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AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 485**

Introduced by Assembly Member O'Donnell
(Principal coauthor: Assembly Member Dababneh)

February 13, 2017

~~An act relating to animals.~~ *An act to amend Section 31753 of the Food and Agricultural Code, and to amend Section 122356 of, and to add Section 122354.5 to, the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 485, as amended, O'Donnell. ~~Dogs and cats: adoption and retail sales.~~ *Pet store operators: dogs, cats, and rabbits.*

Existing law requires pet store operators, as defined, to comply with laws governing, among other things, the care of animals in pet stores. Existing law makes a pet store operator who violates these provisions guilty of a misdemeanor, under certain conditions. Existing law also regulates the retail sale of dogs and cats.

Existing law requires an animal control officer, a humane officer, or a peace officer who detects any of certain violations of the laws governing pet store operators to issue a single notice to correct the violation, except as specified. Existing law makes a pet store operator who fails to comply with a notice to correct, or who violates the laws regulating pet store operators, as specified, guilty of a crime.

This bill would prohibit 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 nonprofit rescue or adoption organization that is in a cooperative agreement with at least one private or public shelter, as specified. The bill would make the provisions described above relating to the notice to correct applicable to a violation of this requirement. By creating new crimes, the bill would impose a state-mandated local program.

Existing law authorizes a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding dogs and cats.

This bill would authorize a public or private shelter to enter into cooperative agreements with animal rescue or

adoption organizations regarding rabbits that are equivalent to the cooperative agreements authorized regarding dogs and cats described above.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Lockyer-Polanco-Farr Pet Protection Act, governs the retail sale of dogs and cats. Among other things, the act makes it unlawful for a pet dealer, as defined, to fail to maintain facilities where dogs are kept in a sanitary condition or provide dogs with adequate nutrition, potable water, socialization, and exercise. The act also prohibits a dog from being offered for sale by a pet dealer to a purchaser until the dog has been examined by a veterinarian licensed in this state.~~

~~Existing law prohibits a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from selling or giving away to a new owner a dog or cat that has not been spayed or neutered and enacts other provisions relating to animal welfare.~~

~~This bill would express the intent of the Legislature to enact legislation that would promote the adoption of animals from shelters and rescue groups and encourage humane practices in the purchase of dogs and cats offered for retail sale in California.~~

Vote: majority Appropriation: no Fiscal Committee: **no**yes Local Program: **no**yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 31753 of the Food and Agricultural Code is amended to read:*

31753. ~~Any~~*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 shall be held for the same period of time, under the same requirements of care, and with the same opportunities for redemption and adoption by new owners or nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organizations as provided for cats and dogs. *The public or private shelter may enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to those cooperative agreements authorized in Section 31108 regarding dogs and Section 31752 regarding cats.* Section 17006 shall also apply to these animals. 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 by new owners or released to nonprofit animal rescue or adoption organizations pursuant to this section.

SEC. 2. *Section 122354.5 is added to the Health and Safety Code, to read:*

122354.5. *A pet store operator shall not sell 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 nonprofit, 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 pursuant to Section 31108, 31752, or 31753 of the Food and Agricultural Code.*

SEC. 3. *Section 122356 of the Health and Safety Code is amended to read:*

122356. (a) An animal control officer, as defined in Section 830.9 of the Penal Code, a humane officer qualified pursuant to Section 14502 or 14503 of the Corporations Code, or a peace officer who detects a violation of Section 122351, subdivision (b) or (c) of Section 122353, paragraphs (3) or (4) of subdivision (b) of Section 122354, or Section *122354.5* or 122355 shall issue a single notice to correct, which shall contain all of the following information:

- (1) Specify each violation of this chapter found in the inspection.
- (2) Identify the corrective action for each violation.
- (3) Include a specific period of time during which the listed violation or violations must be corrected.

(b) After issuing a notice to correct pursuant to this section, the officer or another qualified officer of the issuing agency shall verify compliance with this chapter by conducting a subsequent investigation of the pet store in

violation of this chapter within a reasonable period of time.

(c) An exact, legible copy of the notice to correct shall be delivered to the pet store operator at the time he or she signs the notice. In the alternative, the issuing agency may personally deliver the notice to the pet store operator within 48 hours of its issuance, excluding holidays and weekends. The signing of the notice is an acknowledgment of receipt, and does not constitute an admission of guilt.

(d) A pet store operator who fails to comply with a notice to correct is guilty of an infraction.

(e) A pet store operator who violates the same provision of this chapter on more than one occasion within a 12-month period, at the same location, is not eligible to receive a notice to correct, and is guilty of an infraction on the second violation, and is guilty of a misdemeanor on the third or subsequent violation.

(f) Notwithstanding subdivision (a), a pet store operator is guilty of a misdemeanor if the pet store operator violates any provision listed in subdivision (a), and by doing so, the pet store operator causes or allows harm or injury to an animal, or allows an animal to be subject to an unreasonable risk of harm or injury.

SEC. 4. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

~~SECTION 1. It is the intent of the Legislature to enact legislation that would promote the adoption of animals from shelters and rescue groups and encourage humane practices in the purchase of dogs and cats offered for retail sale in California.~~