

CALIFORNIA FOOD AND AGRICULTURAL CODE
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CHAPTER 1. REGULATION OF CATS GENERALLY [31751-31754](#)

31751. For the purposes of this division, each member of a litter of kittens, weaned or unweaned, shall be treated as an individual animal.

31751.3. (a) (1) Except as otherwise provided in subdivision (b), no public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall sell or give away to a new owner any cat that has not been spayed or neutered.

(2) For the purposes of this section, a "rescue group" is a for-profit or not-for-profit entity, or a collaboration of individuals with at least one of its purposes being the sale or placement of cats that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter or that have been previously owned by any person other than the original breeder of that cat.

(b) (1) If a veterinarian licensed to practice veterinary medicine in this state certifies that a cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the cat to be spayed or neutered, the adopter or purchaser shall pay the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group a deposit of not less than forty dollars (\$40), and

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not more than seventy-five dollars (\$75).

(2) The entity shall establish the amount of the deposit at the level it determines is necessary to encourage the spaying or neutering of cats.

(3) The deposit shall be temporary, and shall only be retained until the cat is healthy enough to be spayed or neutered, as certified by a veterinarian licensed to practice veterinary medicine in this state.

(4) The cat shall be spayed or neutered within 14 business days of that certification.

(5) The adopter or purchaser shall obtain written proof of spaying or neutering from the veterinarian performing the operation.

(6) If the adopter or purchaser presents proof of spaying or neutering to the entity from which the cat was obtained within 30 business days of obtaining the proof, the adopter or purchaser shall receive a full refund of the deposit.

(c) Public animal control agencies or shelters, society for the prevention of cruelty to animals shelters, humane society shelters, and rescue groups may enter into cooperative agreements with each other and with veterinarians in lieu of requiring spaying and neutering deposits to carry out this section.

(d) Any funds from unclaimed deposits made pursuant to this section, as it read on January 1, 1999, and any funds from deposits unclaimed after January 1, 2000, may be expended only for programs to spay or neuter cats and dogs, including agreements with a society for the prevention of cruelty to animals or a humane society or licensed veterinarian, to operate a program to spay or neuter cats and dogs.

(e) This section only applies to a county that has a population exceeding 100,000 persons as of January 1, 2000, and to cities within that county.

31751.5. Whenever a city or county requires cat license tags, any such tag shall be issued for one-half or less of the fee required for a cat, if a certificate is presented from a licensed veterinarian that the cat has been spayed or neutered.

SEC. 5. Section 31751.5 of the Food and Agricultural Code is amended to read:

31751.5. Whenever a city or county requires cat license tags, any such tag shall be issued ~~for one half or less of the fee required for a cat, if a certificate is presented from a licensed veterinarian that the cat has been spayed or neutered.~~
as follows:

(a) For **three-fourths or less of the fee required** for a cat, if the cat has been implanted with **a microchip** that can be used to positively identify the cat, its owner, and the owner's contact information.

(b) For one-half or less of the fee required for a cat, if a certificate is presented from a licensed veterinarian that the cat has been spayed or neutered.

(c) For **one-fourth or less of the fee required** for a cat, if a

certificate is presented from a licensed veterinarian that the cat has been spayed or neutered, and the cat has been implanted with a microchip that can be used to positively identify the cat, its owner, and the owner's contact information.

31751.6. Any licensed cattery may be exempted pursuant to regulation or ordinance from any requirement to obtain a license tag for each cat within the cattery.

31751.7. (a) The owner of a nonspayed or unneutered cat that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of cats, and any additional costs incurred by the animal shelter in the administration of the requirements of this division.

(c) Local ordinances concerning the adoption or placement procedures of any public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall be at least as restrictive as this division.

(d) This section applies to each county and cities within each county, regardless of population.

(e) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a cat that is spayed or neutered in accordance with this section.

AB 1634 ~~SEC. 3.~~ SEC. 6. Section 31751.7 of the Food and Agricultural Code is amended to read:

31751.7. (a) The owner of a nonspayed or unneutered cat that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined fifty dollars (\$50) on the first occurrence, and the cat shall be microchipped, with the owner paying the cost of the procedure. On the second occurrence, the cat shall be spayed or neutered, with the owner paying the cost of the procedure. These fines are for nonspayed or unneutered impounded animals only, and are

not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a).

