

REFERENCE INTEGRATED TEXT OF 2024 CA AB 2425 (HELD IN FIRST POLICY COMMITTEE,  
4/16/2024) AMENDING POLANCO-LOCKYER PET BREEDER WARRANTY ACT

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Originally enacted 1991. (Reorganization of Health and Safety Code: Added by Stats.1995, c. 415 (S.B.1360), § 7. Amended by Stats.2001, c. 350 (A.B.161), § 2.) As noted in the Concurrence Analysis, the original threshold that was being amended by AB 161 was 50 dogs, lowered from 75 during the legislative process where the goal was a threshold high enough to include year-to-year large scale breeders who could incorporate the bill's provisions into their puppy placement process that would include provision and documentation of veterinary care to meet the requirements of the Act. Microchipping was not used routinely at those times, and breeders used tatoos to identify individual dogs.

Note, the original, first in the United States and most comprehensive breed specific preemption was enacted in 1989 by AB 428. As referenced in AB 2425 and to have been amended into the Polanco-Lockyer Pet Breeder Warranty Act, the amendment to the preemption law was by 2005 SB 681 and was not contemporaneous with the original Act nor the 2001 amendments.

**APPENDIX - CONCURRENCE IN SENATE AMENDMENTS**

AB 161 (Maddox)

As Amended July 17, 2001

Link to all 2001 AB 161 documents from

[http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=ab\\_161&sess=0102&house=A&author=maddox](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_161&sess=0102&house=A&author=maddox)

Current law as of 2024: AB 2425 amendments inserted in context:

**HEALTH AND SAFETY CODE - HSC**

**DIVISION 105. COMMUNICABLE DISEASE PREVENTION AND CONTROL [120100 - 122476]**

*( Division 105 added by Stats. 1995, Ch. 415, Sec. 7. )*

**PART 6. VETERINARY PUBLIC HEALTH AND SAFETY [121575 - 122395.2]**

*( Part 6 added by Stats. 1995, Ch. 415, Sec. 7. )*

**CHAPTER 5. Sale of Dogs and Cats [122045 - 122319.5]**

*( Chapter 5 added by Stats. 1995, Ch. 415, Sec. 7. )*

**ARTICLE 1. Sale of Dogs by Breeders [122045 - 122110]**

*( Article 1 added by Stats. 1995, Ch. 415, Sec. 7. )*

**122045.**

(a) This article shall be known and may be cited as the Polanco-Lockyer Pet Breeder Warranty Act.

(b) Every breeder of dogs shall comply with this article. As used in this article, "dog breeder," or "breeder" means 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.

b) Every breeder of dogs shall comply with this article. As used in this article, "dog breeder," or "breeder" means a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all or part of two or more litters or 10 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.

(c) For the purposes of this article, "purchaser" means any person who purchases a dog from a breeder.

(d) This article shall not apply to pet dealers regulated under Article 2 (commencing with Section 122125), or to publicly operated animal shelters, humane societies, or privately operated rescue organizations.

*(Amended by Stats. 2019, Ch. 7, Sec. 15. (AB 1553) Effective January 1, 2020.)*

### **122050.**

(a) Every breeder of dogs shall deliver to each purchaser of a dog a written disclosure containing all of the following:

(1) The breeder's name and address. If the breeder is a dealer licensed by the United States Department of Agriculture, the federal dealer identification number shall also be indicated.

(2) The date of the dog's birth and the date the breeder received the dog. If the dog is not advertised or sold as purebred, registered, or registerable, the date of birth may be approximated if not known by the breeder.

(3) The breed, sex, color, and identifying marks at the time of sale, if any. If the dog is from a United States Department of Agriculture licensed source, the individual identifying tag, tattoo, or collar number for that animal. If the breed is unknown or mixed, the record shall so indicate.

(4) If the dog is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known.

(5) A record of inoculations and worming treatments administered, if any, to the dog as of the time of sale, including dates of administration and the type of vaccine or worming treatment.

(6) A record of any veterinarian treatment or medication received by the dog while in the possession of the breeder and either of the following:

(A) A statement, signed by the breeder at the time of sale, that:

(i) The dog has no known disease or illness.

(ii) The dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of the sale or that is likely to adversely affect the health of the dog in the future.

