

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 17, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

[California](#) legislature—2007-08 regular session

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ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Levine
(Principal coauthor: Senator Padilla)
(Coauthor: Assembly Member Nava)

February 23, 2007

An act to add Chapter 9 (commencing with Section 122336) to Part 6 of Division 105 of the Health and Safety Code, relating to pets.

[Legislative](#) counsel's digest

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AB 1634, as amended, Levine. California Healthy Pets Act.

Existing law sets forth provisions relating to veterinary public health and safety and provides for or regulates spay, neuter, and breeding programs for animals.

This bill would prohibit any person from owning or possessing any cat or dog over the age of 4 months that has not been spayed or neutered, unless that person possesses an intact permit, as defined. The bill would establish an intact permit fee in an amount to be determined by a local jurisdiction, and would require the revenue from these fees to be used for the administration of the local jurisdiction's permit program. The bill would make a violation of these provisions punishable by a prescribed civil penalty. It would require all revenues derived from these civil penalties to be used for funding the outreach efforts in connection with, and the administration and enforcement of, these provisions, and, to the extent funding is available, free and low-cost

spay and neuter programs, and outreach efforts for those programs, which would be required to be established by each local animal control agency.

By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.

The bill would become operative on April 1, 2008.

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. This act shall be known and may be cited as the
2 California Healthy Pets Act.

3 SEC. 2. Chapter 9 (commencing with Section 122336) is added
4 to Part 6 of Division 105 of the Health and Safety Code, to read:

5
6 Chapter 9. Spay and Neuter Program for Cats and Dogs

7
8 Article 1. Definitions

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10 122336. For purposes of this chapter, the following definitions
11 shall apply:

12 (a) "Intact permit" means a document issued annually by a local
13 jurisdiction or its local animal control agency if authorized to issue
14 these permits, that authorizes a person to own or possess within
15 that locality an unaltered cat or dog and meets the requirements
16 of subdivision (a) of Section 122336.2. A dog or cat license that
17 meets the requirements of subdivision (a) of Section 122336.2
18 shall be considered a permit for purposes of this chapter.

19 (b) "Local animal control agency" means the municipal or
20 county animal control agency or other entity responsible for
21 enforcing animal-related laws.

22 (c) "Local jurisdiction" means any city, county, or city and
23 county.

1 (d) "Spay or neuter" means any procedure, as performed by a
2 duly licensed veterinarian, that permanently sterilizes an animal
3 and makes it incapable of reproduction.

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Article 2. General Provisions

7 122336.1. (a) A person shall not own or possess within the
8 state any cat or dog over the age of four months that has not been
9 spayed or neutered, unless that person possesses an intact permit,
10 as defined in subdivision (b) of Section 122336.

11 (b) Subject to subdivision (c), any person who violates
12 subdivision (a) shall, for each animal for which a violation has
13 occurred, be subject to a civil penalty of five hundred dollars
14 (\$500). This penalty shall be imposed in addition to any other civil
15 or criminal penalties imposed by the local jurisdiction.

16 (c) If an owner of a cat or dog provides a letter from a California
17 licensed veterinarian indicating that due to age, poor health, or
18 illness, it is unsafe to spay or neuter the cat or dog and that
19 arrangements have been made to spay or neuter the cat or dog
20 within 75 days from the date the cat or dog reaches the age of four
21 months, and the owner has his or her cat or dog spayed within that
22 75-day period, ~~and~~ the owner shall not be in violation of this act.

23 (d) Any civil penalty imposed under subdivision (b) may be
24 waived in whole or in part by the local jurisdiction if the person in violation
25 provides verification that his or her cat or dog has been spayed or neutered. This penalty
shall not be waived if the person in violation transfers or abandons the cat or dog.

26 (e) Any person who, on or after April 1, 2008, is in possession
27 of any document issued by the local jurisdiction or its authorized
28 animal control agency that permits the owner to possess an
29 unaltered cat or dog shall be deemed in compliance with this act
30 until the document expires, or January 1, 2009, ~~whichever~~
31 *whichever* occurs first.

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Article 3. Permits

35 122336.2. (a) A local jurisdiction shall issue an intact permit,
36 as defined in subdivision (a) of Section 122336, if any of the
37 following conditions are met:

38 (1) The owner demonstrates, by providing a copy of his or her
39 business license and federal and state tax number, or by other
40 proof, as required by the local jurisdiction or its authorized animal

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1 control agency, that he or she is doing business and is licensed as
2 a breeder at a location for which the local jurisdiction or its
3 authorized animal control agency has issued a breeder ~~permit~~
4 *license*.