At the time that the citation is issued, the animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code shall provide the owner of the cat with information regarding the availability of spaying and neutering services, as well as written notification that the civil penalty for the second citation for the same cat shall be the spaying or neutering of the cat by order of the local animal control agency, with the owner paying the cost of the procedure. The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low-cost spaying and neutering of cats, and any additional costs incurred by the animal shelter in the administration of the requirements of this division. The city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society shall waive the civil penalty if, within 14 calendar days of the citation, the owner of the cat presents written proof from a licensed veterinarian that the cat was spayed or neutered.

(c) Local ordinances concerning the adoption or placement procedures of any public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall be at least as restrictive as this division.

(d) This section applies to each county and cities within each county, regardless of population.

(e) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a cat that is spayed or neutered in accordance with this section.

(f) Any cat owner who is not a resident of California shall be exempted from this section if the owner provides proof, as determined by the local jurisdiction or its authorized local animal control agency, that the cat is temporarily in California for training, showing, or any other lawful reason.

(g) A cat shall not be required to be microchipped if its owner provides a letter from a California licensed veterinarian stating that due to age, poor health, or illness, it is unsafe to microchip the animal. The letter shall include the veterinarian's license number, the name of the owner, a description of the cat in question, and, if this information is available, the duration of the condition of the cat, and the date by which the cat may be safely microchipped.

(h) A cat shall not be required to be spayed or neutered if its owner provides a letter from a California licensed veterinarian stating that due to age, poor health, or illness, it is unsafe to spay or neuter the animal. The letter shall include the veterinarian's license number, the name of the owner, a description of the cat in question, and, if this information is available, the duration of the condition of the cat, and the date by which the cat may be safely spayed or neutered.

~~AB 1634 SEC. 4.~~ SEC. 7. Section 31751.8 is added to the Food and Agricultural Code, to read:

31751.8. (a) ~~The owner of a nonspayed or unneutered cat that is the subject of a complaint~~ A person who owns or possesses within the state any cat that is not licensed as required by law and that has not been spayed or neutered may be cited and, if cited, shall pay a civil penalty as provided in this section. A person who owns or possesses within the state any intact cat that is properly licensed, as required by law, but whose cat is at large may be cited and, if cited, shall pay a civil penalty as provided in this section. This civil penalty shall be in addition to any fine, fee, or penalty imposed under any other provision of law or local ordinance.

(b) At the time that the citation is issued, the local animal control agency shall provide the owner of the cat with information regarding the availability of spaying and neutering services, as well as written notification that the civil penalty for the second citation for the same cat shall be the spaying or neutering of the cat by order of the local animal control agency, with the owner paying the cost of the procedure.

(c) The owner of the cat shall pay the civil penalty to the local animal control agency within 30 ~~business~~ calendar days of the citation. The local animal control agency shall waive the civil penalty if, within 14 ~~business~~ calendar days of the citation, the owner of the cat presents written proof from a licensed veterinarian that the cat was spayed or neutered.

(d) The civil penalties shall be as follows:

(1) On the first occurrence, fifty dollars (\$50) and the cat shall be microchipped, with the owner paying the cost of the procedure.

(2) On the second occurrence for the same cat, the spaying or neutering of the cat by order of the local animal control agency, with the owner paying the cost of the procedure.

(e) As used in this section, the following terms apply:

~~(1) "Complaint" means an oral or written complaint to a local animal control agency that alleges that the cat or the owner of the cat has violated this division, any other provision of state law that relates to cats, or a local animal control ordinance. "Complaint" also means the observation by an employee or officer of a local~~

~~animal control agency of behavior by a cat or the owner of a cat that violates this division, any other provision of state law that relates to cats, or a local animal control ordinance. "Complaint" shall not include an allegation of excessive noise.~~

~~(2)~~

(1) "Local animal control agency" means any city or county animal control agency or other entity responsible for enforcing animal-related laws or local animal control ordinances.

~~(3)~~

(2) "Spay" and "neuter" mean any procedure performed by a licensed veterinarian that permanently sterilizes a cat and makes it incapable of reproduction.

(f) Any cat owner who is **not a resident** of California shall be exempted from this section if the owner provides proof, as determined by the local jurisdiction or its authorized local animal control agency, that the cat is temporarily in California for training, showing, or any other lawful reason.