(B) A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog at the time of sale, or that is likely to affect the health of the dog in the future, along with a statement signed by a veterinarian licensed in the State of California that authorizes the sale of the dog, recommends necessary treatment, if any, and verifies that the disease, illness, or condition does not require hospitalization or nonelective surgical procedures, nor is it likely to require hospitalization or nonelective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the dog clinically ill or is likely to make the dog clinically ill. The statement shall be valid for seven days following examination of the dog by the veterinarian.

(b) The written disclosure made pursuant to this section shall be signed by both the breeder certifying the accuracy of the statement, and by the purchaser of the dog acknowledging receipt of the statement.

(c) In addition, all medical information required to be disclosed pursuant to this section shall be made orally by the breeder to the purchaser.

(d) For purposes of this article, a disease, illness, or congenital or hereditary condition that adversely affects the health of the dog at the time of sale, or is likely to adversely affect the health of the dog in the future, shall be one that is apparent at the time of sale or that should have been known by the breeder from the history of veterinary treatment disclosed pursuant to this section.

(e) For the purpose of this article, "nonelective surgical procedure" means a surgical procedure that is necessary to preserve or restore the health of the dog, to prevent the dog from experiencing pain or discomfort, or to correct a condition that would otherwise interfere with the dog's ability to walk, run, jump, or otherwise function in a normal manner.

(f) For the purposes of this article, "clinically ill" means an illness that is apparent to a veterinarian based on observation, examination, or testing of the dog, or upon a review of the medical records relating to the dog.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

## **122055.**

A breeder shall maintain a written record on the health, status, and disposition of each dog for a period of not less than one year after disposition of the dog. The record shall also include all of the information that the breeder is required to disclose pursuant to Section 122050.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

## **AB 2425 SEC. 4**

REFERENCE INTEGRATED TEXT OF 2024 CA AB 2425 (HELD IN FIRST POLICY COMMITTEE, 4/16/2024) AMENDING POLANCO-LOCKYER PET BREEDER WARRANTY ACT

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SEC. 4.

Section 122045 of the Health and Safety Code is amended to read:

122045.

(a) This article shall be known and may be cited as the Polanco-Lockyer Pet Breeder Warranty Act.

(b) Every breeder of dogs shall comply with this article. As used in this article, "dog breeder," or "breeder" means a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all or part of three two or more litters or 20 10 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.

(c) For purposes of this article, "purchaser" means a person who purchases a dog from a breeder.

(d) This article does not apply to pet dealers regulated under the Lockyer-Polanco-Farr Pet Protection Act (Article 2 (commencing with Section 122125)), or to publicly operated animal shelters, humane societies, or privately operated rescue organizations.

**AB 2425 SEC. 5.**

Section 122055 of the Health and Safety Code is amended to read:

**122055.**

(a) (1) A breeder shall maintain a written record on the health, status, and disposition of each dog for a period of not less than one year after disposition of the dog. The record shall also include all of the information that the breeder is required to disclose pursuant to Section 122050.

(2) A breeder shall, before a dog reaches eight weeks of age, have a microchip device implanted in the dog that identifies the breeder unless a licensed veterinarian determines the dog is medically unfit for the microchipping procedure because the animal has a physical condition that would be substantially aggravated by the procedure. Upon the sale or transfer of the dog, the breeder shall register the identity of the new owner with the microchip registry company as the primary owner on the microchip device.

(3) The breeder shall provide information on the transference of ownership, including the microchip company information, the microchip number and any other relevant identifiers, and any other information necessary for a new owner to subsequently update the microchip registration as necessary.

(b) A dog shall not be sold or otherwise transferred by a breeder, whether for compensation or otherwise, until it has been immunized against common diseases and has a documented health check from a licensed veterinarian.

**122060.**

Except as provided for in paragraph (6) of subdivision (a) of Section 122050, no breeder shall knowingly sell a dog that is diseased, ill or has a condition, any one of which that requires hospitalization or nonelective surgical procedures. In lieu of the civil penalties imposed pursuant to Section 122110, any breeder who violates this section shall be subject to a civil penalty of up to one thousand dollars (\$1,000), or

shall be prohibited from selling dogs for up to 30 days, or both. If there is a second offense, the breeder shall be subject to a civil penalty of up to two thousand five hundred dollars (\$2,500), or a prohibition from selling dogs for up to 90 days, or both. For a third offense, the breeder shall be subject to a civil penalty of up to five thousand dollars (\$5,000), or a prohibition from selling dogs for up to six months, or both. For a fourth and subsequent offense, the breeder shall be subject to a civil penalty of up to ten thousand dollars (\$10,000) or a prohibition from selling dogs for up to one year, or both. For the purpose of this section, a violation that occurred over five years prior to the most recent violation shall not be considered.

