

(HSC § 122355(c))

- 6) Requires each pet store operator to ensure the records of all veterinary visits to the pet store are documented in writing, as specified. (HSC § 122355(a))
- 7) Requires each pet store operator to maintain records for identification purposes of the person from whom the animals in the pet store were acquired including the person's name, address, telephone number, and the date the animal was acquired. (HSC § 122355(d))
- 8) Requires a pet store operator to maintain records pertaining to pet sales for two years from the date of disposition of the animal, and made available upon request to appropriate law enforcement. (HSC § 122355(e))
- 9) Permits an animal control officer, a humane officer, or a peace officer to issue a single notice to correct a detected violation of pet store, as specified. (HSC § 122356(a))
- 10) Requires a person seeking to bring a dog into California for resale or change of ownership to obtain a health certificate from a licensed veterinarian, dated within 10 days prior to the dog's arrival, and submit the certificate to the county health department, as specified. (Health and Safety Code (HSC) §§ 121720-121723)
- 11) Establishes the Polanco-Lockyer Pet Breeder Warranty Act, related to the sale of dogs by breeders. Defines a dog breeder as a person, firm, partnership, corporation that has sold, transferred or given away 20 or more dogs within one year that were bred and reared on the premises. Specifies information to disclose to the consumer, including records of diseases or illness. Requires dog breeders to maintain the health and safety of the dogs and prohibits them from knowingly selling a dog that is ill. (HSC §§ 122045-122110)
- 12) Establishes the Lockyer-Polanco-Farr Pet Protection Act, related to the retail sale of dogs and cats. Requires that pet dealers possess a permit in order to sell dogs and cats and provide consumers disclosures related to the pet, including breeder information, health records, and any known health condition. Requires that breeders maintain facilities and care requirements for pets. Specifies civil penalties for violating these provisions. (HSC §§ 122125-122220)
- 13) Prohibits pet stores from selling dogs or cats that are less than eight weeks old. (HSC § 122359)
- 14) Defines a "breeder" for purposes of the Act to mean a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all of part of three or more litters or 20 or more dogs during the preceding 12 months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association. (HSC § 122045(b))
- 15) Provides for the regulation and licensing of dogs. (Food and Agricultural Code (FAC) §§ 30501-31683)

- 16) Specifies that it is the policy of the state that no adoptable animal, as defined, should be euthanized within a public or private shelter if it can be adopted into a suitable home and that no treatable animal which could become adoptable with reasonable efforts should be euthanized. (FAC § 17005 and Penal Code § 599d)
- 17) States that the required holding period for an impounded stray dog, is six business days, not including the day of impoundment, unless: (FAC § 31108 (a))
- a) The public or private shelter has made the dog available for owner redemption on one weekday evening until at least 7 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment; or,
 - b) The public or private shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their dogs by appointment at a mutually agreeable time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.
- 18) Requires that unless an animal is irremediably suffering from a serious injury or illness, a stray dog must be held for owner redemption during the first three days of the holding period, not including the day of impoundment and available for owner redemption or adoption for the remainder of the holding period, as specified. (FAC § 31108)
- 19) States that as provided, any stray dog that is impounded pursuant to these animal control provisions, prior to the euthanasia of that animal, to be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released. (FAC § 31108 (b))
- 20) Requires a shelter during the holding period and prior to adoption or euthanasia of a dog impounded, a public or private shelter shall scan the dog for a microchip that identifies the owner of that dog and shall make reasonable efforts to contact the owner and notify him or her that his or her dog is impounded and is available for redemption. (FAC § 31108 (c))
- 21) Provides for the regulation of cats. (FAC §§ 31751-31765)
- 22) Requires the holding period for an impounded stray cat to be six business days, not including the day of impoundment, except as follows: (FAC § 31752 (a))
- a) If the public or private shelter has made the cat available for owner redemption on one weekday evening until at least 7 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment; or,

