
THIRD READING

Bill No: AB 485
Author: O'Donnell (D) and Dababneh (D), et al.
Amended: 9/7/17 in Senate
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 7-1, 7/17/17
AYES: Hill, Dodd, Galgiani, Glazer, Hernandez, Newman, Pan
NOES: Wilk
NO VOTE RECORDED: Fuller

ASSEMBLY FLOOR: 55-11, 5/30/17 - See last page for vote

SUBJECT: Pet store operators: dogs, cats, and rabbits

SOURCE: Social Compassion in Legislation

DIGEST: This bill prohibits, beginning January 1, 2019, a pet store operator from selling a live cat, dog, or rabbit in a pet store unless they were obtained from a public animal control agency or shelter, specified nonprofit, or animal rescue or adoption organization, as defined; permits a public or private shelter to enter into cooperative agreement with animal rescue or adoption organizations regarding rabbits; requires dogs or cats sold in a retail pet store to comply with current spay and neuter laws; provides specified exemptions to the pet warranty law; and permits an animal control officer, a humane officer, or a peace officer to enforce the pet store prohibition.

Senate Floor Amendments of 9/7/17 require additional sections of the Pet Protection Act that a pet store operator, subject to the provisions of this bill, must comply with including a health examination of dogs or cats prior to placement with other dogs or cats and maintaining of immunization and health status records.

Senate Floor Amendments of 8/30/17 exempt a pet store operator from specified laws governing the retail sale of dogs and cats.

ANALYSIS:

Existing law:

- 1) Establishes procedures and requirements for the care and maintenance of animals in the custody of a pet store and details the responsibilities of the pet shop, as specified. (Health and Safety Code (HSC) § 122350 *et seq.* and Penal Code (PC) § 5971)
- 2) Defines a “pet store” to mean a retail establishment open to the public and selling or offering for sale animals, as specified, does not include a retail establishment selling or offering animals to agricultural operations, as specified. (HSC § 122350(i))
- 3) Requires each pet store operator to maintain records for identification purposes of the person from whom the animals in the pet store were acquired, as specified. (HSC § 122355(d))
- 4) Establishes the Polanco-Lockyer Pet Breeder Warranty Act, related to the sale of dogs by breeders. Specifies information to disclose to the consumer, including records of diseases or illness. Requires dog breeders to maintain the health and safety of the dogs and prohibits them from knowingly selling a dog that is ill. (HSC §§ 122045-122110)
- 5) Establishes the Lockyer-Polanco-Farr Pet Protection Act (Pet Protection Act), related to the retail sale of dogs and cats. Requires that pet dealers possess a permit in order to sell dogs and cats and provide consumers disclosures related to the pet, including breeder information, health records, and any known health condition. Specifies civil penalties for violating these provisions. (HSC §§ 122125-122220)
- 6) Specifies that it is the policy of the state that no adoptable animal, as defined, should be euthanized within a public or private shelter if it can be adopted into a suitable home, as specified. (Food and Agriculture Code § 17005 and PC § 599d)

This bill:

- 1) Prohibits, on or after January 1, 2019, 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 non-profit animal rescue or adoption organization.

- 2) Requires the sale of dogs or cats as specified in Item #1) above, to be in compliance with specified spay or neuter laws.
- 3) Requires each pet store to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells, as specified.
- 4) Authorizes a public or private shelter, as specified, to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits.
- 5) Makes a pet store operator who violates the provisions of this bill subject to a civil penalty of \$500 and specifies that each animal offered for sale in violation constitutes a separate violation.
- 6) Defines a “rescue group”, as specified.
- 7) Exempts a pet store operator, subject to the provisions of this bill, from the Pet Protection Act, except the requirements for a health examination of the pet, maintaining health and immunization records, and animal treatment and care in the pet store, as specified.

Background

Puppy Mills. “Puppy Mills” or “Kitty Factories” are common terms for large commercial breeding facilities that mass produce animals for sale at retail markets. 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 are no restrictions on pet stores as to where they can acquire animals for retail sale. This bill, as indicated by the author and its proponents, aims to limit the sales of animals in California that are from “puppy mills”, “kitten factories” or other commercial breeding facilities (especially those in other states) and to help promote and encourage the availability of shelter animals in California as a source for either adoption or for sale in a pet store establishment. As many commercial breeding facilities focus on quantity, there are concerns about the health of animals from these places, and oftentimes, news headlines report on this issue. As explained by the Humane Society Veterinary Medical Association, although the conditions in these puppy mills vary widely in quality, they are typically operated with an emphasis on profits over animal welfare and the dogs often live in substandard conditions, housed for their entire reproductive lives in cages or runs, provided little to no positive human interaction or other forms of environmental enrichment, and minimal to no veterinary care.