An action for recovery of the civil penalty and for a court order enjoining the breeder from engaging in the business of selling dogs at retail for the period set forth in this section, may be prosecuted by the district attorney for the county in which the violation occurred, or the city attorney for the city in that the violation occurred, in the appropriate court.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

#### **122065.**

It shall be unlawful for a breeder to fail to do any of the following:

- (a) Maintain facilities where the dogs are kept in a sanitary condition.
- (b) Provide dogs with adequate nutrition and potable water.
- (c) Provide adequate space appropriate to the age, size, weight, and breed of dog. For purposes of this subdivision, "adequate space" means sufficient space for the dog to stand up, sit down, and turn about freely using normal body movements, without the head touching the top of the cage, and to lie in a natural position.
- (d) Provide dogs with a rest board, floormat, or similar device that can be maintained in a sanitary condition.
- (e) Provide dogs with adequate socialization and exercise. For the purpose of this article, "socialization" means physical contact with other dogs and with human beings.
- (f) Wash hands before and after handling each infectious or contagious dog.
- (g) Provide veterinary care without delay when necessary.

*(Amended by Stats. 2001, Ch. 350, Sec. 2. Effective January 1, 2002.)*

#### **122065.5.**

It shall be unlawful for a breeder to primarily house a dog on wire flooring.

*(Added by Stats. 2001, Ch. 350, Sec. 3. Effective January 1, 2002.)*

#### **122070.**

- (a) If a licensed veterinarian states in writing that within 15 days after the purchaser has taken physical possession of a dog following the sale by a breeder, the dog has become ill due to any illness or disease that existed in the dog on or before delivery of the dog to the purchaser, or, if within one year after the purchaser has taken physical possession of the dog after the sale by a breeder, a

veterinarian licensed in this state states in writing that the dog has a congenital or hereditary condition that adversely affects the health of the dog, or that requires, or is likely in the future to require, hospitalization or nonelective surgical procedures, the dog shall be considered unfit for sale, and the breeder shall provide the purchaser with any of the following remedies that the purchaser elects:

(1) Return the dog to the breeder for a refund of the purchase price, plus sales tax, and reimbursement for reasonable veterinary fees for diagnosis and treating the dog in an amount not to exceed the original purchase price of the dog, including sales tax.

(2) Exchange the dog for a dog of the purchaser's choice of equivalent value, providing a replacement dog is available, and receive reimbursement for reasonable veterinary fees for diagnosis and treating the dog in an amount not to exceed the original purchase price of the dog, plus sales tax on the original purchase price of the dog.

(3) Retain the dog, and receive reimbursement for reasonable veterinary fees for diagnosis and treating the dog in an amount not to exceed 150 percent of the original purchase price of the dog, plus sales tax.

(b) If the dog has died, regardless of the date of death of the dog, obtain a refund for the purchase price of the dog, plus sales tax, or a replacement dog of equivalent value of the purchaser's choice, and reimbursement for reasonable veterinary fees for diagnosis and treatment of the dog in an amount not to exceed the purchase price of the dog, plus sales tax, if any of the following conditions exist:

(1) A veterinarian, licensed in this state, states in writing that the dog has died due to an illness or disease that existed within 15 days after the purchaser obtained physical possession of the dog after the sale by a breeder.

(2) A veterinarian, licensed in this state, states in writing that the dog has died due to a congenital or hereditary condition that was diagnosed by the veterinarian within one year after the purchaser obtained physical possession of the dog after the sale by a breeder.

*(Amended by Stats. 2006, Ch. 538, Sec. 445. Effective January 1, 2007.)*

#### **122075.**

(a) There shall be a rebuttable presumption that an illness existed at the time of sale if the animal dies within 15 days of delivery to the purchaser.

(b) For purposes of Section 122070, a finding by a veterinarian of intestinal or external parasites shall not be grounds for declaring a dog unfit for sale unless their presence makes the dog clinically ill or is likely to make the dog clinically ill.