- b) If the public or private shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their cats by appointment at a mutually agreeable time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.
- 23) Specifies that unless the animal is irremediably suffering from an injury or illness, any stray cat that is impounded pursuant to this division shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization. (FAC § 31752 (b))
- 24) Requires during the required holding period and prior to the adoption or euthanasia of an impounded cat, a public or private shelter to scan the cat for a microchip that identifies the owner of that cat and shall make reasonable efforts to contact the owner and notify him or her that his or her cat is impounded and is available for redemption. (FAC § 31752 (c))
- 25) Requires of an animal rescue or adoption organization which cares for a rabbit, guinea pig, hamster, potbellied pig, bird, lizard, snake, turtle or tortoise that is legally allowed as personal property and that is impounded in a public or private shelter to be held for the same period of time, under the same requirements of care, and with the same opportunity for redemption and adoption, as specified. (FAC § 31753)

This bill:

- 1) Prohibits, on or after July 1, 2018, a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter or non-profit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization that is in a cooperative agreement with at least one private or public shelter, as specified under the FAC.
- 2) Requires the sale of dogs or cats as specified in Item #1 above, to be in compliance with specified spay or neuter laws.
- 3) Requires each pet store 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, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was obtained and permits public animal control agencies or shelters to periodically require pet store operators engaged in sales of dogs to provide access to these records.

- 4) 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 as authorized under the FAC regarding dogs and cats.
- 5) Makes a pet store operator who violates the provisions of this bill, subject to a civil penalty of \$500, as specified, and specifies that each animal offered for sale in violation constitutes a separate violation.
- 6) Defines a "rescue group" to mean an organization that is tax exempt under § 501(c)(3) of the Internal Revenue Code and that does not obtain animals from breeders or brokers for compensation.

FISCAL EFFECT: This bill is keyed non-fiscal by Legislative Counsel. According to the Assembly Appropriations Committee analysis, dated May 17, 2017, this bill will result in non-reimbursable local costs for enforcement.

COMMENTS:

1. **Purpose.** This bill is sponsored by Social Compassion in Legislation. According to the Author, this bill aims to limit the sales of animals in California that are bred in "puppy mills," "kitten factories," or other commercial breeding facilities, and also ensure that available shelter or rescue animals are a source of animal sales. As stated by 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."
2. **Background.**
 - a) **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 selling approximately 2 million puppies annually. 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 supposed to be scrutinized for their treatment of the animals including producing sick animals, inhumane treatment, and providing abhorrent living conditions, however as further indicated, these protections are not always enforced because these breeders receive little if any oversight. This bill, as indicated by the Author and its proponents, aims to limit the sales of animals in California that are from "puppy mills," "kitten

factories" or other commercial breeding facilities (especially those in other states) and to help promote and encourage the availability of shelter animals in California as a source for either adoption or for sale in a pet store establishment.

According to information from People for the Ethical Treatment of Animals (PETA): "Undercover investigations of puppy mills have revealed that dogs often had no bedding or protection from the cold or heat and no regular veterinary care even when they were ill. Health conditions such as crusty, oozing eyes, raging ear infections, mange that turned their skin into a mass of red scabs, and abscessed feet from the unforgiving wire floors all were ignored or inadequately treated. Investigators have observed dogs circling frantically in their small cages and pacing ceaselessly back and forth, oblivious to anything around them—their only way of coping with despair."

Further, as many commercial breeding facilities focus on quantity, there are concerns about the health of animals from these places, and often times, news headlines and stories report on this issue. A recent January 3, 2017 article in Rolling Stone Magazine, "*The Dog Factory: Inside the Sickening World of Puppy Mills*," highlighted the issues surrounding animals raised in "puppy mills" and provided an example of what was uncovered on a raid of just one puppy mill by the Humane Society of the United States (HSUS). In the article, it was reported: "Out the back door and up a dirt trail, the worst was yet to come. A cinder-block kennel, hidden from the street, housed the bulk of this puppy-mill stock: 50 or 60 more parent dogs who'd likely never seen sunlight or spent a day outside this toxic room. They wept and bayed and spun in crazed circles as we toured the maze of cages. Some went limp as the rescuers knelt to scoop them. Each was photographed, then carried downhill to the giant rig at the curb. There, teams of vets from the Cabarrus Animal Hospital worked briskly to assess each rescue. Once triaged and tagged, they were loaded into crates on Humane Society's mammoth truck, an 80-foot landship with clean-room conditions, and taken to a staging shelter. One hundred and five dogs came out of that home, many of them pregnant or in heat. I turned to John Goodwin, the director of the puppy-mills campaign for HSUS, and asked him how many puppies sold in this county – at Petland and Citipups and a thousand other pet stores – come from puppy mills as dire as this one." As stated by John Goodwin, "Most every pup sold in stores in America comes from this kind of suffering – or worse," he insists. "If you buy a puppy from a pet store, this is what you're paying for and nothing else: a dog raised in puppy-mill evil."