(g) A cat shall **not be required to be microchipped** if its owner provides a **letter from a California licensed veterinarian** stating that due to age, poor health, or illness, it is unsafe to microchip the animal. The letter shall include the veterinarian's license number, the name of the owner, a description of the cat in question, and, if this information is available, the duration of the condition of the cat, and the **date by which the cat may be safely microchipped or spayed or neutered**.

(h) A cat shall **not be required to be spayed or neutered** if its owner provides a **letter from a California licensed veterinarian** stating that due to age, poor health, or illness, it is unsafe to spay or neuter the animal. The letter shall include the veterinarian's license number, the name of the owner, a description of the cat in question, and, if the information is available, the duration of the condition of the cat, and the **date by which the cat may be safely spayed or neutered**.

~~(f)~~

(i) This section shall not preclude any city or county from adopting a local ordinance that is more restrictive or imposes higher civil penalties.

31752. (a) The required holding period for a stray cat impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:

(1) If the public or private shelter has made the cat available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.

(2) If the public or private shelter has fewer than three full-time employees or is not open during all regular weekday business hours, and if it has established a procedure to enable owners to reclaim their cats by appointment at a mutually agreeable

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time when the public or private shelter would otherwise be closed, the holding period shall be four business days, not including the day of impoundment.

Except as provided in Sections 17006 and 31752.5, stray cats shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period.

(b) Except as provided in Section 17006, any stray cat that is impounded pursuant to this division shall, prior to the euthanasia of that animal, be released to a nonprofit, as defined in Section 501

(c)(3) of the Internal Revenue Code, animal rescue or adoption organization if requested by the organization prior to the scheduled euthanasia of that animal. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted or released. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization.

(c) During the holding period required by this section and prior to the adoption or euthanasia of a cat impounded pursuant to this division, a public or private shelter shall scan the cat for a microchip that identifies the owner of that cat and shall make reasonable efforts to contact the owner and notify him or her that his or her cat is impounded and is available for redemption.

31752.2. (a) Upon relinquishment of a cat to a public or private shelter, the owner of that cat shall present sufficient identification to establish his or her ownership of the cat and shall sign a statement that he or she is the lawful owner of the cat.

(b) Any person who provides false information pursuant to this subdivision about his or her ownership of the cat shall be liable to the true owner of the cat in the amount of one thousand dollars (\$1,000).

31752.5. (a) The Legislature finds and declares the following:

(1) Domestic cats' temperaments range from completely docile indoor pets to completely unsocialized outdoor cats that avoid all contact with humans.

(2) "Feral cats" are cats with temperaments that are completely unsocialized, although frightened or injured tame pet cats may appear to be feral.

(3) Some people care for or own feral cats.

(4) Feral cats pose particular safety hazards for shelter employees.

(5) It is cruel to keep feral cats caged for long periods of time; however, it is not always easy to distinguish a feral cat from a frightened tame cat.

(b) For the purposes of this section, a "feral cat" is defined as a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is totally unsocialized to people.

(c) Notwithstanding Section 31752, if an apparently feral cat has not been reclaimed by its owner or caretaker within the first three days of the required holding period, shelter personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined

to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period specified in Section 31752. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal adoption organization that agrees to the spaying or neutering of the cat if it has not already been spayed or neutered. In addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for the animal released.

31753. Any rabbit, guinea pig, hamster, potbellied pig, bird, lizard, snake, turtle, or tortoise that is legally allowed as personal property and that is impounded in a public or private shelter shall be held for the same period of time, under the same requirements of care, and with the same opportunities for redemption and adoption by new owners or nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organizations as provided for cats and dogs. Section 17006 shall also apply to these animals. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted by new owners or released to nonprofit animal rescue or adoption organizations pursuant to this section.

31754. (a) Except as provided in Section 17006, any animal relinquished by the purported owner that is of a species impounded by public or private shelters shall be held for the same holding periods, with the same requirements of care, applicable to stray dogs and cats in Sections 31108 and 31752, and shall be available for owner redemption or adoption for the entire holding period.

(b) Notwithstanding subdivision (a), kittens or puppies relinquished by the purported owner, or brought in by any other person with authority to relinquish them, to public or private shelters, may be available immediately for adoption.

(c) This section shall become operative on July 1, 2002.