
SENATE COMMITTEE ON APPROPRIATIONS

Senator Ricardo Lara, Chair
2015 - 2016 Regular Session

AB 2269 (Waldron) - Animal shelters: research animals: prohibitions

Version: August 2, 2016

Policy Vote: JUD. 7 - 0

Urgency: No

Mandate: Yes

Hearing Date: August 8, 2016

Consultant: Jolie Onodera

This bill meets the criteria for referral to the Suspense File.

Bill Summary: AB 2269 would prohibit a person or animal shelter from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer, as specified. This bill would prohibit a person or animal shelter that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility, animal dealer, or other person for the purpose of research, experimentation, or testing.

Fiscal Impact:

- Local agency animal shelters: Significant ongoing care and treatment costs, potentially state-reimbursable (General Fund) to local agency animal shelters that accept and care for stray and abandoned animals that will be prohibited from selling, giving, or otherwise transferring living animals to research facilities or animal dealers, as well as prohibited from euthanizing animals for the purpose of transferring to a research facility or animal dealer. The Commission on State Mandates (CSM) in its decision on the claim *Animal Adoption 98-TC-11*, determined that only local agencies are mandated by the state to accept and care for stray and abandoned animals. As a result, despite the fact that the imposition of specified activities is imposed upon both public and private animal shelters, private shelters are not required to take in stray and abandoned animals whereas local agency shelters are required to do so. Therefore, to the extent the provisions of this bill constitute a higher level of service imposed on local agency public shelters to provide care and treatment for stray and abandoned animals for an extended period of time due to the prohibition on selling, giving, or transferring animals, local agencies could potentially be eligible for reimbursement for the increased costs. Staff notes the reimbursable mandate *Animal Adoption* has been suspended in the annual Budget Act. Thus, any additional activities mandated on local agencies that accept stray or abandoned animals potentially may not be subject to reimbursement during the period the mandate is suspended should the CSM make that determination.
- University of California (UC): The UC has indicated no significant fiscal impact based on the latest amendments to the bill that clarify under what circumstances an animal may be transferred to a research facility.
- New civil penalty: Potential minor increase in civil penalty revenues (Local Funds) to the extent district attorneys or city attorneys bring forth actions for violations of this section.

Background: Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a specified notice clearly visible to the public

stating that animals turned in to the pound or department may be used for research purposes or to supply blood, tissue, or other biological products. (Civil Code § 1834.7.)

Under existing law, whenever an animal is delivered to a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility, and the owner of the animal does not pick up the animal within 14 calendar days after the day the animal was initially due to be picked up, the animal is deemed to be abandoned. (Civil Code § 1834.5 (a).)

Existing law authorizes the animal care facility to have the abandoned animal euthanized if it is unable to place the animal with a new owner, shelter, or rescue group. Existing law further authorizes a veterinarian to euthanize an animal abandoned with the veterinarian or with a facility that has a veterinarian, if a new owner cannot be found after trying for at least 10 days to find a new owner, or is unable to turn the animal over to a public animal control agency, shelter, or animal rescue group. (Civil Code § 1834.5 (a), (b).)

Finally, existing law prohibits any animals abandoned at veterinarian hospitals, kennels, pet grooming parlors, and animal hospitals from being used for scientific or any other type of experimentation. (Civil Code § 1834.5 (e).)

Proposed Law: This bill would prohibit a person or animal shelter from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer, as specified. Additionally, this bill:

- Prohibits a person or animal shelter that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility, animal dealer, or other person for the purpose of research, experimentation, or testing.
- Require a posting of a specified notice only when an animal shelter entity transfers dead animals to a biological supply facility or a research facility.
- Prohibits a research facility, animal dealer, or other person from receiving a living animal from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of research, experimentation, or testing if that animal is transferred from, or received from, an animal shelter or other person that accepts animals from the public or takes in stray or unwanted animals.
- Provides that nothing in the bill's provisions prohibit a research facility from working in collaboration with an animal shelter to investigate problems and provide services to shelter animals.
- Establishes a civil penalty of \$1,000 for a violation of the bill's provisions, in an action to be brought by the district attorney or city attorney of the county or city where the violation occurred. When collected, the civil penalty shall be payable to the general fund of the governmental entity that brought the action to assess the penalty.

- Defines “animal dealer” as a person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, or who buys, sells, or negotiates the purchase or sale of any animal, whether alive or dead, for research, teaching, exhibition, or biological supply.
- Defines “animal shelter entity” as including but limited to an animal regulation agency, humane society, society for the prevention of cruelty to animals, or other private or public animal shelter.
- Defines “person” as an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, governmental agency, or other legal entity.

Related Legislation: AB 588 (Koretz) 2003 would have prohibited animal shelters from selling or transferring any live or dead animal for the purpose of education, testing, research, or biological supply, as specified. This bill was referred to the Assembly Judiciary Committee but was not provided a hearing.

Staff Comments: Based on the State Mandated Program Cost Report (AB 3000 report) issued on November 6, 2015, by the State Controller’s Office, prior to its suspension in the annual Budget Act, the CSM reimbursable mandate claim for *Animal Adoption (98-TC-11)* incurred program costs of \$1.6 million in FY 2009-10, \$21.4 million in FY 2008-09, \$19.2 million in FY 2007-08, and \$17.2 million in FY 2006-07.

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