

AMENDED IN ASSEMBLY MARCH 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2269

Introduced by Assembly Member Waldron
(Coauthors: Assembly Members Chang, Chávez, and Cristina Garcia)

February 18, 2016

An act to repeal and add Section 1834.7 of the Civil Code, relating to animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2269, as amended, Waldron. Animal shelters: research animals: prohibitions.

(1) Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a statement to this effect, as specified, and requires that this statement and other information also be included on owner surrender forms.

This bill would ~~repeal these provisions~~; *revise these provisions to apply them only to an animal shelter entity, as defined, where dead animals are turned over to a biological supply facility or a research facility. The bill would revise the posted statement and owner surrender forms to refer to euthanized animals.* The bill would prohibit a person or animal shelter entity that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility or animal ~~dealer, as specified~~; *dealer*. The bill would also prohibit a research facility *or animal dealer* from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of medical or biological teaching, research, or study, or any other kind of experimentation, if that animal is transferred

from, or received from, an animal shelter. *The bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer.* The bill would except from these prohibitions specified procedures performed by, or under the direct supervision of, a licensed veterinarian, subject to certain conditions. A violation of these provisions would be subject to a civil penalty of \$1,000. By creating new conditions affecting the operations of local, public animal service entities, this bill would impose a state-mandated local program.

(2) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1834.7 of the Civil Code is repealed.
- 2 SEC. 2. Section 1834.7 is added to the Civil Code, to read:
- 3 1834.7. (a) For purposes of this section:
- 4 (1) ~~“Animal dealer” means a dealer as defined by Section 2132~~
- 5 ~~of Title 7 of the United States Code, effective February 7, 2014.~~
- 6 *any person who, in commerce, for compensation or profit, delivers*
- 7 *for transportation, or transports, except as a carrier, or who buys,*
- 8 *sells, or negotiates the purchase or sale of any animal, whether*
- 9 *alive or dead, for research, teaching, exhibition, or biological*
- 10 *supply.*
- 11 (2) “Animal shelter entity” includes, but is not limited to, an
- 12 animal regulation agency, humane society, society for the
- 13 prevention of cruelty to animals, rescue group, or other private or
- 14 public animal shelter.
- 15 (3) “Research facility” means a research facility as defined by
- 16 Section 2132 of Title 7 of the United States Code, effective
- 17 February 7, 2014.
- 18 (b) (1) *An animal shelter entity where dead animals are turned*
- 19 *over to a biological supply facility or a research facility shall post*

1 *a sign as described by this paragraph in a place where it will be*
2 *clearly visible to a majority of persons when turning animals over*
3 *to the shelter. The sign shall measure a minimum of 28 x 21 cm—*
4 *11 x 8½ inches—with lettering of a minimum of 3.2 cm high and*
5 *1.2 cm wide—1¼ x ½ inch—(91 point) and shall state:*

6 *“Animals Euthanized at This Shelter May Be Used for Research*
7 *Purposes or to Supply Blood, Tissue, or Other Biological*
8 *Products”*

9 *(2) The statement in paragraph (1) shall also be included on*
10 *owner surrender forms.*

11 ~~(b)~~

12 *(c) (1) A person or animal shelter entity that accepts animals*
13 *from the public or takes in stray or unwanted animals shall not*
14 *sell, give, or otherwise transfer a living animal to a research facility,*
15 *or to an animal dealer if the dealer will transfer the animal to a*
16 *research facility. dealer.*

17 *(2) A research facility or animal dealer shall not procure,*
18 *purchase, receive, accept, or use a living animal for the purpose*
19 *of medical or biological teaching, research, or study, or any other*
20 *kind of experimentation, if that animal is transferred from, or*
21 *received from, an animal shelter entity.*

22 *(3) A person or animal shelter shall not euthanize an animal*
23 *for the purpose, in whole or in part, of transferring the carcass to*
24 *a research facility or animal dealer.*

25 ~~(e)~~

26 *(d) This section does not prohibit a procedure by a licensed*
27 *veterinarian to correct the animal’s preexisting medical condition,*
28 *nor does it prohibit a procedure to spay or neuter the animal if the*
29 *procedure is performed by, or under the direct supervision of, a*
30 *licensed veterinarian, and if the animal is returned to the person*
31 *or animal shelter entity after the procedure, unless the animal is*
32 *found to be suffering from a medical condition that requires the*
33 *animal’s humane euthanasia to avoid imminent and prolonged*
34 *pain and suffering.*

35 ~~(d)~~

36 *(e) A violation of this section is subject to a civil penalty of one*
37 *thousand dollars (\$1,000) in an action to be brought by the district*
38 *attorney or city attorney of the county or city where the violation*
39 *occurred. When collected, the civil penalty shall be payable to the*

1 general fund of the governmental entity that brought the action to
2 assess the penalty.

3 SEC. 3. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

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