(c) For purposes of Section 122070, the value of veterinary services shall be deemed reasonable if the services rendered are appropriate for the diagnosis and treatment of illness or congenital or hereditary condition made by the veterinarian and the value of the services is comparable to the value of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

**122080.**

To obtain the remedies provided for in Section 122070, the purchaser shall substantially comply with all of the following requirements:

- (a) Notify the breeder as soon as possible but no later than five days of the diagnosis by a veterinarian licensed in this state of a medical or health problem, including a congenital or hereditary condition and of the name and telephone number of the veterinarian providing the diagnosis.
- (b) Return the dog to the breeder, in the case of illness or congenital or hereditary condition, along with a written statement from a veterinarian licensed in this state, stating the dog to be unfit for purchase due to illness, a congenital or hereditary condition, or the presence of symptoms of a contagious or infectious disease, that existed on or before delivery of the dog to the purchaser, and that adversely affects the health of the dog. The purchaser shall return the dog along with a copy of the veterinarian's statement as soon as possible but no later than five days of receipt of the veterinarian's statement.
- (c) Provide the breeder, in the event of death, with a written statement from a veterinarian licensed in this state stating that the dog died from an illness that existed on or before the delivery of the dog to the purchaser. The presentation of the statement shall be sufficient proof to claim reimbursement or replacement and the return of the deceased dog to the breeder shall not be required.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

**122085.**

No refund, replacement, or reimbursement of veterinary fees shall be made under Section 122070 if any of the following conditions exist:

- (a) The illness, condition, or death resulted from maltreatment or neglect or from an injury sustained or an illness or condition contracted subsequent to the delivery of the dog to the purchaser.
- (b) The purchaser fails to carry out the recommended treatment prescribed by the examining veterinarian who made the initial diagnosis. However, this subdivision shall not apply if the cost for the treatment together with the veterinarian's fee for the diagnosis would exceed the purchase price of the dog, plus sales tax.
- (c) A veterinarian's statement was provided to the purchaser pursuant to subparagraph (B) of paragraph (6) of subdivision (a) of Section 122050 that disclosed the disease, illness, or condition for which the purchaser seeks to return the dog. However, this subdivision shall not apply if, within one year after the purchaser took physical possession of the dog, a veterinarian licensed in this state states in writing that the disease, illness, or condition requires, or is likely in the future to require, hospitalization or nonelective surgical procedures or that the disease, illness, or condition resulted in the death of the dog.



(d) The purchaser refuses to return to the breeder all documents previously provided to the purchaser for the purpose of registering the dog. This subdivision shall not apply if the purchaser signs a statement certifying that the documents have been inadvertently lost or destroyed.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

#### **122090.**

(a) The veterinarian's statement pursuant to Section 122070 shall contain all of the following information:

(1) The purchaser's name and address.

(2) The date or dates the dog was examined.

(3) The breed and age of the dog, if known.

(4) That the veterinarian examined the dog.

(5) That the dog has or had disease, illness, or a hereditary or congenital condition, as described in Section 122050 that renders it unfit for purchase or resulted in its death.

(6) The precise findings of the examination or necropsy, including laboratory results or copies of laboratory reports.

(b) If a refund for reasonable veterinary expenses is being requested, the veterinarian's statement shall be accompanied by an itemized bill of fees appropriate for the diagnosis and treatment of the illness or congenital or hereditary condition.

(c) Refunds and payment of reimbursable expenses provided for in Section 122070 shall be paid, unless contested, by the breeder to the purchaser not later than 10 business days following receipt of the veterinarian's statement required by Section 122070 or, where applicable, not later than 10 business days after the date on that the dog is returned to the breeder.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

#### **122095.**

(a) In the event that a breeder wishes to contest a demand for any of the remedies specified in Section 122070, the breeder may, except in the case of the death of the dog, require the purchaser to produce the dog for examination by a licensed veterinarian designated by the breeder. The breeder shall pay the cost of this examination.

(b) If the purchaser and the breeder are unable to reach an agreement within 10 business days following receipt by the breeder of the veterinarian's statement



pursuant to Section 122070, or following receipt of the dog for examination by a veterinarian designated by the breeder, whichever is later, the purchaser may initiate an action in a court of competent jurisdiction to resolve the dispute or the parties may submit to binding arbitration if mutually agreed upon by the parties in writing.

