

# THE ANIMAL COUNCIL

P.O. Box 168, Millbrae CA 94030

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April 5, 2011

FAX: (916) 445-4688

SENATE COMMITTEE ON PUBLIC SAFETY, Attention: Committee Bill Consultant  
Sacramento CA 95814

Re: SB 917, "Animal Abuse", as introduced, OPPOSE

Please register our opposition to the above-captioned bill and include our organization on your Committee's Bill Analysis opposition list.

At this time, our opposition addresses Section 2 of SB 917 which we opposed in its 2009 iteration as AB 1122, vetoed by Governor Schwarzenegger. That bill began with apparent intention to protect the public from unscrupulous, unidentified pet sellers in public venues, but in the course of 4 amendment rounds created specific venue exemptions conditioned on impossible, unrealistic requirements.

Specifically, most local jurisdictions in California have NO PERMITTING process for shows, typically held at rented premises on a one-time basis. We have no expertise as to bird show sales, but cat show hall sales are traditional whereas sales are not a part of dog shows except as to beginning conversations that will lead to sales later and elsewhere or sometimes finalizing a sale that has previously and elsewhere been negotiated. In other words, the public does not expect to buy a dog at a dog show, or soon learns this is not done in one transaction at the show. However the public seeking a pedigreed cat knows that a few kittens may be available at shows as a convenience to both sellers and potential buyers and long accepted practice. For dogs, the limitation to the show premises seems to raise even First Amendment concerns for continuing conversations about sales that lead to completion of sales later and elsewhere. The requirement that each and every participant complies with every possible animal law would be impossible to ascertain or assure, rendering this entire exemption utterly meaningless.

Additionally, the need to protect the consumer must be balanced against the need to protect sellers' personal safety in entering individual transactions with strangers. Individual pet sellers confront personal risks in dealing with unknown buyers, facing relatively more serious risks than getting one possibly sick pet. The dangers of selling your own used car or other personal property are well known – violence, theft, invasion of privacy in varied and even long term ways, including cyber-stalking and cyber-bullying. Individuals do not have the relative protection of a retail or institutional facility and need to be afforded the ability to determine for themselves how and where to meet and deal with prospective buyers.

For these reasons, we must now oppose SB 917 as an insidious intrusion on the public's opportunity to purchase animals even from reputable sources as well as protecting the personal safety interests of those sources including their homes and families.

THE ANIMAL COUNCIL (TAC) is a California nonprofit, public benefit corporation founded in 1991 to seek positive, humane solutions to the challenges of detrimental animal public policies, legislation and regulation through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries.

Very truly yours,

SHARON A. COLEMAN  
President, The Animal Council

Cc: Committee members, Author

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