

Date of Hearing: April 18, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Rudy Salas, Chair

AB 485 (O'Donnell) – As Amended March 28, 2017

**SUBJECT:** Dogs and cats: adoption and retail sales.

**SUMMARY:** 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 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.

**EXISTING LAW:**

- 1) Establishes procedures for the care and maintenance of animals in the custody of a pet store and details the responsibilities of the pet shop, the standards for enclosures, animal care requirements, record keeping, standards for keeping the animals healthy including veterinary care, euthanasia standards, and disclosures that must be made to a person who purchases a pet. Provides for a “notice to correct” and monetary misdemeanor penalties for specified violations of this Act. (Health and Safety Code (HSC) Section 122350, et seq.)
- 2) Defines a "pet store" to mean a retail establishment open to the public and selling or offering for sale animals, including but not limited to, animals used as pets or animals intended for food for other animals, and states that a "pet store" does include a retail establishment open to the public and selling or offering for sale animals to agricultural operations, as specified. (HSC Section 122350(i))
- 3) Defines a "pet store operator" to mean a person who owns or operates a pet store or both. (HSC Section 122350(j))
- 4) Requires a pet store operator or at least one of his or her employees to be present in the store at least once daily, regardless of whether the store is open, for care and maintenance of the animals in the pet store, as specified. (HSC Section 122354(a))
- 5) Requires a pet store to provide to the purchaser of an animal, at the time of sale, information concerning the store's animal return policy, which must be made available to customers through in-store signs or handouts to the customers." (HSC Section 122355(c))
- 6) Requires each pet store operator to ensure the records of all veterinary visits to the pet store are documented in writing, as specified. (HSC Section 122355(a))
- 7) Requires each pet store operator to maintain records for identification purposes of the person from whom the animals in the pet store were acquired including the person's name, address, telephone number, and the date the animal was acquired. (HSC Section 122355(d))

- 8) Requires a pet store operator to maintain records pertaining to pet sales for two years from the date of disposition of the animal, and made available upon request to appropriate law enforcement. (HSC Section 122355(E))
- 9) Permits an animal control officer, a humane officer, or a peace officer to issue a single notice to correct a detected violation of pet store, as specified. (HSC Section 122356(a))
- 10) Establishes the Polanco-Lockyer Pet Breeder Warranty Act (Act). (HSC Section 122045 *et seq*)
- 11) Defines a "breeder" for purposes of the Act to mean a person, firm, partnership, corporation, or other association that has sold, transferred, or given away all of part of three or more litters or 20 or more dogs during the preceding 12 months that were bred and reared on the premises of the person, firm, partnership, corporation, or other association. (HSC Section 122045(b))
- 12) Provides for the regulation and licensing of dogs. (FAC Sections 30501- 31683)
- 13) States that the required holding period for an impounded stray dog, is six business days, not including the day of impoundment, unless: (Food and Agriculture Code (FAC) Section 31108 (a))
  - a) The public or private shelter has made the dog available for owner redemption on one weekday evening until at least 7 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment; or,
  - b) 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 dogs by appointment at a mutually agreeable 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.
- 14) Requires that unless an animal is irremediably suffering from a serious injury or illness, a stray dog must be held for owner redemption during the first three days of the holding period, not including the day of impoundment and available for owner redemption or adoption for the remainder of the holding period, as specified. (FAC Section 31108)
- 15) Except as provided, any stray dog that is impounded pursuant to these animal control provisions, 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. The public or private shelter may enter into cooperative agreements with any animal rescue or adoption organization. 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. (FAC Section 31108(b))

Requires a shelter during the holding period and prior to adoption or euthanasia of a dog impounded, a public or private shelter shall scan the dog for a microchip that identifies the owner

of that dog and shall make reasonable efforts to contact the owner and notify him or her that his or her dog is impounded and is available for redemption.(FAC Section 31108(c))

16) Provides for the regulation of cats. (FAC Sections 31751-31765)

17) Requires the holding period for an impounded stray cat to be six business days, not including the day of impoundment, except as follows: (FAC Section 31752.(a))

