

Date of Hearing: March 20, 2018

**ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS**

Evan Low, Chair

AB 2362 (Rubio) – As Introduced February 14, 2018

**SUBJECT:** Safe transportation of dogs and cats.

**SUMMARY:** Establishes health and safety standards for mobile dog and cat housing facilities, including heating and cooling, dry bedding, ventilation, and lighting. The bill applies to public and private animal shelters and for-profit entities.

**EXISTING LAW:**

- 1) Establishes the Veterinary Medical Board (Board) within the Department of Consumer Affairs (DCA). (Business and Professions Code (BPC) Section 4800 et seq.).
- 2) Sets standards for the care, treatment, and sale of animals, especially as pertains to communicable diseases. (Health and Safety Code (HSC) Section 121575 et seq.).
- 3) Requires that animals freely surrendered to shelters must be treated with “some care” for the preservation of the thing deposited. (Civil Code Section 1845).

**THIS BILL:**

- 1) Requires that mobile dog and cat housing be sufficiently heated and cooled and that the temperature may not fall below 45 degrees Fahrenheit or exceed 85 degrees Fahrenheit for more than four consecutive hours when animals are present.
  - a) For animals not accustomed to low temperatures, such as those with short hair or fur, or those that are sick, old, young, or otherwise infirm the temperature may not fall below 50 degrees Fahrenheit. If this were to occur, animals must be provided with methods for conserving body heat, like dry bedding and solid resting boards.
- 2) Requires mobile cat and dog housing facilities be ventilated sufficiently by means of windows, doors, vents, fans, or air conditioning. Auxiliary ventilation must be provided when the temperature exceeds 85 degrees Fahrenheit for more than four consecutive hours.
- 3) Requires mobile cat and dog housing to be well lighted for the purpose of cleaning and observation of the animals. Lighting must match diurnal lighting cycle.
- 4) Applies standards to public animal control shelters, humane society shelters, rescue groups, and to public or private for-profit entities that use mobile housing facilities for dogs or cats.

**FISCAL EFFECT:** None. This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**

**Purpose.** This bill is sponsored by **Social Compassion in Legislation**. According to the author, “California has taken great strides to ensure that animals, pet companions, are protected from mistreatment and careless actions that can lead to injury or death. However, there are currently

no uniform standards on safe temperatures during mobile transportation of animals. AB 2362 establishes statewide safe temperature standards for mobile transportation of dogs and cats to keep them safe from extreme temperatures. This bill will help reduce animal stress, weather-related traumatic experiences, negative long-term health effects, while promoting humane statewide animal care.”

**Background.** This bill will establish a new set of standards specifically for dogs and cats in mobile or traveling housing facilities. These standards would apply to government operated animal shelters, humane society shelters, and public or private for-profit entities that transport pets. These entities would be required to maintain a well ventilated, temperature controlled, and well-lit environment for cats and dogs being transported or housed in a mobile unit. There are not currently any statutory requirements that specifically apply to the transport of pets in a mobile housing unit.

*Dogs and Cats in vehicles.* Current law prohibits a person from leaving or confining an animal in any unattended motor vehicle under conditions that endanger the health or wellbeing of an animal. These standards include temperature, lack of ventilation, lack of food or water, and other circumstances that could be harmful to the animal. Violation of these standards could result in a fine, imprisonment not exceeding six months, or both.

In 2017, AB 797 (Steinorth, Chapter 554, Statutes of 2016), added protections for Good Samaritans that may take “reasonable steps” to remove an animal from a motor vehicle if the person holds a belief that the animal is in immediate danger due to heat, cold, lack of ventilation, lack of food or water, or other circumstances. Previously these protections only applied to law enforcement that may intervene to rescue an animal.

Though existing law prevents leaving an animal unattended in a motor vehicle when their health could be at risk, this standard does not apply to dogs and cats that are in mobile housing or transport cages, but may still have a driver operating the vehicle. This bill would create requirements that must be applied at all times, even when the vehicle is not parked and unattended.

It is unclear how common this issue is in California, however, as recently as June 2017 a dog in Visalia had to be euthanized after contracting heat stroke while in the care of animal control staff. Coverage of the aforementioned case in Visalia mentions that the truck that the dog contracted heatstroke in had functioning ventilation.

**Prior Related Legislation.** AB 1806 (Figueroa), Chapter 431, Statutes of 2006 – prohibited leaving or confining an animal in an unattended motor vehicle in conditions that would endanger the health or wellbeing of the animal. Included provisions related to temperature, ventilation, food and water, and other circumstances.

AB 797 (Steinorth) Chapter 554, Statutes of 2016 – exempted a person from civil or criminal liability if damage occurred while a person was rescuing a confined animal from a motor vehicle under specified conditions.

#### **ARGUMENTS IN SUPPORT:**

**Social Compassion in Legislation (sponsor)** writes: “AB 2362 will implement common sense standards to protect animals in these types of transport vehicles.”

**PuppySpot** writes: “I write to express our support of Assemblymember Rubio’s AB 2362, which seeks to promote the safe transportation of dogs and cats in California.”

**ARGUMENTS IN OPPOSITION:**

None on File

**POLICY ISSUE(S) FOR CONSIDERATION:**

The bill as written would apply these standards to animal shelters and other entities that may already have existing vehicles and equipment for the transport of cats and dogs. It is unclear if this bill would place a burden on local government that may not be in compliance with its requirements. As there is no specified measurements or other means of verification in the text it is unclear what test would demonstrate that a housing unit was “sufficiently ventilated.” The author should work with stakeholders to clarify that the requirements in existing language effectively prevents further harm to animals.

**REGISTERED SUPPORT:**

**Social Compassion in Legislation (sponsor)**

**PuppySpot**

**Numerous individuals**

**REGISTERED OPPOSITION:**

None on File

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