(c) The prevailing party in the dispute shall have the right to collect reasonable attorney's fees if the other party acted in bad faith in seeking or denying the requested remedy.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

### **122100.**

Every breeder that sells a dog shall provide the purchaser at the time of sale, and a prospective purchaser upon request, with a written notice of rights, setting forth the rights provided for under this section. The notice shall be contained in a separate document. The written notice of rights shall be in 10-point type. A copy of the written notice of rights shall be signed by the purchaser acknowledging that he or she has reviewed the notice. The notice shall state the following:

"A STATEMENT OF CALIFORNIA LAW GOVERNING THE SALE OF DOGS

The sale of dogs is subject to consumer protection regulation. In the event that a California licensed veterinarian states in writing that your dog is unfit for purchase because it became ill due to an illness or disease that existed within 15 days following delivery to you, or within one year in the case of congenital or hereditary condition, you may choose one of the following:

- (1) Return your dog and receive a refund of the purchase price, plus sales tax, and receive reimbursement for reasonable veterinarian fees up to the cost of the dog, plus sales tax.
- (2) Return your dog and receive a dog of your choice of equivalent value, providing a replacement dog is available, and receive reimbursement for reasonable veterinarian fees up to the cost of the dog, plus sales tax.
- (3) Keep the dog and receive reimbursement for reasonable veterinarian fees up to 150 percent of the original purchase price of the dog plus sales tax on the original purchase price of the dog.

In the event your dog dies, you may receive a refund for the purchase price of the dog, plus sales tax, or a replacement dog of your choice, of equivalent value, and reimbursement for reasonable veterinary fees for the diagnosis and treatment of the dog, if a veterinarian, licensed in this state, states in writing that the dog has died due to an illness or disease that existed within 15 days after the purchaser obtained physical possession of the dog after the sale by a dog breeder, or states that the dog has died due to a congenital or hereditary condition that was diagnosed by the veterinarian within one year after the purchaser obtained physical

possession of the dog after the sale by a dog breeder. These fees may not exceed the purchase price of the dog, plus sales tax.

In order to exercise these rights, you must notify the dog breeder as quickly as possible but no later than five days after learning from your veterinarian that a problem exists. You must tell the dog breeder about the problem and give the dog breeder the name and telephone number of the veterinarian providing the diagnosis.

If you are making a claim, you must also present to the dog breeder a written veterinary statement, in a form prescribed by law, that the animal is unfit for purchase and an itemized statement of all veterinary fees related to the claim. This information must be presented to the dog breeder no later than five days after you have received the written statement from the veterinarian.

In the event that the dog breeder wishes to contest the statement or the veterinarian's bill, the dog breeder may request that you produce the dog for examination by a licensed veterinarian of the dog breeder's choice. The dog breeder shall pay the cost of this examination.

In the event of death, the deceased dog need not be returned to the dog breeder if you submit a statement issued by a licensed veterinarian stating the cause of death.

If the parties cannot resolve the claim within 10 business days following receipt of the veterinarian statement or the examination by the dog breeder's veterinarian, whichever event occurs later, you may file an action in a court of competent jurisdiction to resolve the dispute. If a party acts in bad faith, the other party may collect reasonable attorney's fees. If the dog breeder does not contest the matter, the dog breeder must make the refund or reimbursement no later than 10 business days after receiving the veterinary certification.

This statement is a summary of key provisions of the consumer remedies available. California law also provides safeguards to protect dog breeders from abuse. If you have questions, obtain a copy of the complete relevant statutes.

This notice shall be contained in a separate document. The written notice shall be in 10-point type. The notice shall be signed by the purchaser acknowledging that he or she has reviewed the notice. The dog breeder shall permit persons to review the written notice upon request.

NOTE: This disclosure of rights is a summary of California law. The actual statutes are contained in Article 1 (commencing with Section 122045) of Chapter 5 of Part 6 of Division 105 of the Health and Safety Code."

