
THIRD READING

Bill No: AB 485
Author: O'Donnell (D) and Dababneh (D), et al.
Amended: 7/19/17 in Senate
Vote: 21

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 7-1, 7/17/17
AYES: Hill, Dodd, Galgiani, Glazer, Hernandez, Newman, Pan
NOES: Wilk
NO VOTE RECORDED: Fuller

ASSEMBLY FLOOR: 55-11, 5/30/17 - See last page for vote

SUBJECT: Pet store operators: dogs, cats, and rabbits

SOURCE: Social Compassion in Legislation

DIGEST: This bill prohibits, beginning January 1, 2019, 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, or animal rescue or adoption organization, as defined; permits a public or private shelter to enter into cooperative agreement with animal rescue or adoption organizations regarding rabbits; requires dogs or cats sold in a retail pet store to comply with current spay and neuter laws; and, permits an animal control officer, a humane officer, or a peace officer to enforce the pet store prohibition.

ANALYSIS:

Existing law:

- 1) Establishes procedures and requirements 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) § 122350 *et seq.* and Penal Code (PC) § 5971)

- 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 § 122350(i))
- 3) 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 § 122355(d))
- 4) Establishes the Polanco-Lockyer Pet Breeder Warranty Act, related to the sale of dogs by breeders. Defines a dog breeder as a person, firm, partnership, corporation that has sold, transferred or given away 20 or more dogs within one year that were bred and reared on the premises. Specifies information to disclose to the consumer, including records of diseases or illness. Requires dog breeders to maintain the health and safety of the dogs and prohibits them from knowingly selling a dog that is ill. (HSC §§ 122045-122110)
- 5) Establishes the Lockyer-Polanco-Farr Pet Protection Act (Pet Protection Act), related to the retail sale of dogs and cats. Requires that pet dealers possess a permit in order to sell dogs and cats and provide consumers disclosures related to the pet, including breeder information, health records, and any known health condition. Requires that breeders maintain facilities and care requirements for pets. Specifies civil penalties for violating these provisions. (HSC §§ 122125-122220)
- 6) Specifies that it is the policy of the state that no adoptable animal, as defined, should be euthanized within a public or private shelter if it can be adopted into a suitable home and that no treatable animal which could become adoptable with reasonable efforts should be euthanized. (Food and Agriculture Code (FAC) § 17005 and PC § 599d)
- 7) States that any stray dog or cat that is impounded, prior to the euthanasia of that animal, to be released to a nonprofit 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 §§ 31108 (b) and 31752 (b))

- 8) Requires a shelter, during the holding period and prior to adoption or euthanasia of an impounded dog or cat, to scan the animal for a microchip that identifies the owner of that dog and make reasonable efforts to contact the owner and notify him or her that his or her animal is impounded and is available for redemption. (FAC §§31108 (c) and 31752 (c))
- 9) Requires 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 hold the animal for the same period of time, under the same requirements of care, and with the same opportunity for redemption and adoption, as specified. (FAC § 31753)

This bill:

- 1) Prohibits, on or after January 1, 2019, 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 animal rescue or adoption organization that is in a cooperative agreement with at least one private or public shelter, as specified under the FAC.
- 2) Requires the sale of dogs or cats as specified in 1), above, to be in compliance with specified spay or neuter laws.
- 3) Requires each pet store to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells, or provides space for, for at least one year, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was obtained and permits public animal control agencies or shelters to periodically require pet store operators engaged in sales of dogs to provide access to these records.
- 4) 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 as authorized under the FAC regarding dogs and cats.

- 5) Makes a pet store operator who violates the provisions of this bill subject to a civil penalty of \$500 and specifies that each animal offered for sale in violation constitutes a separate violation.
- 6) Defines a “rescue group” to mean an organization that is tax exempt under § 501(c)(3) of the Internal Revenue Code and that does not obtain animals from breeders or brokers for compensation.

Background

According to the author, this bill aims to limit the sales of animals in California that are bred in “puppy mills,” “kitten factories,” or other commercial breeding facilities, and also ensure that available shelter or rescue animals are a source of animal sales. As stated by 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.”

