

Date of Hearing: March 20, 2018

ASSEMBLY COMMITTEE ON HEALTH
Jim Wood, Chair
AB 1780 (Maienschein) – As Amended February 20, 2018

SUBJECT: Importation of diseased dogs and cats.

SUMMARY: Requires the State Public Health Officer (Officer) to investigate certain reports of outbreaks of communicable diseases caused by, or purported to be caused by, contact with a dog or cat to determine, among other things, the probable impacts of the communicable disease on the state. Specifically, this bill:

- 1) Authorizes the Officer, upon investigation and specific findings, to issue an order to prohibit the importation of dogs or cats that could pose a risk of an outbreak of any communicable disease that is dangerous to individuals.
- 2) Requires the Officer to tailor the order to reasonably prevent danger to individuals caused by the importation of those affected dogs or cats linked to the outbreak and specify the date or conditions under which the order expires.
- 3) Penalizes a person who violates an order issued by the Officer by importing a prohibited dog or cat into this state with a civil penalty of \$500 for each separate imported prohibited dog or cat.
- 4) Specifies that a violation of an order does not constitute a crime.
- 5) Defines a person as an individual, firm, partnership, corporation, association, or other entity.

EXISTING LAW:

- 1) Provides for the regulation, licensing, and record keeping of dogs by cities and counties including provisions to ensure dogs are spayed, neutered, and determine the general health of dogs prior to sale or placement.
- 2) Establishes 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, and standards for keeping the animals healthy including veterinary care, euthanasia standards, and disclosures that must be made to a person who purchases a pet.
- 3) Establishes the Polanco-Lockyer Pet Breeder Warranty Act (Act) which provides for the sale, transfer, or giveaway of all or 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.
- 4) 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 or 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.

- 5) 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.
- 6) Provides for the regulation of cats and requires the holding period for an impounded stray cat to be six business days, not including the day of impoundment, with exceptions as specified.
- 7) Requires that prior to euthanasia of an animal, unless the animal is irremediably suffering from an injury or illness, any stray dog or cat that is impounded must be released to a nonprofit, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. Allows, in addition to any required spay or neuter deposit, the public or private shelter, at its discretion, to assess a fee, not to exceed the standard adoption fee, for animals adopted or released.

FISCAL EFFECT: This bill has not yet been analyzed by a fiscal committee.

COMMENTS:

- 1) **PURPOSE OF THIS BILL.** According to the author, this bill assists the Department of Public Health (DPH) in ensuring that preventable, communicable disease is not imported into the state. Given the recent highly contagious outbreak affecting 17 states, it is imperative that DPH be provided the authority to take action in the event that disease carrying dogs or cats could endanger the public.
- 2) **BACKGROUND.** In California, there are a host of laws related to the sale of pets, including regulations for animal care in pet stores, consumer rights, requirements for breeders, sales at swap meets, and kennels. Prior to 2018, there were no prohibitions on pet store operators related to the sale of puppies, kittens, rabbits or dogs acquired from individuals, brokers, or mass commercial breeders, known as "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 were 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.

Recent changes to state law significantly revised statutes regarding the sale of animals in the State of California. AB 485 (O'Donnell), Chapter 470, Statutes of 2017, now prohibits 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 rescue group, as defined, that is in a cooperative agreement with at least one private or public shelter. California is the first state in the nation to require that pet stores to sell only rescue animals. Proponents of this bill express that this significant change in state law will result in an increase in animals being

imported from other states, and that therefore increased protections against the importation of diseased dogs and cats is necessary.

- 3) **CAMPYLOBACTER OUTBREAK.** According to information by the Centers for Disease Control and Prevention (CDC), several states, and the U.S. Department of Agriculture's Animal and Plant Health Inspection Service investigated a multistate outbreak of multidrug-resistant Campylobacter infections. Campylobacter causes an estimated 1.3 million illnesses each year in the United States. Most illnesses likely occur due to eating raw or undercooked poultry, or to eating something that touched it. Some are due to contaminated water, contact with animals, or drinking raw (unpasteurized) milk. Epidemiologic and laboratory evidence indicated that contact with puppies sold through Petland stores were a likely source of this outbreak. A total of 113 people with laboratory-confirmed infections or symptoms consistent with Campylobacter infection were linked to this outbreak and illnesses were reported from 17 states and 23 were hospitalized. In interviews, ill people answered questions about the foods they ate and any animal contact in the week before they became ill. Ninety-nine percent of people reported contact with a puppy in the week before illness started, and 87% reported they had contact with a puppy from Petland stores, or had contact with a person who became sick after contact with a puppy from a Petland store. Twenty-five of the ill people worked at Petland stores.
- 4) **SUPPORT.** The American Society for the Prevention of Cruelty to Animals (ASPCA), sponsor of this bill, states that this bill is necessary to protect public health and safety by issuing an order prohibiting the importation of dogs or cats for the purpose of resale or change of ownership. ASPCA notes that existing law vests in DPH the authority to take specified actions to contain these outbreaks when they occur within the state. However, as the prevalence of online pet sales grows, the opportunity for interstate outbreaks may increase. For example, as reported by the CDC, such a recent outbreak originating from puppies from a retail pet store chain affected humans in 17 states. While the outbreak has spread to 17 states over the course of months, the existing scope of DPH's authority would not enable it to impose protections to ensure that pets linked to the outbreak are not brought into the state. Given the growing prevalence of multistate pet sales transactions and the dangerous nature of animal-borne disease, this bill proposes to expand DPH's authority to better protect public health and safety.
- 5) **RELATED LEGISLATION.** AB 485 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.
- 6) **PREVIOUS LEGISLATION.**
 - a) SB 945 (Monning), Chapter 557, Statutes of 2015, established standards for pet boarding facilities and pet boarding operators, as specified.

- b) 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.
- c) 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 modified the definition of a pet store, as specified.
- d) AB 1347 (Caballero), Chapter 703, Statutes of 2007, enacted the Pet Store Animal Care 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.

REGISTERED SUPPORT / OPPOSITION:

Support

American Society for the Prevention of Cruelty to Animals (ASPCA)

Opposition

None on file.

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