

ASSEMBLY BILL

No. 1491

Introduced by Assembly Member Caballero

February 17, 2017

An act to add Article 4 (commencing with Section 122316) to Chapter 5 of Part 6 of Division 105 of the Health and Safety Code, relating to dogs and cats.

LEGISLATIVE COUNSEL'S DIGEST

AB 1491, as introduced, Caballero. Sales of dogs and cats: advertising.

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 to offer pictures or otherwise make representations regarding a dog or cat that do not depict the actual dog or cat available for purchase by the public, make or disseminate any statement about the dog or cat being advertised for sale that is known, or by the exercise of reasonable care should be known, to be false or misleading, or make or disseminate any statement about the dog or cat being advertised for sale with the intent not to sell to the public the actual dog or cat so advertised. The bill would also make it unlawful to fail to withdraw in writing an advertisement for the sale of a dog or cat within 48 hours after selling the dog or cat or withdrawing the dog or cat from sale. The bill would make a person who violates these provisions subject to a civil penalty of not less than \$500 and not more than \$5,000 for each violation. The bill would authorize the Attorney General and local entities, as specified, to bring a civil action to assess and recover the civil penalty.

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

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

1 SECTION 1. Article 4 (commencing with Section 122316) is
2 added to Chapter 5 of Part 6 of Division 105 of the Health and
3 Safety Code, to read:

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5 Article 4. Sales of Dogs and Cats: Advertising
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7 122316. It is unlawful to do any of the following when
8 advertising the sale of a dog or cat to the public in this state:

9 (a) Offer pictures or otherwise make representations regarding
10 a dog or cat that do not depict the actual dog or cat available for
11 purchase by the public.

12 (b) Make or disseminate any statement about the dog or cat
13 being advertised for sale that is known, or by the exercise of
14 reasonable care should be known, to be false or misleading.

15 (c) Make or disseminate any statement about the dog or cat
16 being advertised for sale with the intent not to sell to the public
17 the actual dog or cat so advertised.

18 122317. It is unlawful to fail to withdraw in writing an
19 advertisement for the sale of a dog or cat within 48 hours after
20 selling the dog or cat or withdrawing the dog or cat from sale.

21 122318. (a) A person who violates this article is subject to a
22 civil penalty of not less than five hundred dollars (\$500) and not
23 more than five thousand dollars (\$5,000) for each violation.

24 (b) The Attorney General, or the city attorney of the city or the
25 district attorney or county counsel of the county in which a
26 violation of this article occurs, may bring a civil action in a court
27 of competent jurisdiction to assess and recover the civil penalty
28 described in subdivision (a). The civil penalty, when collected,
29 shall be payable, as appropriate, to the general fund of whichever
30 governmental entity brought the action to assess the civil penalty.

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