Puppy Mills. “Puppy Mills” or “Kitty Factories” are common terms for large commercial breeding facilities that mass produce animals for sale at retail markets. 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 supposed to be scrutinized for their treatment of the animals including producing sick animals, inhumane treatment, and providing abhorrent living conditions, however as further indicated, these protections are not always enforced because these breeders receive little if any oversight. This bill, as indicated by the author and its proponents, aims to limit the sales of animals in California that are from “puppy mills”, “kitten factories” or other commercial breeding facilities (especially those in other states) and to help promote and encourage the availability of shelter animals in California as a source for either adoption or for sale in a pet store establishment.

As many commercial breeding facilities focus on quantity, there are concerns about the health of animals from these places, and oftentimes, news headlines and stories report on this issue. A recent January 3, 2017, article

in Rolling Stone Magazine, "*The Dog Factory: Inside the Sickening World of Puppy Mills*," highlighted the issues surrounding animals raised in "puppy mills". John Goodwin, the director of the puppy-mills campaign for the Humane Society of the United States (HSUS), stated that "Most every pup sold in stores in America comes from this kind of suffering – or worse" and "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."

As explained by the Humane Society Veterinary Medical Association, although the conditions in these puppy mills vary widely in quality, they are typically operated with an emphasis on profits over animal welfare and the dogs often live in substandard conditions, housed for their entire reproductive lives in cages or runs, provided little to no positive human interaction or other forms of environmental enrichment, and minimal to no veterinary care. There is little if any oversight of those transporting and delivering animals to a pet shop establishment in California and the conditions which may exist for these animals in transit at times border on abusive and inhumane.

Consumer Protection Laws Regarding the Purchase and Sale of Animals. In California, there are certain 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. 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. 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. There is also no requirement that a pet store operator has to purchase an animal from a licensed United States Department of Agriculture (USDA) breeder.

In order to address consumer protection for the sale of retail pets, the 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 prohibits 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.

Lax Oversight of Breeders. The federal Animal Welfare Act (AWA) 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 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 and be inspected by the USDA. However, as noted by various animal welfare organizations, the AWA provides 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.

In recent years, the Animal and Plant Health Inspection Service's (APHIS) under the USDA has provided on its Web site information regarding inspections of commercial animal breeding facilities and lists of persons licensed and registered under the AWA, but as of February 3, 2017, this information is no longer available from the APHIS Web site. It is no longer possible to see AWA inspection reports or search for active licensees and registered breeder facilities. The same applies to enforcement actions regarding AWA violations. It is now difficult to distinguish between the best and the worst of breeders from the standpoint of the pet store and the consumer.

Animal Shelters and Rescue Organizations. 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. HSUS 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 Los Angeles County alone, more than 4,000 dogs and cats were euthanized during Fiscal Year 2016/17.

Cooperative Agreements with Animal Rescue or Adoption Organizations.

Currently, a public or private shelter may enter into a cooperative agreement with any animal rescue or adoption organization for a dog, cat or rabbit, which allows the shelter to release the animal to the rescue or adoption organization rather than have the animal euthanized. The rescue or adoption organization need only request the release of the animal to their possession so they may attempt to have the animal adopted.

These cooperative agreements provided by the shelter are usually extensive agreements, sometimes called “adoption agreements” which provide for the responsibilities and expectations of both the shelter and for the rescue or adoption organization when providing animals for potential adoption. It generally specifies that type of organization it must be to qualify, what it should provide for the care and well-being of the animal, for what reasons the agreement can be terminated and return of the animal, and any fees or veterinary care which must be provided. It can be a one-time agreement or ongoing with the rescue or adoption organization.

Local City/County Ordinances and Other State Efforts Similar to this Bill. 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. Approximately 34 cities in California have placed restrictions on the retail sale of pets at pet stores. According to the Pet Industry Joint Advisory Council, 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. Just over 30 of these are located in jurisdictions which currently have a pet store sale ban.