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

## **122105.**

Nothing in this article shall in any way limit the rights or remedies that are otherwise available to a consumer under any other law. Nor shall this article in any way limit the breeder and the purchaser from agreeing between themselves upon additional terms and conditions that are not inconsistent with this article. However,

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any agreement or contract by a purchaser to waive any rights under this article shall be null and void and shall be unenforceable.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

**122110.**

(a) Except as otherwise specified herein, any person violating any provision of this article other than Section 122060 shall be subject to civil penalty of up to one thousand dollars (\$1,000) per violation. An action may be prosecuted in the name

of the people of the State of California by the district attorney for the county where the violation occurred in the appropriate court or by the city attorney in the city where the violation occurred.

(b) Nothing in this article limits or authorizes any act or omission that violates Section 597 I of the Penal Code.

*(Added by Stats. 1995, Ch. 415, Sec. 7. Effective January 1, 1996.)*

**SEC. 6.**

Section 122111 is added to the Health and Safety Code, to read:

**122111.**

This article does not prohibit a city or county from adopting or enforcing a more restrictive breed-specific ordinance pursuant to Section 122331.

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**ADDITIONAL REFERENCE – FINDINGS FOR THE HEALTH & SAFETY CODE WITH CODE SECTION THAT WOULD HAVE BEEN REFERENCED IN THE AMENDMENT TO THE STATUTE. THESE FINDINGS, NEVER MENTIONED, REVEAL THE REASON FOR AGAIN ENCOURAGING THESE TYPES OF ORDINANCES THAT QUICKLY FELL OUT OF FAVOR AND RESULTED INSTEAD ENACTING IN ORDINANCES APPLYING TO ALL DOGS AND SOMETIMES CATS, ADDING NEW REQUIREMENTS/BURDENS FOR INTACT OWNERS.**

**CHAPTER 7. Spay/Neuter and Breeding Programs for Animals [122330 - 122331]**

*( Chapter 7 added by Stats. 2005, Ch. 668, Sec. 2. )*

**122330.**

The Legislature finds and declares all of the following:

(a) Uncontrolled and irresponsible breeding of animals contributes to pet overpopulation, inhumane treatment of animals, *mass euthanasia at local shelters,*

and escalating costs for animal care and control; this irresponsible breeding also contributes to the production of defective animals that present a public safety risk. (b) Though no specific breed of dog is inherently dangerous or vicious, the growing pet overpopulation and lack of regulation of animal breeding practices necessitates a repeal of the ban on breed-specific solutions and a more immediate alternative to existing laws.

(c) It is therefore the intent of the Legislature in enacting this chapter to permit cities and counties to take appropriate action aimed at eliminating uncontrolled and irresponsible breeding of animals

*(Added by Stats. 2005, Ch. 668, Sec. 2. Effective January 1, 2006.)*

NOTE: would have been included in a new section number of the ACT by the section number 122111 only.

### 122331.

(a) Cities and counties may enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.

(b) Jurisdictions that implement programs described in subdivision (a) shall measure the effect of those programs by compiling statistical information on dog bites. The information shall, at a minimum, identify dog bites by severity, the breed of the dog involved, whether the dog was altered, and whether the breed of dog was subject to a program established pursuant to subdivision (a). These statistics shall be submitted quarterly to the State Public Health Veterinarian.

*(Added by Stats. 2005, Ch. 668, Sec. 2. Effective January 1, 2006.)*

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### APPENDIX - CONCURRENCE IN SENATE AMENDMENTS

AB 161 (Maddox)

As Amended July 17, 2001

[http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=ab\\_161&sess=0102&house=A&author=maddox](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_161&sess=0102&house=A&author=maddox)

All AB 161 links, aged off current legislative portal.

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CONCURRENCE IN SENATE AMENDMENTS  
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As Amended July 17, 2001  
Majority vote

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ASSEMBLY:	47-17	(April 5, 2001)	SENATE:
			21-13
			(August 27,
			2001)
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Original Committee Reference: B. & P.

SUMMARY : Expands the definition of "dog breeder" and adds requirements pertaining to housing and maintaining dogs by breeders. Specifically, this bill :

- 1) Broadens the definition of dog breeder to include a person or entity who sells, transfers or gives away all or part of three or more litters, or 20 or more dogs during the preceding 12 months (rather than 50 or more dogs).
- 2) Requires breeders to socialize (maintain physical contact) dogs with both dogs and humans (rather than with dogs or humans).
- 3) Prohibits breeders from housing dogs on wire flooring.

