

Date of Hearing: May 17, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez Fletcher, Chair
AB 485 (O'Donnell) – As Amended March 28, 2017

Policy Committee: Business and Professions Vote: 10 - 1

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY: This bill prohibits a pet store operator from selling a live cat, dog, or rabbit in a retail pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter or specified nonprofit, animal rescue or adoption organization; permits a public or private shelter to enter into cooperative agreement with animal rescue or adoption organizations regarding rabbits; and, permits an animal control officer, a humane officer, or a peace officer to enforce the pet store prohibition.

FISCAL EFFECT:

Non-reimbursable local costs for enforcement.

COMMENTS:

- 1) **Purpose.** According to the author, "California taxpayers spend a quarter of a billion dollars annually to house and kill animals in local shelters while puppy mills throughout the country continue to mass breed animals for profit. [This bill] attempts to curtail these operations by supporting access to pet rescue and adoption in California retail pet stores. By offering puppies, kittens and rabbits for adoption from nearby shelters, pet stores can save the lives of animals in search for a home, save the breeding animals trapped in puppy mills, and relieve pressure on county budgets and local tax payers."
- 2) **Background.** The Pet Store Animal Care law applies to animals in pet stores and places requirements on how animals can be treated while in a store pending sale. A pet store operator or at least one employee is required to be present in the store at least once daily, regardless if the store is open for business. Pet stores are required to isolate and not sell animals suspected of having a contagious condition, and ensure that each animal is treated without delay. There are no requirements or restrictions pertaining to the acquisition of animals for purpose of animal sales, although pet store operators are required to maintain specific documentation about an animal's health records and are also required to provide consumers with information about the breeder or broker. Pet store operators are required to maintain records for identification purposes of the person from whom the animals in the pet store was acquired, including that person's name, address, and telephone number, and the date the animal was acquired.

"Puppy Mills" or "Kitty Factories" are common terms for large commercial breeding facilities that mass produce animals for sale at retail markets. It is estimated that there are 10,000 puppy mills in the United States. These are separate from other types of breeders who produce a smaller quantity of animals and typically in California do not sell directly to

retail pet outlets; however, there are no restrictions on pet stores as to where they can acquire animals for retail sale.

The United States Department of Agriculture (USDA) oversees the commercial dog breeding industry. Breeders who sell to a pet store or consumers over the Internet are required to hold a license. According to the USDA, there are approximately 120 field-based employees who inspect licensed commercial breeding facilities in all 50 states. If a violation is found, then a facility is given a notice to correct, and in those serious cases of neglect, legal action may occur. The frequency of an inspection is dependent upon a facility's compliance record, while all licensed facilities are inspected; those facilities with more compliance issues are inspected more frequently. In addition, its inspectors may visit a facility when the USDA receives a complaint.

The ban on retail pet sales is an attempt to reduce the number of animals sold in this state from "puppy mills" or "kitty factories." This bill seeks to ensure that private or public animal shelters can enter into cooperative agreements with rescue organizations for rabbits, as they currently do with dogs and cats.

- 3) **Arguments in Support.** Supporters believe this bill will decrease the demand for puppies and kittens bred in puppy and kitty mills and will provide greater opportunities for placing animal shelter and rescue animals. They also assert that this bill is not an undue burden on merchants nor animals control officers.
- 4) **Arguments in Opposition.** Opponents believe that the restriction is too strict and that there should be an exception in the bill for animals purchased from Responsible Breeders, and that a definition of "Responsible Breeders" should be included in the bill. Other assert that the bill severely restricts consumer choice, and will not stop puppy mills, but instead will spur the growth of an unregulated market.
- 5) **Prior Legislation.** SB 945 (Monning), Chapter, Statutes of 2015, established standards for pet boarding facilities and pet boarding operators, as specified.

AB 339 (Dickenson), Chapter 231, Statutes of 2013, made it unlawful to sell animals at a swap meet unless the local jurisdiction has adopted an ordinance that includes specified requirements relating to the care and treatment of animals, beginning January 1, 2016.

AB 490 (Smyth), Chapter, 446, Statutes of 2009, revised the guidelines by which a pet store operator or employee may euthanize rodents and rabbits intended as food for another animal, and modifies the definition of a pet store, as specified.

AB 241 (Nava) of the 2008-09 would have prohibited any person or business entity from owning more than 50 adult unsterilized dogs or cats for the purposes of breeding them for pets. This bill was vetoed by then Governor Schwarzenegger.