Utah, that contain one or more cities which have enacted similar prohibitions on selling live cats, dogs, or rabbits at a retail pet store unless those animals are from a shelter.

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