As explained by the Humane Society Veterinary Medical Association (HSVMA), although the conditions in these puppy mills vary widely in quality, they are typically operated with an emphasis on profits over animal welfare and the dogs often live in substandard conditions, housed for their entire reproductive lives in cages or runs, provided little to no positive human interaction or other forms of environmental enrichment, and minimal to no veterinary care. Puppy mill primarily focus on quantity

rather than quality. That is, they concentrate on producing as many puppies as possible to maximize profits, impacting the quality of the puppies that are produced. This leads to extreme overcrowding, with some puppy mills housing 1,000 plus dogs (often referred to as “mega mills”) and when dogs live under these conditions, diseases spread easily. These puppy mills generally have poor sanitation, food and water, inadequate waste control and protection from the elements for the dog, which increases the risk of disease and cross-contamination which are overlooked and rarely treated. Also, puppy mills staff will attempt to provide veterinary care although not licensed to do so, which can lead to deadly mistakes, inappropriate medication or over-medication. Puppies from puppy mills are sold through a number of different venues, but one of the primary sources are pet stores. Although pet stores usually claim their dogs are from “licensed breeders,” HSUS claims that a majority of their “breeders” are actually puppy mills. “An HSUS review of records for more than 6,700 puppies shipped to pet stores between 2009 and 2012 found that more than two thirds of the puppies were shipped by brokers, not breeders.” There is little if any oversight of those transporting and delivering animals to a pet shop establishment in California and the conditions which may exist for these animals in transit at times border on abusive and inhumane.

- b) **Consumer Protection Laws Regarding the Purchase and Sale of Animals.** In California, there are a certain 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, HSC § 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 § 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. There is also no requirement that a pet store operator has to purchase an

animal from a licensed USDA breeder.

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.

- c) **Current Warranty for Retail Sale of Dogs and Cats.** Currently, under the Pet Protection Act, (HSC § 122160) if a veterinarian states in writing, within 15 days after a consumer has taken physical possession of a dog after its purchase from a pet dealer, that the dog has become sick due to any illness which existed before the consumer took custody of the dog, or if in one year, the dog has a congenital or hereditary condition that adversely affects the health of the dog, there are specific remedies available to a consumer. A consumer may: 1) return the dog to the pet dealer for a refund of the purchase price along with reimbursement for veterinary care; 2) exchange the dog; or, 3) retain the dog along with the reasonable veterinary fees which cannot exceed 150% of the purchase price. While these remedies exist and can be helpful, they don't fully protect consumers from acquiring sick animals and the emotional impact of returning, treating, or losing the animal is not easily remedied.
- d) **Lax Oversight by the USDA of Breeders.** The federal Animal Welfare Act (AWA) 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 and be inspected by the USDA. However, as noted by various animal welfare organizations, the AWA provides 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 only when the USDA receives a complaint.

Also, another major change regarding the USDA is what little information it now provides to the public and on its website regarding breeders. For more than a decade the Animal and Plant Health Inspection Service's (APHIS) under the USDA has provided on its website information regarding inspections of commercial animal breeding facilities and lists of persons licensed and registered under the AWA. In recent years, APHIS also began posting AWA regulatory correspondence (such as official warnings) and enforcement-related information to its website for the general public to view. But starting February 3, 2017 this information was removed from the APHIS website. It is no longer possible to see AWA inspection reports or search for active licensees and registered breeder facilities. The same applies to enforcement actions regarding AWA violations. Those seeking information regarding inspection reports, etc. must now submit a Freedom of Information Act (FOIA) request for that information.

It is obvious that a consumer of a retail pet store which seeks to review the enforcement-related data of the USDA-licensed breeder where the animal originated and accessing the information will be challenging. Petland, for example, which sells puppies at about 80 stores nationwide, said that taking down the information creates added burdens on responsible pet stores, as they must now obtain USDA inspection reports from the breeders themselves. It is now difficult to distinguish between the best and the worst of breeders from the standpoint of the pet store and the consumer.