5 (2) The owner sufficiently demonstrates that his or her cat or dog is a valid breed
6 that is recognized by

7 an approved registry or association, as determined in the
8 discretion of the local jurisdiction or its authorized animal control
9 agency, and complies with at least one of the following:

10 (A) His or her cat or dog is used to show or compete and has
11 competed in at least one legitimate show or sporting competition
12 hosted by, or under the approval of, a recognized registry
13 or association, within
14 the last two years, or by whatever proof is requested by the
15 authorized local animal control agency that the cat or dog is being
16 trained to show or compete and is too young to have yet competed.

17 (B) The cat or dog has earned, or is in
18 the process of earning, a conformation, obedience, agility, carting,
19 herding, protection, rally, sporting, working, or other legitimate title from an
20 approved purebred registry or association.

21 (3) The owner provides proof to the local jurisdiction or its
22 authorized local animal control agency that the dog is being trained
23 or is documented as having been appropriately trained and meets
24 the definition of guide dog, service dog, or signal dog, as set forth
25 in subdivisions (d), (e), and (f) of Section 365.5 of the Penal Code.

26 (4) The owner provides proof to the local jurisdiction or its
27 authorized local animal control agency that the dog is being trained,
28 or is documented as having been appropriately trained, and actively
29 used by law enforcement agencies for law enforcement or rescue
30 activities.

31 (5) The owner of a cat or dog provides a letter to the local
32 jurisdiction or its authorized animal control agency from a
33 California licensed veterinarian stating that due to age, poor health,
34 or illness, it is unsafe to spay or neuter the cat or dog. This letter
35 shall include the veterinarian's license number, ~~shall be periodically~~
36 ~~updated~~, and shall, if this information is available, include the
37 duration of the condition of the dog or cat, and the date by which
38 the dog or cat may be safely spayed or neutered.
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16 an approved purebred registry or association in existence since at¶
17 least October 1, 2007.¶
18 (C)

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1 (b) An unaltered cat or dog for which an intact permit was issued
2 who ceases to meet the requirements of subdivision (a) is subject
3 to the spay and neuter requirements set forth in Section 122336.1.

4 (c) (1) The amount of the fee for an intact permit shall be
5 determined by the local jurisdiction, and shall be no more than
6 what is reasonably necessary to fund the administration of that
7 jurisdiction's intact permit program.

8 (2) A local jurisdiction shall waive the *intact permit* fee for an
9 unaltered cat or dog that meets the requirements of paragraph (3)
10 or (4) of subdivision (a), and may waive all or part of the *intact*
11 *permit* fee for an unaltered cat or dog meeting the requirements of
12 paragraph (5) of subdivision (a).

13 (d) Nothing in this section shall prohibit a local jurisdiction
14 from adopting or enforcing a more restrictive spay or neuter
15 program pursuant to Section 122331 or any other law, provided that the program
16 allows for a cat or dog to be temporarily or permanently exempted
17 from a spay or neuter requirement for the reasons set forth in
18 paragraphs (3) to (5), inclusive, of subdivision (a).

19 (e) Any owner of a cat or dog who is not a resident of California
20 ~~21 shall be exempted from the permit requirements set forth in this~~
22 ~~chapter if the owner provides proof, as determined by the local~~
23 ~~jurisdiction or its authorized animal control agency, that the cat or dog is temporarily~~
~~in California for training, showing, or any other legitimate reason.~~

Deleted: and who brings a cat or dog into California from outside the state¶

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24 moved from another state or country after April 1, 2008

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25 purposes of this subdivision, proof may include, but need not be¶
26 limited to, a valid driver's license from another state.

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28 Article 4. Funding
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30 122336.3. (a) ~~(1)~~ Any civil penalty collected pursuant to
31 subdivision (b) of Section 122336.1 shall be used for funding the
32 administration, outreach, and enforcement activities set forth in
33 Article 5 (commencing with Section 122336.4).

34 (2) To the extent that funding is available pursuant to this
35 chapter, a local animal control agency shall establish a free and
36 low-cost spay and neuter program for low-income individuals.
37 The agency shall undertake outreach efforts to inform qualified
38 persons about these programs.

39 (b) All permit fees collected pursuant to subdivision (c) of
40 Section 122336.2, shall be used for funding the administration of

1 the permit program in the local jurisdiction in which the permits
2 are issued.

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Article 5. Enforcement

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6 122336.4. A local animal control agency shall be responsible
7 for, conducting outreach efforts in connection with, ~~and~~ and
8 administering, this chapter.

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10 SEC. 3. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 a local agency or school district has the authority to levy service
13 charges, fees, or assessments sufficient to pay for the program or
14 level of service mandated by this act, within the meaning of Section
15 17556 of the Government Code.

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SEC. 4. This act shall become operative on April 1, 2008.

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