The Senate amendments :

- 1) Revise the Assembly version of this bill regarding the definition of dog breeder by specifying that a dog breeder is a person or entity who sells, transfers or gives away all or part of three or more litters, or 20 or more dogs during the preceding 12 months.
- 1) Make technical and clarifying changes.

EXISTING LAW :

- 1) Defines the terms "dog breeder" and "breeder" to mean a person or entity that has sold, transferred, or given away 50 or more dogs during the preceding calendar year that were bred and reared on the premises of the person or entity.
- 2) Requires breeders to provide purchasers with specified written

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information about the dog, including a signed statement that the dog has no known disease, illness, or congenital or

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hereditary condition that adversely affects the dog's health.

- 3) Imposes various penalties on breeders who knowingly sell a dog that is diseased, ill or has a condition that requires hospitalization or nonelective surgery. The penalties include fines ranging up to \$10,000.
- 4) Provides remedies for a purchaser in cases where a breeder has sold an ill or diseased dog.
- 5) Requires breeders to socialize dogs with either humans or other dogs.
- 6) Provides that dogs housed on wire flooring must have a rest board, floormat or similar device that can be maintained in a sanitary condition.

AS PASSED BY THE ASSEMBLY , this bill:

- 1) Broadened the definition of dog breeder to include a person or entity that sells, transfers or gives away two or more litters (rather than 50 or more dogs).
- 2) Required breeders to socialize (maintain physical contact) dogs with both dogs and humans (rather than with dogs or humans).
- 3) Prohibited breeders from housing dogs on wire flooring.

FISCAL EFFECT : No direct state fiscal effect because breeder violations are prosecuted by district attorneys and city attorneys. Enforcement authority primarily is at the local level.

COMMENTS : The primary purpose of this bill is to broaden the application of the Polanco-Lockyer Pet Breeder Warranty Act in order to regulate more dog breeders. According to the author, "With the tremendous number of animals being bred (including many dogs prone to vicious attacks), it is important that people be responsible breeders." In addition, this bill requires breeders to ensure the socialization of dogs with both humans and dogs. According to the sponsor, the Fund for Animals, Inc. (Fund), socialization is important "for dogs to be welcome in

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our society. Animals who are not socialized very early in life suffer for it later." Finally, this bill prohibits breeders from housing dogs on wire flooring because, according to the

REFERENCE INTEGRATED TEXT OF 2024 CA AB 2425 (HELD IN FIRST POLICY COMMITTEE,  
4/16/2024) AMENDING POLANCO-LOCKYER PET BREEDER WARRANTY ACT

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Fund, while wire cages may be reasonable for pet shops where space dictates housing in cages, "there is no reason for it by breeders who should be housing animals in their homes or in kennels."

Opponents argue that local government efforts to enforce this bill's broadened definition of "breeder" would deflect limited animal control resources, including dealing with animal bites and leash laws. Opponents also question the basic enforceability of determining when three litters have been produced as opposed to a fixed number of dogs as contained in current law. Moreover, opponents question the logic and fairness of basing a definition on litters rather than a fixed number because different types of dogs produce significantly different size litters (e.g., a Pomeranian may produce one or two dogs per litter while a Saint Bernard may produce 20 dogs in a litter). Further, opponents argue that a substantial proportion of people who would be affected by this bill are hobbyists, who often operate at a monetary loss, rather than true breeders who are in the business to make a profit. Opponents contend that such hobbyists and show breeders generally are complying with animal care standards applicable to dog breeders, and the cost of extending laws concerning the sale of dogs to these individuals will produce little benefit in animal welfare.

Analysis Prepared by : Chris Gallardo / B. & P. / (916) 319-3301

FN: 0002342

BILL ANALYSIS

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Date of Hearing: March 20, 2001

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS  
Lou Correa, Chair  
AB 161 (Maddox) - As Introduced: January 31, 2001



REFERENCE INTEGRATED TEXT OF 2024 CA AB 2425 (HELD IN FIRST POLICY COMMITTEE,  
4/16/2024) AMENDING POLANCO-LOCKYER PET BREEDER WARRANTY ACT

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SUBJECT : Dog breeders.

SUMMARY : Expands the definition of "dog breeder" and adds requirements pertaining to housing and maintaining dogs by breeders. Specifically, this bill :

- 1) Broadens the definition of "dog breeder" to include a person or entity that sells, transfers or gives away two or more litters (rather than 50 or more dogs).
- 2) Requires breeders to socialize (maintain physical contact) dogs with both dogs and humans (rather than with dogs or humans).
- 3) Prohibits breeders from housing dogs on wire flooring.