- e) **Animal Shelters and Rescue Organizations.** 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. In Los Angeles County alone, more than 4,000 dogs and cats were euthanized during Fiscal Year 2016/17.
- f) **Cooperative Agreements with Animal Rescue or Adoption Organizations.** Currently, a public or private shelter may enter into a cooperative agreement with any animal rescue or adoption organization for a dog, cat or rabbit, which allows the shelter to release the animal to the rescue or adoption organization rather than have the animal euthanized. The rescue or adoption organization need only request the release of the animal to their possession so they may attempt to have the animal adopted.

These cooperative agreements provided by the shelter are usually extensive agreements, sometimes called "adoption agreements" which provide for the responsibilities and expectations of both the shelter and for the rescue or adoption organization when providing animals for potential adoption. It generally specifies that type of organization it must be to qualify, what it should provide for the care and well-being of the animal, for what reasons the agreement can be terminated and return of the animal, and any fees or veterinary care which must be provided. It can be a one-time agreement or ongoing with the rescue or adoption organization.

- 3. Local City/County Ordinances Similar to this Measure.** There a number of local jurisdictions in California which have already established ordinances that place restrictions or outright ban the retail sale of certain animals at pet stores, specifically dogs, cats, and rabbits. The City of Los Angeles enacted an ordinance in 2014, which stated (SEC. 53.73), "It shall be unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City of Los Angeles, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City of Los Angeles, or a non-profit rescue and humane organization registered with the Department of Animal Services."

There are now approximately 34 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; others are currently considering it as well. The Pet Industry Joint Advisory Council provided information to the Committee regarding the number of retail pet stores. There are approximately 97 small retail pet stores in California, but it is unclear how many of those stores sell cats, dogs, or rabbits in addition to other pet supplies. A little over 30 of those stores are located in those jurisdictions which currently have a pet store sale ban. The ban on retail pet sales is an attempt to reduce the number of animals sold in this state from "puppy mills" or "kitty factories." This bill seeks to ensure that private or public animal shelters can enter into cooperative agreements with rescue organizations for rabbits, as they currently do with dogs and cats. In addition, this bill clarifies that a local governing body may adopt requirements that are more protective of animal welfare than those proposed in this bill.

- 4. 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. In addition, the State of New Jersey recently passed legislation to address retail pet store sourcing issues. Vancouver, Canada recently enacted prohibitions on the selling of these animals as well at pet stores.
- 5. Related Legislation This Year.** AB 1138 (Maienschein) makes it unlawful for specified people and entities, in specified advertising mediums, including the Internet, to advertise, call attention to, or give publicity to the sale or transfer of a dog or cat for which the statements about, or the pictures of the dog are cat are made or

presented without the actual intent to sell or offer the exact dog or cat advertised, or the statements about the dog or cat being advertised or offered for sale are known to be untrue or misleading.

AB 1491 (Caballero) declares as void against public policy a contract for the purchase of a dog or cat which is made contingent on making of payments over a period of time, or other types of lease-to-own agreements that do not immediately transfer ownership of the animal to the purchaser.

6. **Prior Related Legislation.** SB 945 (Monning, Chapter, Statutes of 2015) established standards for pet boarding facilities and pet boarding operators, as specified.

AB 339 (Dickenson, Chapter 231, Statutes of 2013) made it unlawful to sell animals at a swap meet unless the local jurisdiction has adopted an ordinance that includes specified requirements relating to the care and treatment of animals, beginning January 1, 2016.

AB 1939 (Pan) would have created a pilot project in specified counties which would have required pet dealers, and others as specified, to submit a report once a month to the city or county responsible for licensing dogs with information regarding dog sales and adoptions; would sunset the pilot project provisions as of January 1, 2018; and, allowed licensing agencies to issue puppy licenses, as defined.

AB 490 (Smyth, Chapter, 446, Statutes of 2009) revised the guidelines by which a pet store operator or employee may euthanize rodents and rabbits intended as food for another animal, and modifies the definition of a pet store, as specified.

