

ASSEMBLY THIRD READING
AB 1881 (Santiago)
As Amended April 27, 2022
Majority vote

SUMMARY

Requires every public animal control agency, shelter, or rescue group to conspicuously post or provide a copy of a notice regarding the welfare of dogs and cats, as provided.

Major Provisions

- 1) Requires each public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group to provide a copy of a specified notice to new owners, or to post a copy of the notice in a conspicuous place accessible to public view.
- 2) Provides that the required notice shall read as follows:

"Dogs and cats deserve to be free from exploitation, cruelty, neglect, and abuse.

Dogs and cats deserve to a life of comfort, free of fear and anxiety.

Dogs and cats deserve to daily mental stimulation and appropriate exercise considering the age and energy level of the dog or cat.

Dogs and cats deserve to nutritious food, sanitary water, and shelter in an appropriate and safe environment.

Dogs and cats deserve to regular and appropriate veterinary care.

Dogs and cats deserve to be properly identified through tags, microchips, or other humane means.

Dogs and cats deserve to be spayed and neutered to prevent unwanted litters."

- 3) Subjects each subsequent violation of the above requirement after sixty days of a first offense to a fine not exceeding \$250.
- 4) States that this bill does not create a private right of action for a violation of its requirements and that it is the intent of the Legislature that the purpose of the bill is solely to inform potential owners of the standards for basic physical care and emotional well-being of dogs and cats, and clarifies that the bill does not create a crime or a penalty other than the penalty provided regarding posting requirements for educational purposes.
- 5) Makes various additional findings and declarations in support of this bill.

COMMENTS

Animal Welfare Laws. In 1966, the United States Congress enacted the Animal Welfare Act (AWA) to provide standards on the humane handling, care, and treatment of animals. Enforced by the United States Department of Agriculture (USDA), the AWA regulates animal rights in

various settings, including scientific research, public exhibitions, or transportation. California is home to a number of additional animal protection laws intended to safeguard the wellbeing and life of animals in various settings. These include the Polanco-Lockyer Pet Breeder Warranty Act, which outlines requirements for dog breeders to raise dogs and puppies in humane conditions, and provides purchasers with refund or reimbursement remedies should an animal be sick or ill due to improper breeding practices. Similarly, laws like the Lockyer-Polanco-Farr Pet Protection Act establishes animal welfare and consumer protection requirements on pet dealers and the animals they sell.

In terms of laws intended to protect animals from being harmed or discomforted by their owners, only certain categories of severe neglect or mistreatment are expressly unlawful. The malicious and intentional maiming, mutilation, torture, or wounding of any living animal is a crime under the Penal Code. Similarly, anyone who overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, drink, or shelter, cruelly beats, mutilates, or cruelly kills any animal is guilty of a crime. There are also provisions in the Penal Code that provide punishment for those who severely neglect an animal and allows those animals to be seized and treated.

However, there are not many other requirements for what type of care pet owners provide to their dogs and cats beyond the criminalization of serious abuse or exploitation. This is in part because pets are legally considered property of their owners. While cruelty or extreme neglect are not permitted, owners are otherwise generally free to treat their pets in whatever manner they desire.

The author and sponsor of this bill are concerned that many new owners of dogs and cats will adopt those animals without fully appreciating the amount of care and attention that is required to provide a loving, comfortable home to an animal. In particular, the author cites the ongoing COVID-19 pandemic as potentially having resulted in a rush to adopt animal companions that will stop receiving as much attention as restrictions are lifted. The author intends for this bill to be "educational," essentially confronting potential adopters with a list of expectations for the quality of life the dog or cat they are bringing home deserves.

While the uncodified title of this bill is the "Dog and Cat Bill of Rights," this bill does not actually intend for any of the language in the notice to be legally enforceable. Instead, pet shelters and other adoption sites would be required to simply post or provide the language to potential new owners. The language of this bill expressly clarifies that no other crime or penalty would be created by the bill besides the fine that could be assessed for violations of that requirement.

According to the Author

"One in five American households adopted a dog or a cat since the start of the COVID-19 pandemic, in part because of the social and emotional companionship dogs and cats can provide. Now that the state is relaxing some of its COVID-19 restrictions and owners are returning to normal life, we must ensure that our dogs and cats are still receiving the love and attention they need. That's why AB 1881 will inform potential adopters of the rights of dogs and cats that go beyond just food, water, and shelter, so that all of our dogs and cats may live long, healthy lives after all pandemic restrictions have lifted."

Arguments in Support

This bill is sponsored by *Social Compassion in Legislation* (SCIL). SCIL writes: "Animal companionship was very appealing during the isolation of the pandemic. With the state

potentially re-opening, some adopters are returning their pets because they cannot care for them as they could during the height of the pandemic. Animal shelters and adoption agencies are not currently required to inform the potential adopter of the standards of care dogs and cats deserve. To ensure dogs and cats are treated appropriately, potential owners must understand that dogs and cats deserve certain standards of treatment prior to making a commitment to adoption."

Arguments in Opposition

The *California Animal Welfare Association* (CalAnimals) opposes this bill. According to CalAnimals: "Generally speaking, aspirational language should be presented as such and not presented as rights. The language provided in this bill is both subjective and nebulous and will result in confusion for the public as to what can and will be enforced, saddling our animal services agencies with unrealistic expectations. For example, how will a California resident interpret their dog or cat's right to be fear free or free of exploitation? If a pet owner cannot afford a \$3,000 treatment for cancer for their pet, are they violating that animal's rights? Should they not be allowed to own a pet? As an organization that values inclusivity and equity and works diligently to preserve the human-animal bond, we are very careful to evaluate potential legislation through this lens to ensure we are not penalizing those with fewer resources or different cultural values."

FISCAL COMMENTS

According to the Assembly Appropriations Committee, no cost to the state.

VOTES

ASM BUSINESS AND PROFESSIONS: 14-0-4

YES: Berman, Bloom, Mia Bonta, Chen, Gipson, Grayson, Irwin, Lee, McCarty, Medina, Mullin, Salas, Ting, Akilah Weber

ABS, ABST OR NV: Flora, Cunningham, Megan Dahle, Fong

ASM APPROPRIATIONS: 12-3-1

YES: Holden, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Jones-Sawyer, Quirk, Robert Rivas, Akilah Weber, Wilson

NO: Bigelow, Megan Dahle, Davies

ABS, ABST OR NV: Fong

UPDATED

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