

AMENDED IN ASSEMBLY APRIL 17, 2017

AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1138

Introduced by Assembly Member Maienschein

February 17, 2017

An act to add Section 17531.2 to the Business and Professions Code, relating to the sale of pets.

LEGISLATIVE COUNSEL'S DIGEST

AB 1138, as amended, Maienschein. Sale of cats or dogs.

Existing law regulates the sale of dogs and cats in this state, including provisions governing the retail sale of dogs and cats.

This bill would make it unlawful for specified people and entities, in specified mediums, to advertise, call attention to, or give publicity to the sale or transfer of a dog or cat for ~~which, among other things, the advertised dog or cat is not actually available for purchase by the public, pictures or descriptions of the dog or cat are not of the dog or cat actually available for purchase,~~ *which the statements about or pictures of the dog or cat are made or presented without the actual intent to sell or offer the exact dog or cat advertised or the statements about the dog or cat being advertised or offered for sale are known to be untrue or misleading.* The bill would make a violation of these provisions a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$2,500, or by both that imprisonment and fine.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17531.2 is added to the Business and
2 Professions Code, to read:

3 17531.2. (a) It is unlawful for any person, firm, or corporation,
4 in any newspaper, magazine, circular, form letter, or any open
5 publication, published, distributed, or circulated in the State of
6 California, including over the Internet, or on any billboard, card,
7 label, or other advertising medium, or by means of any other
8 advertising device, to advertise, call attention to, or give publicity
9 to, the sale or transfer of a dog or cat for which any of the following
10 apply:

11 ~~(1) The advertised dog or cat is not actually available for~~
12 ~~purchase by the public at the time of the advertisement or offer.~~

13 ~~(2) Pictures or descriptions of a dog or cat are not of the dog or~~
14 ~~cat actually available for purchase by the public at the time of the~~
15 ~~advertisement or offer.~~

16 ~~(3)~~

17 (1) Statements about the dog or cat being advertised or offered
18 for sale are known, or by exercise of reasonable care should be
19 known, to be untrue or misleading.

20 ~~(4)~~

21 (2) Statements about *or pictures of* the dog or cat are made *or*
22 *presented* without the actual intent to sell or offer the exact dog
23 or cat so ~~advertised~~ *advertised, pictured,* or offered.

24 (b) In addition to any other penalty provided by law, any
25 violation of this section is a misdemeanor punishable by
26 imprisonment in the county jail not exceeding six months, or by
27 a fine not exceeding two thousand five hundred dollars (\$2,500),
28 or by both that imprisonment and fine.

29 SEC. 2. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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