AB 241 (Nava) of 2009 would have prohibited any person or business entity from owning more than 50 adult unsterilized dogs or cats for the purposes of breeding them for pets. *(Status: This bill was vetoed by then Governor Schwarzenegger. According to the Governor's veto message this measure would make it a crime for any person or entity to own or control more than 50 unsterilized adult dogs or cats for breeding or raising for sale as pets. I support measures designed to prevent animal cruelty and that punish persons engaged in the abuse of animals. However, this measure simply goes too far in an attempt to address the serious problem of puppy mills. An arbitrary cap on the number of animals any entity can possess throughout the state will not end unlawful, inhumane breeding practices. Instead this measure has the potential to criminalize the lawful activities of reputable breeders, pet stores, kennels, and charitable organizations engaged in raising service and assistance dogs.*

AB 1347 (Caballero, Chapter 703, Statutes of 2007) enacted the Pet Store Animal Care Act (Act) that would establish procedures for the care and maintenance of animals in the custody of a pet store and details the responsibilities of the pet shop, the standards for enclosures, animal care requirements, record keeping, standards keeping the animals healthy including veterinary care, euthanasia standards and disclosures that must be made to a person who purchases a pet and provides for a "notice to correct" and monetary misdemeanor penalties for specified violations of

the Act.

- 7. Arguments in Support.** Social Compassion in Legislation are the sponsors of this measure and state that, "Once AB 485 is law, thousands of shelter and rescued animals will have a chance of finding their forever homes by getting out of the shelters and into storefronts; this has been proven successful in many jurisdictions. And, just as important, cruelty at puppy mills and other commercial breeders will be mitigated by decreasing the demand for their inhumane commodities. As California taxpayers, we spend over a quarter of a billion dollars annually to house and kill animals. We need to implement solutions and not settle for status quo for one more year. Tragically, we know more than 800,000 dogs, cats and rabbits enter California shelters each year, and more than half are euthanized and sent to landfill or rendering plants. The time is now for this sound and compassionate legislation. Thank you again for your courageous step forward and leading on this important issue."

California Animal Control Directors Association (CACDA) writes in support, "CACDA believes that the restricting of the retail sale of puppies, kittens, dogs, and cats to only those that come from shelter or rescue organizations will decrease the demand for puppies and kittens bred in puppy mills and kitten mills and increase the demand for animals from animal shelter and rescue organizations." According to CACDA, although breeders are federally regulated, "many of these federally regulated facilities have numerous, repeated violations. One of the other contributing factors is a federal agency that is overwhelmed by a limited number of inspectors nationwide. This allows the suffering to continue. The bottom line is that current Federal and State regulations do not adequately address these issues."

Many of the cities that have passed ordinances that are similar to this measure write in support (Carlsbad, La Quinta, Long Beach, Los Angeles, Oceanside, Sacramento, San Francisco, Signal Hill, Turlock and West Hollywood) and indicate that they believe that this legislation would promote the adoption of animals from shelters and rescue groups and encourage humane practice in the purchase of dogs and cats offered for retail sale in California. This measure complements the 35 ordinances which have already been enacted in cities and counties throughout the state. There is concern, however, by not having a statewide restriction on the sale of non-rescue animals, pet stores can still operate in neighboring municipalities and sell pets from the illegal puppy and kitten mill industry. These cities indicate that since adoption of their local ordinance, they have had many pet stores working with their shelters and local rescue groups to adopt animals in need.

A number of SPCA's, shelters, rescue groups and humane societies are in support of this measure and have written the by stopping one of the major outlets for the puppy mill pipelines in California, you are setting the standard for the rest of the country. Simultaneously, the legislation provides more opportunities for placing abandoned and unwanted animals into homes. The models already exist in responsible pet stores including Petsmart and Petco, so they do not believe that it will be an undue burden on merchants nor animals control officers. California taxpayers spend a quarter of a billion dollars annually to house and euthanize animals in local shelter while puppy mills throughout the country continue to mass breed animals for profit. By offering animals for adoption from nearby shelters, pet

stores can save the lives of animals in search of a home, save the breeding animals trapped in puppy mills, and relieve pressure on county and city budgets and local taxpayers.

People for Ethical Treatment of Animals writes in support, "Experience has shown that legislative measures such as prohibitions on the sales of animals purposely bred for sale at pet shops are the most effective means of reducing the number of unwanted and abandoned animals who flood our nation's shelters. Banning the sale of dogs and cats from high-volume breeders, aka "puppy mills" is a critical step toward reducing the animal-homelessness crisis.