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

18) Specifies that unless the animal is irremediably suffering from an injury or illness, 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. (FAC Section 31752(b))

19) Requires during the required holding period and prior to the adoption or euthanasia of an impounded cat, a public or private shelter to 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. (FAC Section 31752(c))

20) Requires of an animal rescue or adoption organization which cares for a 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 to be held for the same period of time, under the same requirements of care, and with the same opportunity for redemption and adoption, as specified. (FAC Section 31753)

#### **THIS BILL:**

- 1) Prohibits a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter or non-profit, as specified, animal rescue adoption organization that is in a cooperative agreement with at least one private or public shelter, as specified.
- 2) Authorizes a public or private shelter, as specified, to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to existing cooperative agreements regarding dogs and cats, as specified.

- 3) Adds the prohibition in number 1) above, to the list of violations in which an animal control officer, a humane officer, or a peace officer may issue a notice to correct or take other corrective action against, as specified.

**FISCAL EFFECT:** Unknown. This bill is keyed fiscal by the Legislative Counsel.

**COMMENTS:**

**Purpose.** This bill is sponsored by **Social Compassion in Legislation**. 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."

**Background.** *Animal and Consumer Protection Laws.* In California, there are a host of laws related to the sale of pets in California, including regulations for animal care in pet stores, consumer rights, requirements for breeders, sales at swap meets, and kennels. The Pet Store Animal Care law applies to animals in pet stores and places certain requirements on how animals can be treated while in a store pending sale. For example, HSC Section 122353 requires that the floor of an animal's primary enclosure to be constructed to prevent injury; requires primary animal enclosures to contain an enrichment device (toy); provide platforms for cats; and, cages for birds are required to be large enough for the bird to spread its wings fully, among others. 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 those animals suspected of having a contagious condition, and ensure that each animal is treated without delay. However, 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 (HSC Section 122355(d)). There are no current prohibitions on pet store operators related to the sale of puppies, kittens, rabbits or dogs acquired from individuals, brokers, or mass commercial breeders who have enforcement violations at the local, state or federal level related to animal care laws.

In order to address consumer protection for the sale of retail pets the Lockyer-Polanco-Farr Pet Protection Act (Pet Protection Act) specifies the requirements for retail sellers of animals to ensure purchaser protection for the sale of ill or sick animals, and provides some form of disclosures to individuals about where the animal was bred. As currently drafted, this bill would prohibit the retail sale of dogs, cats, or bunnies at a retail pet store unless that animal was obtained from an animal shelter, humane association or other non-profit. However, the specifications of the Pet Store Animal Care laws and the Pet Protection Act would still apply to the *sale* of shelter animals at retail stores. As currently drafted, this bill does not change or limit current practices for individuals purchasing animals from local breeders, the Internet (if applicable laws allow), other states, or by other private sales.

*Puppy Mills.* "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. Mass produced, commercial animal breeders are typically scrutinized for their treatment of the animals including producing sick animals, inhumane treatment, and providing abhorrent living conditions. This bill aims to limit the sales of animals in California that are from "puppy mills," "kitten factories" or other commercial breeding facilities and to help ensure that available shelter animals are a source of animal sales.

According to information from People for the Ethical Treatment of Animals (PETA):

"Undercover investigations of puppy mills have revealed that dogs often had no bedding or protection from the cold or heat and no regular veterinary care even when they were ill. Health conditions such as crusty, oozing eyes, raging ear infections, mange that turned their skin into a mass of red scabs, and abscessed feet from the unforgiving wire floors all were ignored or inadequately treated. Investigators have observed dogs circling frantically in their small cages and pacing ceaselessly back and forth, oblivious to anything around them—their only way of coping with despair."

