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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2023 - 2024 Regular Session

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### AB 2248 (Maienschein) - Contracts: sales of dogs and cats

**Version:** June 20, 2024

**Policy Vote:** B., P. & E.D. 13 - 0, JUD. 10  
- 0

**Urgency:** No

**Mandate:** No

**Hearing Date:** August 5, 2024

**Consultant:** Janelle Miyashiro

**Bill Summary:** AB 2248 prohibits and makes void contracts for the sale of a dog or cat that require a nonrefundable deposit and do not identify the original source of the animal, including the breeder. AB 2248 also authorizes a buyer harmed by a violation to bring a civil action against any person in violation of the provisions of this bill.

**Fiscal Impact:** Unknown, potentially significant workload cost pressures to the courts to adjudicate alleged violations of this measure (Trial Court Trust Fund, General Fund).

**Background:** AB 485 (O'Donnell Chapter 740, Statutes of 2017) prohibited a pet store operator from selling a live cat, dog, or rabbit in a pet store unless the animal was obtained from a public animal control agency or shelter, a specified nonprofit, or an animal rescue organization beginning January 1, 2019. The impetus for AB 485 was to help address both overcrowding in California animal shelters and animal sourcing from out-of-state "puppy mills" or "kitten factories." While AB 485 addressed retail sales in traditional retail storefronts, it did not affect did not affect purchasing pets from out-of-state pet stores, through an on-line marketplace, or from any breeders in this state or outside of California.

#### Proposed Law:

- Makes void, as against public policy, a contract entered into on or after January 1, 2025, to transfer ownership of a dog or cat that is offered, negotiated, brokered, or otherwise arranged by a broker and where the buyer is located in California, if any of the following circumstances apply:
  - The contract requires a nonrefundable deposit.
  - The contract does not identify the original source of the dog or cat, including, but not limited to, the breeder.
- Requires a contract entered into on or after January 1, 2025 between a broker and buyer who is located in California to include the following information:
  - The broker is required to disclose the original source of the dog or cat involved in the contract.
  - The broker is prohibited from requiring a nonrefundable deposit.

- Requires a seller to refund money to a buyer within 30 days of receiving notice that the contract is void if that money has been exchanged pursuant to a contract that is void.
- Prohibits a person from offering a contract that contains terms in violation of the provisions of this bill.
- Authorizes a person who offers a contract that contains terms in violation of the provisions of this bill to be enjoined by any court of competent jurisdiction.
- Allows a buyer harmed by a violation to print a civil action against any person in violation of the provisions of this bill.
  - Provides that a prevailing plaintiff in an action shall be entitled to reasonable attorney's fees and costs.
- Provides that nothing in this bill shall be construed to limit a contract for the transfer of ownership of an animal trained as a service animal or a police dog, as defined.
- Defines a "broker" as a person who buys, sells, or offers to sell dogs or cats for resale to another person or entity.

**Staff Comments:** The fiscal impact of this bill to the courts will depend on many unknown factors, including the numbers of violations alleged to have occurred, if parties are able to settle the matter before the filing of an action, and the factors unique to each case. It generally costs about \$1,000 to operate a courtroom for one hour. Therefore, if actions are filed as a result of this bill that take 50 or more hours of court involvement, the cost pressures of this measure to the courts would surpass this committee's Suspense File threshold. Although courts are not funded on the basis of workload, increased staff time and resources may create a need for increased funding for courts from the General Fund (GF) to perform existing duties. Numerous trial court operations are funded through the imposition and collection of criminal fines and fees. However, the Legislature has reduced and eliminated criminal fines and fees over the past decade.

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