The American Society for the Prevention of Cruelty to Animals (ASPCA), Best Friends Animal Society, the Humane Society of the United States (HSUS) and the San Francisco SPCA write in support, "In response to the cruelty inherent in these mills, and in recognition of the role that pet stores play in providing a pipeline for the pets that are bred in mills, 35 California jurisdictions, and many more nationally, are already implementing laws similar to AB 485. As a result, many stores are proactively and successfully evolving their business models to more humane models. In fact, pet stores that sell commercially raised dogs, cats and rabbits are outliers in their own industry."

Arguments in Opposition. The Pet Industry Joint Advisory Council (PIJAC) and a number of organizations and businesses are listed in opposition to this measure including the California Retailers Association, National Federation of Independent Business, the American Kennel Club, Citizens for Responsible Pet Ownership, the World Pet Association, the National Animal Interest Alliance, the Cat Fanciers' Association and some pet shop owners, argue that this bill is an extreme overreach that could shut down many small, local pet stores that provide healthy, quality pets to the public. Some of the problems and concerns regarding this measure expressed by PIJAC and others is that: 1) There is nothing in the bill requiring a shelter or rescue organization to provide a retail store with animals that can be sold; 2) The bill does nothing to protect the public from fake rescue organizations and illegal breeders who actively mislead prospective pet owners; 3) California already has some of the strongest consumer protections in the country and provided a warranty, including full refunds and vet bill reimbursement, for dogs and cats sold by pet retailers. These protections are not applicable to adopted animals; 4) This bill will make California's existing pet warranty law unenforceable, as pet stores cannot guarantee animals' health when they cannot verify the animals' origins; 5) The bill restricts freedom of choice for prospective pet owners, making it much more difficult to obtain an appropriate breed and type of pet for their family needs. When pet owners cannot obtain a pet that is a suitable match for their lifestyle, the animal is more likely to end up in shelter; 6) similar prohibitions in major cities across the country, including Los Angeles, have not accomplished the goals described by the bill's supporters and sponsor.

PIJAC further states that the Author has rejected amendments from them that would provide that retail stores can only obtain dogs and cats from USDA-licensed breeders (or breeders exempt from USDA licensing requirements) that: 1) Have not been cited by the USDA for any direct or critical noncompliance violation under the Animal Welfare Act for a two-year period prior to offering for sale any dog or cat; and

2) have not been cited for non-compliance during the most recent inspection by the USDA. PIJAC believes that this amendment would provide strong consumer protections while assuring that retail stores only obtain companion pets from reputable, federally compliant breeders that are in good standing.

The California Retailers Association writes in opposition, "...Our pet store members share the author's concern about humane breeding and pet sourcing practices. For this very reason, they do not sell live dogs, cats and rabbits unless they come from animal welfare organizations. Still we are opposed to the approach taken in [this bill] because it will not put an end to the puppy mill we are adamantly against. Sales bans, such as this one proposed, only perpetuate a false sense of security and drives the sale and supply of pets to the internet, where there is little oversight or regulatory framework that applies."

The American Kennel Club (AKC) writes in opposition, "The American Kennel Club strongly supports freedom of choice both for selecting a pet that is the right fit for that individual or family's lifestyle and the choice of where to obtain such a pet. We promote efforts to ensure that potential pet owners are educated about the demands of responsible ownership, and have access to a pet that is right for them. AKC strongly opposes measures that restrict freedom of choice by compelling people and/or retailers to obtain pets solely from shelter or rescue distributors."

The Citizens for Responsible Pet Ownership writes in opposition and states that while it is determined and engaged to assist regulators' efforts to eliminate puppy mills, it believes this measure not only falls short of California's welfare goals, but would also have negative and unintended consequences towards animal safety, potentially even increasing the market for underground puppy mills and animal abuse. It would put local pet stores out of operation and therefore leaving existing puppy mills to thrive by selling puppies on the Internet – out of site and unregulated. Also, in order to ensure compliance with the requirements of this measure it would need to increase its state labor force to oversee the 100 local pet store operators.

National Animal Interest Alliance writes in opposition..."Another concern is the lack of significant consumer protection for animals obtained from these groups. There is little recourse if a dog from one of these importing rescue groups has costly health issues since the Polanco-Lockyer Pet Breeder Warranty Act that holds breeders responsible for the animals sold to California consumers does not cover shelters and rescues."