Further, as many commercial breeding facilities focus on quantity, there are concerns about the health of animals from these places, and often times, news headlines and stories report on this issue. A recent January 3, 2017 article in *RollingStone* highlighted the issues surrounding animals raised in "puppy mills". In the article, *The Dog Factory: Inside the Sickening World of Puppy Mills*, it was reported:

Out the back door and up a dirt trail, the worst was yet to come. A cinder-block kennel, hidden from the street, housed the bulk of this puppy-mill stock: 50 or 60 more parent dogs who'd likely never seen sunlight or spent a day outside this toxic room. They wept and bayed and spun in crazed circles as we toured the maze of cages.... "Most every pup sold in stores in America comes from this kind of suffering – or worse," he insists. "If you buy a puppy from a pet store, this is what you're paying for and nothing else: a dog raised in puppy-mill evil."

*Federal Law.* The federal Animal Welfare Act was passed by Congress in 1966 and establishes minimum standards for the care and treatment of animals bred for commercial sale, exhibited to the public, used in biomedical research or commercial transport. The United States Department of Agriculture (USDA) is responsible for overseeing the commercial dog breeding industry. Breeders who sell to a pet store or consumers over the Internet are required to hold a license. However, as noted by various animal welfare organizations, federal laws provide a minimal level of specificity for animal care and violations are often found in many commercial breeding organizations, while others operate underground making enforcement of the laws difficult and challenging. 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. According to the USDA, the system used to inspect a dog or cat breeding facility is based on a risk-based system. 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, the USDA reports that its inspectors may visit a facility when the USDA receives a complaint.

According to information on the USDA website:

Those seeking information from APHIS regarding inspection reports, research facility annual reports, regulatory correspondence, and enforcement records should submit Freedom of Information Act requests for that information. Records will be released when authorized and in a manner consistent with the FOIA and the Privacy Act as well as the latest guidance received from the U.S. Department of Justice. If the same records are frequently requested via the Freedom of Information Act process, APHIS may post the appropriately redacted versions to its website.

If a consumer of a retail pet store seeks to review the enforcement-related data of the USDA-licensed breeder where the animal originated, accessing the information may be challenging. Many State and local governments have animal welfare laws of their own which may be more stringent than what is required at the federal level.

*Animal Shelters.* According to information provided by the ASCPA, approximately 6.5 million companion animals enter the United States animal shelters nationwide every year, approximately 3.3 million dogs and 3.2 million cats, and approximately 1.5 million of those are euthanized. The Humane Society notes that across the United States there are more 3,300 shelters and a large number of non-sheltered rescue and fostering groups. In California, there are approximately 200 shelters or rescue organizations. In LA County alone, more than 4,000 dogs and cats were euthanized during Fiscal Year 2016/17.

*Local Ordinances.* There a number of local jurisdictions in California which have already established ordinances that place restrictions or outright ban the retail sale of certain animals at pet stores, specifically dogs, cats, and rabbits. The City of Los Angeles enacted an ordinance in 2014, which stated (SEC. 53.73), "It shall be unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City of Los Angeles, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City of Los Angeles, or a non-profit rescue and humane organization registered with the Department of Animal Services." As currently drafted, it is unclear how this bill will impact existing ordinances if they are more stringent than what is under consideration in this measure.

There are approximately 33 cities in California that have placed restrictions on the retail sale of pets at pet stores including Los Angeles, West Hollywood, Irvine, Chula Vista, San Francisco, Beverly Hills, San Marcos, Colton, Truckee, and Turlock. The Pet Industry Joint Advisory Council provided information to the Committee regarding the number of retail pet stores. There are approximately 97 small retail pet stores in California, but it is unclear how many of those stores sell cats, dogs, or rabbits in addition to other pet supplies. A little over 30 of those stores are located in those jurisdictions which currently have a pet store sale ban. 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.

*Other States.* Across the country there are at least 16 states, including: Colorado, Florida, Georgia, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Texas, and Utah, that contain one or more cities which have enacted similar prohibitions on selling live cats, dogs, or rabbits at a retail pet store unless those animals are from a shelter. In addition, the State of New Jersey recently passed legislation (Senate Bill. 3041 of 2017) to address retail pet store sourcing issues.

