
**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Angelique Ashby, Chair
2023 - 2024 Regular

Bill No:	AB 1988	Hearing Date:	June 3, 2024
Author:	Muratsuchi		
Version:	January 30, 2024		
Urgency:	No	Fiscal:	Yes
Consultant:	Elissa Silva		

Subject: Stray animals: availability for adoption or release

SUMMARY: Authorizes puppies or kittens relinquished by their owner to a public or private animal shelter to be immediately available to a nonprofit, animal rescue, or animal adoption organization, as specified.

Existing law:

- 1) Sets the minimum holding period for an impounded stray cat or dog to six business days, with specified exceptions. (FAC §§ 31108 (a)(1); 31752 (a)(1))
- 2) Prohibits a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from selling or giving away to a new owner any dog or cat that has not been spayed or neutered, unless exempted for specified healthcare purposes, in a county that has a population exceeding 100,000 persons and to cities within that county. (FAC §§ 30503(a), 31751.3(a))
- 3) Requires a public animal control agency or shelter to microchip a cat or dog with current information before releasing a cat or dog to an owner seeking to reclaim the animal, adopt out, sell, or rehome to a new owner. Allows a shelter or rescue group that does not have microchipping capability on location to enter into an agreement with the owner or new owner to present proof, within 30 days, that the cat or dog is microchipped. (Food and Agriculture Code (FAC) §§ 31108.3; 31752.1)
- 4) States that animals irremediably suffering from a serious illness or injury are not to be held for owner redemption or adoption, and newborn animals that need maternal care and have been impounded without their mothers may be euthanized without being held for owner redemption unless the animal can be released to a nonprofit prior to euthanasia, as specified. (FAC § 17006)

This bill:

- 1) Authorizes puppies or kittens relinquished by their owner to a public or private animal shelter to be immediately available to a nonprofit, animal rescue or animal adoption organization in addition to be immediately available for adoption.
- 2) Makes other minor technical changes.

FISCAL EFFECT: This bill is keyed fiscal. According to the Assembly Committee on Appropriations, this bill will not result in state costs.

COMMENTS:

1. **Purpose.** The American Society for the Prevention of Cruelty to Animals (ASPCA) is the sponsor of this bill. According to the author, “Additional language is needed to clarify that kittens and puppies surrendered by their owners may also be released to nonprofit rescue and or adoption groups.”

2. **Background.**

Hayden Law. In 1998, the Legislature passed SB 1785 (Hayden, Chapter 752, Statutes of 1998) which, at the time, aimed to reduce the euthanasia rate in California. SB 1785, often referred to as “Hayden Law” created the State of California’s policy “that no adoptable animal should be euthanized if it can be adopted into a suitable home” and “that no treatable animal should be euthanized.” The Hayden Law specified that shelters are to hold animals for a minimum of four to six days intended to give owners a chance to reclaim their pets or find animals a new home. Much of the Hayden law has not been effectively implemented due to fiscal challenges, which has resulted in the inability of shelters to fully comply with all aspects of the law. In 2001, the Commission on State Mandates determined that large portions of the Hayden Law needed to be suspended because the state was not reimbursing shelters for the additional cost of holding animals longer than current law allowed. The findings and declarations included in SB 1785 stated *that public and private shelters and humane groups should work together to end euthanasia of adoptable and treatable animals by 2010*. Although challenges remain will full implementation of Hayden law today, legislative efforts aim to reduce animal deaths through euthanasia at shelters.

AB 2791, (Muratsuchi, Chapter 194, Statutes of 2018) permitted newborn animals needing maternal care as well as puppies and kittens under eight weeks of age who are reasonably believed to be unowned and impounded by a public or private shelter, to be eligible for release to a qualifying nonprofit animal rescue or adoption organization upon request prior to being euthanized. Current law authorizes newborn animals that need maternal care who are impounded without their animal mother to be euthanized, unless a qualifying nonprofit seeks to obtain the animal. If no such nonprofit can take the animal, then the shelters are still authorized to euthanize the animal without being held for owner redemption or adoption.

In addition, in an effort to help move kittens out of shelters more swiftly without the required waiting period, AB 1565 (Quirk, Chapter 8, Statutes of 2019), authorized shelters to make a kitten under eight weeks of age that is believed to be unowned to be available for adoption immediately, instead of the required holding period.

Specifically, the sponsors note that lack of clarity in current law surrounding whether puppies and kittens *surrendered by their owner* can be immediately *transferred to a rescue* (rather than made available for adoption). This confusion led to delays in facilitating transfers from county shelters. As such, this bill seeks to grant public

shelters the clear, express authority to immediately transfer puppies and kittens surrendered by their owner to animal rescue organizations and nonprofits.

3. **Related Legislation.** AB 1565 (Quirk, Chapter 8, Statutes of 2019) permits a puppy or kitten that is reasonably believed to be unowned and is impounded in a shelter to be immediately made available for adoption.

AB 2791 (Muratsuchi, Chapter 194, Statutes of 2018) allows newborn animals that need maternal care, as well as puppies and kittens under eight weeks of age that are reasonably believed to be unowned, that have been impounded by a public or private shelter, to be eligible for release to a qualifying nonprofit animal rescue or adoption organization upon request prior to being euthanized.

AB 2445 (O'Donnell, Chapter 145, Statutes of 2018) requires a pet store selling an animal obtained from an animal shelter to maintain health and other records for a minimum of two years and to make these records available to law enforcement, animal control, or purchasers of the animal during normal business hours. Requires the pet store to make the veterinary medical records available to the purchaser and provide information as to the terms and conditions under which the animal will be eligible for veterinary care covered by the pet store.

AB 485 (O'Donnell, Chapter 745, Statutes of 2017) prohibits 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.

SB 1785 (Hayden, Chapter 752, Statutes of 1998) specified the duties and responsibilities of public and private animal shelters and how shelters are to handle and process stray and homeless animals, and specified certain holding periods for animals held at their facility.

4. **Arguments in Support.** The American Society for the Prevention of Cruelty to Animals writes in support, "AB 1988 is a straightforward bill that fixes this discrepancy, clarifying that, as with puppies and kittens turned in as strays under eight weeks of age, puppies and kittens surrendered by their owner may be immediately released to a trusted rescue partner to be adopted, and has so far enjoyed unanimous, bipartisan support. This bill will help, even if in a small way, ensure that precious shelter space is available when needed and that puppies and kittens surrendered by their owner may find a home as swiftly as possible."

SUPPORT AND OPPOSITION:

Support:

American Society for the Prevention of Cruelty to Animals

Opposition:

None received

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