EXISTING LAW :

- 1) Defines the terms "dog breeder" and "breeder" to mean a person or entity that has sold, transferred, or given away 50 or more dogs during the preceding calendar year that were bred and reared on the premises of the person or entity.
- 2) Requires breeders to provide purchasers with specified written information about the dog, including a signed statement that the dog has no known disease, illness, or congenital or hereditary condition that adversely affects the dog's health.
- 3) Imposes various penalties on breeders who knowingly sell a dog that is diseased, ill or has a condition that requires hospitalization or nonelective surgery. The penalties include fines ranging up to \$10,000.
- 4) Provides remedies for a purchaser in cases where a breeder has sold an ill or diseased dog.
- 5) Requires breeders to socialize dogs with either humans or other dogs.

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- 6) Provides that dogs housed on wire flooring must have a rest board, floormat or similar device that can be maintained in a sanitary condition.

FISCAL EFFECT : No direct state fiscal effect because breeder violations are prosecuted by district attorneys and city

REFERENCE INTEGRATED TEXT OF 2024 CA AB 2425 (HELD IN FIRST POLICY COMMITTEE,  
4/16/2024) AMENDING POLANCO-LOCKYER PET BREEDER WARRANTY ACT

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attorneys. Enforcement authority primarily is at the local level.

This bill is keyed as non-fiscal and will not be referred to the Assembly Appropriations Committee.

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COMMENTS :

- 1) The primary purpose of the bill is to broaden the application of the Polanco-Lockyer Pet Breeder Warranty Act in order to regulate more dog breeders. According to the author, "With the tremendous number of animals being bred (including many dogs prone to vicious attacks), it is important that people be responsible breeders." In addition, the bill requires breeders to ensure the socialization of dogs with both humans and dogs. According to the Fund for Animals, Inc. (sponsor), socialization is important "for dogs to be welcome in our society. Animals who are not socialized very early in life suffer for it later." Finally, the bill prohibits breeders from housing dogs on wire flooring because, according to the Fund for Animals, Inc., while wire cages may be reasonable for pet shops where space dictates housing in cages, "there is no reason for it by breeders who should be housing animals in their homes or in kennels."
- 2) Opponents argue that local government efforts to enforce the bill's broadened definition of "breeder" would deflect limited animal control resources, including dealing with animal bites and leash laws. Opponents also question the basic enforceability of determining when two litters have been produced as opposed to a fixed number of dogs as contained in current law. Moreover, opponents question the logic and fairness of basing a definition on litters rather than a fixed number because different types of dogs produce significantly different size litters (e.g., a Pomeranian may produce one or two dogs per litter while a Saint Bernard may produce 20 dogs in a litter). Further, opponents argue that a substantial proportion of people who would be affected by the bill are hobbyists, who often operate at a monetary loss, rather than true breeders who are in the business to make a profit.
- 3) Two related bills were introduced during the 1997-98 legislative session. SB 621 (Rosenthal) was never heard. SB 2102 (Rosenthal) failed passage in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development. SB 2102 was substantially more comprehensive and contained a number of provisions not included in the current AB 161.

REGISTERED SUPPORT / OPPOSITION :

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Support

The Fund for Animals, Inc. (sponsor)  
Action for Animals  
Actors and Others for Animals  
Animal Issues Movement  
Animal Legislative Action Network  
California Federation for Animal Legislation  
California Veterinary Medical Association (support - if amended)  
Contra Costa Humane Society  
Doris Day Animal League  
Pets in Need  
United Activists for Animal Rights  
Numerous Individuals

Opposition

American Dog Owners Association, Inc.  
Animal Council  
Associated Obedience Clubs of Northern California  
The Cat and Dog Rescue Association  
Cat Fanciers' Association, Inc.  
Milagra Kennels  
National Pet Alliance  
Sacramento Dog Training Club  
Sacramento-Sierra Norwegian Elkhound Club, Inc.  
San Francisco Dog Training Club, Inc.  
Shiba Inu Fanciers of Northern California  
Urban Pet Coalition  
Numerous Individuals

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Analysis Prepared by : Chris Gallardo / B. & P. / (916)  
319-3301