The Animal Council writes in opposition, "Our concerns with [this bill] are limited to Section 2, adding to the Pet Store Animal Care Act a new provision to prohibit pet store operators from selling a live dog, cat or rabbit in a pet store unless the dog, cat, or rabbit was obtained [from a] public agency, shelter or rescue exempt under Internal Revenue Code Section 501(c)(3). We believe this restriction is too broad and should be amended to only limit sales to these animals that are obtained from USDA licensed breeders with acceptable compliance records."

The Animal Issues Movement writes in opposition, "This proposed law severely jeopardizes the safety of animals by eliminating the ability of law enforcement to

inspect animal facilities where pets are sold, and places significant burdens of increased investigatory time on agencies. The problems are exacerbated by lack of clarity in key definitions throughout the bill and the destruction of laws protecting consumers, and public health.”

The English Cocker Spaniel Club of Southern California writes in opposition, "We feel that there should be an exception in your bill for animals purchased from Responsible Breeders, and that a definition of "Responsible Breeders" should be included in the bill."

Several pet shop owners/operators are represented and write in opposition and argue that, "California already has some of the most stringent retail animal care standards in the country. Additionally, pet stores are required to obtain their puppies from only licensed breeders. With these laws in place, pets and prospective pet owners are protected from unscrupulous, illegal breeders. Stores like ours offer families the opportunity to purchase their pets from a well-run, ethical pet store. We agree with the author's intent to target puppy mills, require higher standards of conditions for animals, and strongly believe the puppy mills are morally reprehensible. However, this bill is misguided by targeting the small number of remaining pet stores who sell a relatively small percentage of puppies in California – less than 4 percent of shelter intakes originated from pet stores. This bill puts small business at a disadvantage, and only opens the door to an unregulated market like selling animals via internet, ex. Craigslist. AB 485 does nothing to stop the real problem, which is the inhumane breeding practices through 'puppy mills.' Shutting down the responsible ethical pet stores will do nothing to stop the bad actors."

8. **Recent Amendments. This bill was recently amended to address concerns raised by a number of animal welfare organizations.** As a result of recent amendments, this bill, 1) attempts to define a legitimate rescue organization as: a rescue group that is tax exempt under 501(c)(3) of the Internal Revenue Code and does not obtain animals from breeders or brokers for compensation; 2) requires records and disclosures of animals be maintained in pet stores and permits public animal control agencies or shelters to periodically require pet stores engaged in the sales of dogs, cats or rabbits to provide access to these records; 3) changes the penalty provisions to remove the misdemeanor penalty for any violations of the requirements of this bill, and instead provides for a \$500 civil penalty for any violations; and, 4) assures that dogs or cats sold by a pet store would be in compliance with current California requirements which state that no public animal agency or shelter, SPCA, humane society shelter, or rescue group shall sell or give away to a new owner any dog or cat that has not been spayed or neutered. This would not put any additional requirements on the pet store except to assure that the animal they receive was spayed or neutered by the shelter or rescue group.
9. **Stakeholder Recommendation for a Letter to the Journal.** In lieu of adding findings to AB 485, it has been recommended that the Author submit a letter to the Legislative Journal in order to establish the legal and policy rationale for the law by establishing the nexus between pet store sales, inhumane breeders, and shelter overpopulation. Stakeholders suggest including language that conveys no intent to harm businesses; that consumers may still obtain pets from shelters, rescues, and directly from breeders, and that ultimately AB 485's purpose is to eliminate animal

cruelty by preventing puppy mills from selling to California pet stores and to reduce pet overpopulation. Stakeholders also recommend language that conveys the intent of AB 485's provisions and that they apply equally to in and out-of-state breeders, rescues, shelters, etc.