Consumer Protection Laws Regarding the Purchase and Sale of Animals. In California, there are certain laws related to the sale of pets in California, including regulations for animal care in pet stores, consumer rights, requirements for breeders, sales at swap meets, and kennels. However, there are no requirements or restrictions pertaining to the acquisition of animals for purpose of animal sales, although pet store operators are required to maintain specific documentation about an animal's health records and are also required to provide consumers with information about the breeder or broker. There are no current prohibitions on pet store operators related to the sale of puppies, kittens, rabbits or dogs acquired from individuals, brokers, or mass commercial breeders who have enforcement violations at the local, state or federal level. There is also no requirement that a pet store operator has to purchase animals from a licensed United States Department of Agriculture (USDA) breeder.

The Pet Protection Act specifies the requirements for retail sellers of animals to ensure purchaser protection for the sale of ill or sick animals, and provides some form of disclosures to individuals about where the animal was bred. This bill will exempt a pet store operator, subject to the provisions of this bill, from various requirements in the Pet Protection Act including disclosure requirements, return and refund policies among others; however, a pet store operator must still comply with existing laws in the Pet Protection Act pertaining to the treatment of animals in retail establishments, maintaining health and immunization records, and provide health evaluations prior to the placement dogs and cats with other dogs and cats. This bill does not change or limit current practices for individuals purchasing animals from local breeders, the Internet (if applicable laws allow), other states, or by other private sales.

Lax Oversight of Breeders. Breeders who sell to a pet store or to consumers over the Internet are required to hold a license and be inspected by the USDA. However, as noted by various animal welfare organizations, the AWA provides a minimal level of specificity for animal care and violations are often found in many commercial breeding organizations, while others operate underground making enforcement of the laws difficult and challenging. In recent years, the Animal and Plant Health Inspection Service's (APHIS) under the USDA has provided on its Web site information regarding inspections of commercial animal breeding facilities and lists of persons licensed and registered under the federal Animal Welfare Act (AWA), but as of February 3, 2017, this information is no longer available from the APHIS.

Animal Shelters and Rescue Organizations and Cooperative Agreements with Animal Rescue or Adoption Organizations. Approximately 6.5 million companion animals enter the United States animal shelters nationwide every year, approximately 3.3 million dogs and 3.2 million cats, and approximately 1.5 million of those are euthanized. Currently, a public or private shelter may enter into a cooperative agreement with any animal rescue or adoption organization for a dog, cat or rabbit, which allows the shelter to release the animal to the rescue or adoption organization rather than have the animal euthanized. The rescue or adoption organization need only request the release of the animal to their possession so they may attempt to have the animal adopted.

Local City/County Ordinances and Other State Efforts Similar to this Bill. Approximately 34 cities in California have established ordinances that restrict or outright ban the retail sale of animals at pet stores, specifically dogs, cats, and rabbits. Across the country there are at least 16 states with one or more cities with prohibitions on selling live cats, dogs, or rabbits at a retail pet store, and Canada, recently enacted prohibitions on the selling of these animals as well in pet stores.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/29/17)

Social Compassion in Legislation (source)
Actors and Others for Animals
AGWC Rockin' Rescue
Alicia Pet Care Center
All About the Animals
Alley Cat Allies
American Rat Terrier Rescue Corp.
American Society for the Prevention of Cruelty to Animals
Animal Friends of the Valley
Animal Hope and Wellness Foundation
Animal Legal Defense Fund
Animal Protection and Rescue League
Animal Rescue Recon
Animal Shelter Assistance Program
Best Friends Animal Society
Bow-Wows & Meows, Inc.
Bunnies Urgently Needing Shelter
California Animal Control Directors Association
Camp Cocker Rescue