**Prior Related 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 2009 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. *STATUS: This bill was vetoed by then Governor Schwarzenegger.*

AB 1347 (Caballero), Chapter 703, Statutes of 2007, enacted the Pet Store Animal Care Act (Act) that would establish procedures for the care and maintenance of animals in the custody of a pet store and details the responsibilities of the pet shop, the standards for enclosures, animal care requirements, record keeping, standards keeping the animals healthy including veterinary care, euthanasia standards and disclosures that must be made to a person who purchases a pet and provides for a “notice to correct” and monetary misdemeanor penalties for specified violations of the Act.

#### **ARGUMENTS IN SUPPORT:**

**Social Compassion in Legislation** writes in support, "As California taxpayers, we spend over a quarter of a billion dollars annually to house and kill animals. We need to implement solutions and not settle for status quo for one more year. Tragically, we know more than 800,000 dogs, cats and rabbits enter California shelters each year, and more than half are euthanized and sent to landfill or rendering plants. The time is now for this sound and compassionate legislation. Thank you again for your courageous step forward and leading on this important issue."

The **Sacramento SPCA** writes in support, "By stopping one of the major outlets for the puppy mill pipelines in California, you are setting the standard for the rest of the country. Simultaneously, the legislation provides more opportunities for placing abandoned and unwanted animals into homes. The models already exist in responsible pet stores including PetSmart and Petco, so we know this is not an undue burden on merchants nor animals control officers."

**Actors and Others for Animals** write in support, "With millions of dogs and cats and rabbits being euthanized in our local shelters every year, it is counterintuitive that retailers would import animals from unscrupulous operations in other states."

**A Passion for Paws Rescue** writes in support, "This bill will relieve county and local tax payers of the burden and save the lives of many animals dying while others are being born into the gruesome puppy mills to perhaps end up in our shelter systems."

The **Animal Shelter Assistance Program** writes in support, "[This bill] would benefit California's municipal shelters, reducing the costs involved in caring for an excess population of animals, and reducing the number of unnecessary and often tragic euthanasia resulting from overpopulation."

**California Animal Control Directors Association (CACDA)** writes in support, "CACDA believes that the restricting of the retail sale of puppies, kittens, dogs, and cats to only those that come from shelter or rescue organizations will decrease the demand for puppies and kittens bred in puppy mills and kitten mills and increase the demand for animals from animal shelter and rescue organizations."

**Helen Sanders CatPAWS** writes in support, "The passage of [this bill] will help to guarantee that none of these awful places will profit in California from selling sick animals and will no longer discard overbred mother animals. The bill will also serve as a model for other state."

The **City of Long Beach** writes in support, "This legislation would promote the adoption of animals from shelters and rescue groups and encourage humane practices in the purchase of dogs and cats offered for retail sale in California."

**Fix Long Beach** writes in support, "...At our spay/neuter clinics we frequently encounter dogs and cats—dogs in particular—that have medical issues resulting from disgraceful, appalling breeding conditions. Several of these animals have come from pet stores you target in your legislation."

**Peninsula Humane Society and SPCA** write in support, "[This bill] is another practical and in fact modest step in the right direction for the animals—and for the people who care about the animals—of our state."

**People for Ethical Treatment of Animals** writes in support, "Experience has shown that legislative measures such as prohibitions on the sales of animals purposely bred for sale at pet shops are the most effective means of reducing the number of unwanted and abandoned animals who flood our nation's shelters. Banning the sale of dogs and cats from high-volume breeders, aka "puppy mills" is a critical step toward reducing the animal-homelessness crisis."

**Alley Cat Allies** writes in support, "...In addition, this bill will stifle the pet breeding industry, which puts profits above animal welfare and treats animals like products instead of the sentient beings that they are."

**RESQCATS** and **Southland Collie Rescue, Inc.** write in support, "Our organization works exclusively with like-minded animal shelters and adoption organizations and retailers that support the adoption of rescue animals, not the sale of dogs, cats or rabbits from pet stores that have been obtained through puppy mills, cat factories or bunny farms."