10. Policy Concerns and Suggested Author's Amendments:

- e) **Should the implementation of this bill be delayed by an additional six months?** Currently, this bill provides for a six-month implementation delay to give pet store operators time to sell existing animal inventory and comply with the new sale requirements; however, given that this bill will require pet store operators to change their current business model, providing a one-year implementation delay may be beneficial for businesses. The Author may wish to consider amending the bill to extend the implementation delay until January 1, 2019.
- f) **Should a pet store operator be exempt from some of the provisions of the Lockyer-Polanco-Farr Pet Protection Act?** As a result of this bill, if pet store operators "sell" shelter or rescue animals, pet store operators will be required to comply with the provisions of law pertaining to the retail sale of dogs and cats including maintaining specified veterinary medical information which may or may not be available to the retailer and right of return requirements, which may no longer be applicable. Many of those provisions are aimed at protecting consumers from purchasing sick or unhealthy "puppies", ensure animals in a retail location receive the appropriate care and treatment, and provide the appropriate remedies to consumers who purchase sick or unhealthy animals from a retail pet store. While some of the provisions of the pet protection act should still apply, many will no longer be applicable to retail pet stores if this bill takes effect. In order to address this issue, the Author may wish to amend the bill to exempt a retailer from specified provisions of the Lockyer-Polanco-Farr Pet Protection Act, and continue working with this Committee and stakeholders to address this issue.

SUPPORT AND OPPOSITION:

Support:

Social Compassion in Legislation (Sponsor)
 Actors and Others for Animals
 AGWC Rockin' Rescue
 Alicia Pet Care Center
 All About the Animals
 Alley Cat Allies
 American Rat Terrier Rescue Corp.
 American Society for the Prevention of Cruelty to Animals
 Animal Friends of the Valley
 Animal Hope and Wellness Foundation
 Animal Legal Defense Fund
 Animal Protection and Rescue League

Animal Rescue Recon
Animal Shelter Assistance Program
Best Friends Animal Society
Bow-Wows & Meows, Inc.
Bunnies Urgently Needing Shelter
California Animal Control Directors Association
Camp Cocker Rescue
City and County of San Francisco, Supervisor Katy Tang
City of Antioch
City of Carlsbad
City of Colton, Mayor Pro Tem David J. Toro
City of Encinitas
City of Irvine, Councilmember Melissa Fox
City of La Quinta
City of Long Beach
City of Los Angeles
City of National City, Councilmembers Mona Rios and Alejandra Sotelo-Solis
City of Oceanside, Councilmember Esther C. Sanchez
City of Sacramento
City of Signal Hill
City of Turlock
City of West Hollywood
Coastal German Shepherd Rescue San Diego
Davey's Voice
David Toro Foundation
Dog Adoption and Welfare Group
Dog Squad Rescue
East Bay Rabbit Rescue
Fix Long Beach
Fresno Humane Animal Services
Friends of Long Beach Animals
Gentle Barn
Golden State Humane Society
Harley's Dream
Healthy Spot
Helen Sanders CatPAWS
Humane Society of the United States
Humane Society Silicon Valley
It's The Pits
Labrador Rescuers of San Diego
Last Chance for Animals
Last Chance for Animals, San Diego Chapter
Lobby for Animals
Lucy Pet Foundation
National Animal Rescue Coalition
NOAH – Not One Animal Harmed
Oakland Animal Services
Ozzy Foundation
Palm Springs Animal Shelter
Passion for Paws Rescue

Paw Project
Peace 4 Animals
Pedro Pet Pals
Peninsula Humane Society and SPCA
People for Ethical Treatment of Animals
Puppy Coalition Foundation
Rabbit Rescue
Rescue House
RESQCATS, Inc.
Rockin Pets Foundation
Sacramento SPCA
San Diego Animal Advocates
San Diego House Rabbit Society
San Diego Humane Society
San Francisco SPCA
Santa Cruz County Animal Shelter
Saving Pets One At a Time
Shamrock Rescue Foundation
SoulPlayMates Dog Rescue & Advocacy
Southern California Bulldog Rescue, Inc.
Southland Collie Rescue, Inc.
Spay-Neuter Action Project
Spay-Neuter Action Project
SPOT Rescue
Starfish Animal Rescue
Start Rescue
State Humane Association of California (support if amended)
Take Me Home Rescue
Thrive Animal Rescue
Wagging Dog Rescue
Numerous Individuals

Opposition:

American Kennel Club
Animal Council
Animal Issues Movement
Animal Kingdom Pet Shop
Broadway Puppies
California Federation of Dog Clubs
California Retailers Association
Cat Fanciers' Association
Chinese Shar-Pei Club of America, Inc.
Citizens for Responsible Pet Ownership
Dog Owners of the Golden State
English Cocker Spaniel Club of Southern California
Hello Puppies
National Animal Interest Alliance
National Federation of Independent Business
Pet Industry Joint Advisory Council

Pinogy
PuppySpot
World Pet Association
Individual Pet Store Owners/Operators

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