Cities of Antioch, Carlsbad, Encinitas, La Quinta, Long Beach, Los Angeles,
Sacramento, Signal Hill, Turlock, and West Hollywood
Coastal German Shepherd Rescue San Diego
Councilmember Esther C. Sanchez, City of Oceanside
Councilmember Melissa Fox, City of Irvine
Councilmembers Mona Rios and Alejandra Sotelo-Solis, City of National City
Davey's Voice
David Toro Foundation
Dog Adoption and Welfare Group
Dog Squad Rescue
East Bay Rabbit Rescue
Fix Long Beach
Fresno Humane Animal Services
Friends of Long Beach Animals
Gentle Barn
Golden State Humane Society
Harley's Dream
Healthy Spot
Helen Sanders CatPAWS
Humane Society of the United States
Humane Society Silicon Valley
Humane Society Veterinary Medical Association
It's The Pits
Labrador Rescuers of San Diego
Last Chance for Animals
Last Chance for Animals, San Diego Chapter
Lobby for Animals
Lucy Pet Foundation
Mayor Pro Tem David J. Toro, City of Colton
Mayor Will Rogers, City of Burbank
National Animal Rescue Coalition
NOAH – Not One Animal Harmed
Oakland Animal Services
Ozzy Foundation
Palm Springs Animal Shelter
Passion for Paws Rescue
Paw Project
Peace 4 Animals
Pedro Pet Pals
Peninsula Humane Society and SPCA

People for Ethical Treatment of Animals
Pet Food Express
Public Interest Coalition
Puppy Coalition Foundation
Rabbit Rescue
Rescue House
RESQCATS, Inc.
Rockin Pets Foundation
Sacramento SPCA
San Diego Animal Advocates
San Diego House Rabbit Society
San Diego Humane Society
San Francisco SPCA
Santa Cruz County Animal Shelter
Saving Pets One At a Time
Shamrock Rescue Foundation
SoulPlayMates Dog Rescue & Advocacy
Southern California Bulldog Rescue, Inc.
Southland Collie Rescue, Inc.
Spay-Neuter Action Project
Spay-Neuter Action Project
SPOT Rescue
Starfish Animal Rescue
Start Rescue
State Humane Association of California
Supervisor Katy Tang, City and County of San Francisco
Take Me Home Rescue
Thrive Animal Rescue
Wagging Dog Rescue
Numerous individuals

OPPOSITION: (Verified 8/29/17)

American Kennel Club
Animal Council
Animal Issues Movement
Animal Kingdom Pet Shop
Broadway Puppies
Bulldog Club of America
California Federation of Dog Clubs
California Retailers Association

Cat Fanciers' Association
Chinese Shar-Pei Club of America, Inc.
Citizens for Responsible Pet Ownership
Dog Owners of the Golden State
English Cocker Spaniel Club of Southern California
Hello Puppies
National Animal Interest Alliance
National Federation of Independent Business
Mayor Ron Morrison, City of National City
Pet Industry Joint Advisory Council
Pinogy
PuppySpot
World Pet Association
Individual Pet Store Owners/Operators

ARGUMENTS IN SUPPORT: Supporters write that by stopping one of the major outlets for the puppy mill pipelines in California, the Legislature is setting the standard for the rest of the country and that models already exist in responsible pet stores including Petsmart and Petco, so supporters do not believe that this bill will be an undue burden on merchants or animals control officers. Supporters state that by offering animals for adoption from nearby shelters, pet stores can save the lives of animals in search of a home, save the breeding animals trapped in puppy mills, and relieve pressure on county and city budgets and local taxpayers.

ARGUMENTS IN OPPOSITION: Opponents argue that this bill is an extreme overreach that could shut down many small, local pet stores that provide healthy, quality pets to the public. Opponents state concerns that the Author has rejected amendments that would provide that retail stores can only obtain dogs and cats from USDA-licensed breeders (or breeders exempt from USDA licensing requirements) that have not been cited for any direct or critical noncompliance violation under the AWA for a two-year period prior to offering for sale any dog or cat and have not been cited for non-compliance during the most recent inspection by the USDA.

ASSEMBLY FLOOR: 55-11, 5/30/17

AYES: Aguiar-Curry, Arambula, Baker, Berman, Bloom, Bocanegra, Bonta, Brough, Burke, Calderon, Cervantes, Chávez, Chiu, Chu, Cooley, Dababneh, Daly, Flora, Friedman, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gomez, Gonzalez Fletcher, Gray, Holden, Irwin, Jones-Sawyer, Kalra, Levine, Limón, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell,

Quirk, Quirk-Silva, Reyes, Ridley-Thomas, Rodriguez, Rubio, Salas, Santiago,
Mark Stone, Thurmond, Ting, Waldron, Weber, Wood, Rendon

NOES: Bigelow, Caballero, Fong, Gallagher, Harper, Lackey, Mathis, Melendez,
Obernolte, Patterson, Voepel

NO VOTE RECORDED: Acosta, Travis Allen, Chau, Chen, Choi, Cooper,
Cunningham, Dahle, Eggman, Frazier, Grayson, Kiley, Mayes, Steinorth

Prepared by: Bill Gage / B., P. & E.D. /
9/9/17 16:08:11

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