The **Animal Hope and Wellness Foundation, AGWC Rockin Rescue, Animal Rescue Recon, City of Colton, Dog Adoption and Welfare Group, Fresno Humane Animal Services,**

**Golden State Humane Society, Rockin Pets Foundation, San Diego House Rabbit Society, Santa Cruz County Animal Shelter, Shamrock Rescue Foundation, The David Toro Foundation, The Paw Project, Lobby for Animals, and Start Rescue** writes in support, "by offering animals for adoption from nearby shelters, pet stores can save the lives of animals searching for a home; save the breeding animals trapped in puppy mills, and relieve pressure on county budgets and local taxpayers."

#### **ARGUMENTS IN OPPOSITION:**

The **Pet Industry Joint Advisory Council** writes in opposition, "While local ordinances have been adopted in California, a state-wide ban on the sale of companion animals by retail stores is an overreach and does nothing to stop inhumane breeding practices or address shelter populations. The reality is that retail stores sell less than five percent of all dogs acquired annually across the country; seven times as many dogs are obtained from shelters and rescues each year as purchased in pet stores. With laws like Lockyer-Polanco-Farr in place, prospective pet owners are also protected from animals raised and sold by unscrupulous, illegal breeders who put profit before animal well-being. Pet sales from retail outlets offer more protections for both consumers and animals being offered for sale."

The **Animal Council** writes in opposition, "Our concerns with [this bill] are limited to Section 2, adding to the Pet Store Animal Care Act a new provision to prohibit pet store operators from selling a live dog, cat or rabbit in a pet store unless the dog, cat, or rabbit was obtained [from a] public agency, shelter or rescue exempt under Internal Revenue Code Section 501(c)(3). We believe this restriction is too broad and should be amended to only limit sales to these animals that are obtained from USDA licensed breeders with acceptable compliance records."

The **American Kennel Club** writes in opposition, "Our position on pet choice is clear. The American Kennel Club emphatically supports freedom of choice in selecting a pet. AKC actively promotes efforts to ensure that people are educated, understand the demands or responsible ownership and have access to a pet that is right for them."

**Shoreline Dog Fanciers of Orange County, Inc.** writes in opposition, "[This bill] encourages the importation of dogs and cats from foreign countries because California shelters currently have few dogs available for adoption."

**German Shepherd Dog Club of America**, "[this bill] does not require shelters or rescues to supply pet shops with dogs to sell. A lack of supply will prove economically disastrous for these businesses and the people who are employed by them."

The **California Retailers Association** writes in opposition, "...Our pet store members share the author's concern about human breeding and pet sourcing practices. For this very reason, they do not sell live dogs, cats and rabbits unless they come from animal welfare organizations. Still we are opposed to the approach taken in [this bill] because it will not put an end to the puppy mill we are adamantly against."

**Dog Owners of the Golden State (DOGS)** write in opposition, "DOGS opposes [this bill] which would mandate that retail outlets in our state only source dogs, cats or rabbits from animal shelters or rescue groups. This measure would severely restrict consumer choice and spur the growth of an unregulated market."

**The English Cocker Spaniel Club of Southern California** writes in opposition, "We feel that there should be an exception in your bill for animals purchased from Responsible Breeders, and that a definition of "Responsible Breeders" should be included in the bill."

**NAIA Trust** writes in opposition..."Another concern is the lack of significant consumer protection for animals obtained from these groups. There is little recourse if a dog from one of these importing rescue groups has costly health issues since the Polanco-Lockyer Pet Breeder Warranty Act that holds breeders responsible for the animals sold to California consumers does not cover shelters and rescues."

The **Cavalry Group** writes in opposition, "The Cavalry Group has witnessed a systematic attempt to over-regulate, unfairly inspect, and penalize professional animal enterprises out of business. We believe that the origin of this shift can be traced directly to what is known as the "Animal Rights Movement," a line of thinking that has gradually gained a foothold in universities and government throughout the past 40 years. What was once a radical, ragtag group of extremists is now a multi-billion dollar coalition of organizations that raise money under the guise of improving animal welfare and running pet shelters, but ultimately spend that money on the promotion of increased regulation on animal ownership and enterprise."

#### **IMPLEMENTATION ISSUES FOR CONSIDERATION:**

This bill is well intentioned to help curb the sale of "puppy mill" puppies and "kitten factory" kittens and rabbits in California; however, as currently drafted, the Committee may wish to consider the following implementation issues:

- 1) As currently drafted, this bill would prohibit a retail pet store from selling live dogs, cats, or rabbits unless those animals have been provided by a shelter or rescue organization. However, it is unclear how a retail pet store will acquire animals if a rescue organization or shelter is not available or chooses not to work with a retail pet store. There is no requirement for a shelter or non-profit rescue group to provide animals to a retail store for purposes of sale. This bill also does not specify how often a shelter or rescue organization must make the dogs, cats, or rabbits available to a pet retailer.
- 2) As currently drafted, this bill does not permit a sufficient amount of time for retailers who currently have cats, dogs or bunnies for retail sale, or have commitment orders for additional inventory, to comply with the provisions of this bill. In order to provide retail pet stores with a sufficient amount of time to transition to this new program, the author may wish to delay the implementation until January 1, 2020.
- 3) As currently drafted, this bill prohibits a pet store operator from selling a live, cat, or rabbit in a pet store, unless the dog, cat, or rabbit was obtained from a specified shelter or animal rescue organization, however, those animal organizations typically do not "sell" animals and instead offer adoption services for an "adoption fee" in an effort to recoup some of the costs of caring for the animals. As a result, if pet store operators "sell" shelter or rescue animals, pet store operators will be required to comply with the provisions of law pertaining to the retail sale of dogs and cats including maintaining specified veterinary medical information which may or may not be available to the retailer.

- 4) Currently, there are 33 jurisdictions in California which have an ordinance similar to the provisions of this bill prohibiting the retail sale of cats and dogs, unless they are from a shelter or rescue organization. Some of those ordinances could be more stringent than the requirements proposed by this bill. Some consideration to allowing a local government to establish an ordinance that is more stringent than the provisions of this bill may be warranted.
- 5) This bill would require a retail pet store to *sell* only live dogs, cats, or rabbits which have been obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit, as specified, animal rescue or adoption organization that is in a cooperative agreement with at least one private or public shelter, as specified. However, this bill does not provide a mechanism to ensure that a non-profit, animal rescue or, adoption organization is in compliance with existing law and this bill and does not require the retail pet operator to verify an organization' status.

**REGISTERED SUPPORT:**

Social Compassion in Legislation (sponsor)  
A Passion for Paws Rescue  
Actors and Others for Animals  
AGWC Rockin Rescue  
Alley Cat Allies  
Animal Hope and Wellness Foundation  
Animal Rescue Recon  
California Animal Control Directors Association  
City of Colton  
Dog Adoption and Welfare Group  
Fix Long Beach  
Fresno Humane Animal Services  
Golden State Humane Society  
Helen Sanders CatPAWS  
Lobby for Animals  
Peninsula Humane Society and SPCA  
People for Ethical Treatment of Animals  
RESQCATS  
Rockin Pets Foundation  
Sacramento SPCA  
San Diego House Rabbit Society  
Santa Cruz County Animal Shelter  
Shamrock Rescue Foundation  
Southland Collie Rescue, Inc.  
Start Rescue  
The Animal Shelter Assistance Program  
The City of Long Beach  
The David Toro Foundation  
The Paw Project  
Numerous individuals

**REGISTERED OPPOSITION:**

American Kennel Club  
California Retailers Association  
Cavalry Group  
Dog Owners of the Golden State (DOGS)  
German Shepherd Dog Club of America  
NAIA Trust  
Pet Industry Joint Advisory Council  
Shoreline Dog Fanciers of Orange County, Inc.  
The Animal Council  
The English Cocker Spaniel Club of Southern California  
Multiple individuals and individual pet store owners.

**Analysis Prepared by:** Elissa Silva / B. & P. /916-319-3301