Across the country there are at least 16 states with one or more cities with similar prohibitions on selling live cats, dogs, or rabbits at a retail pet store unless those animals are from a shelter and New Jersey recently passed legislation to address retail pet store sourcing issues. Vancouver, Canada, recently enacted prohibitions on the selling of these animals as well in pet stores.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 7/19/17)

Social Compassion in Legislation (source)

Actors and Others for Animals

AGWC Rockin’ Rescue

Alicia Pet Care Center

All About the Animals
Alley Cat Allies
American Rat Terrier Rescue Corp.
American Society for the Prevention of Cruelty to Animals
Animal Friends of the Valley
Animal Hope and Wellness Foundation
Animal Legal Defense Fund
Animal Protection and Rescue League
Animal Rescue Recon
Animal Shelter Assistance Program
Best Friends Animal Society
Bow-Wows & Meows, Inc.
Bunnies Urgently Needing Shelter
California Animal Control Directors Association
Camp Cocker Rescue
City of Antioch
City of Carlsbad
City of Encinitas
City of La Quinta
City of Long Beach
City of Los Angeles
City of Sacramento
City of Signal Hill
City of Turlock
City of West Hollywood
Coastal German Shepherd Rescue San Diego
Councilmember Esther C. Sanchez, City of Oceanside
Councilmember Melissa Fox, City of Irvine
Councilmembers Mona Rios and Alejandra Sotelo-Solis, City of National City
Davey's Voice
David Toro Foundation
Dog Adoption and Welfare Group
Dog Squad Rescue
East Bay Rabbit Rescue
Fix Long Beach
Fresno Humane Animal Services
Friends of Long Beach Animals
Gentle Barn
Golden State Humane Society
Harley's Dream

Healthy Spot
Helen Sanders CatPAWS
Humane Society of the United States
Humane Society Silicon Valley
It's The Pits
Labrador Rescuers of San Diego
Last Chance for Animals
Last Chance for Animals, San Diego Chapter
Lobby for Animals
Lucy Pet Foundation
Mayor Pro Tem David J. Toro, City of Colton
National Animal Rescue Coalition
NOAH – Not One Animal Harmed
Oakland Animal Services
Ozzy Foundation
Palm Springs Animal Shelter
Passion for Paws Rescue
Paw Project
Peace 4 Animals
Pedro Pet Pals
Peninsula Humane Society and SPCA
People for Ethical Treatment of Animals
Puppy Coalition Foundation
Rabbit Rescue
Rescue House
RESQCATS, Inc.
Rockin Pets Foundation
Sacramento SPCA
San Diego Animal Advocates
San Diego House Rabbit Society
San Diego Humane Society
San Francisco SPCA
Santa Cruz County Animal Shelter
Saving Pets One At a Time
Shamrock Rescue Foundation
SoulPlayMates Dog Rescue & Advocacy
Southern California Bulldog Rescue, Inc.
Southland Collie Rescue, Inc.
Spay-Neuter Action Project
Spay-Neuter Action Project

SPOT Rescue
Starfish Animal Rescue
Start Rescue
State Humane Association of California
Supervisor Katy Tang, City and County of San Francisco
Take Me Home Rescue
Thrive Animal Rescue
Wagging Dog Rescue
Numerous individuals

OPPOSITION: (Verified 7/19/17)

American Kennel Club
Animal Council
Animal Issues Movement
Animal Kingdom Pet Shop
Broadway Puppies
California Federation of Dog Clubs
California Retailers Association
Cat Fanciers' Association
Chinese Shar-Pei Club of America, Inc.
Citizens for Responsible Pet Ownership
Dog Owners of the Golden State
English Cocker Spaniel Club of Southern California
Hello Puppies
National Animal Interest Alliance
National Federation of Independent Business
Pet Industry Joint Advisory Council
Pinogy
PuppySpot
World Pet Association
Individual Pet Store Owners/Operators

ARGUMENTS IN SUPPORT: Social Compassion in Legislation states that “Once AB 485 is law, thousands of shelter and rescued animals will have a chance of finding their forever homes by getting out of the shelters and into storefronts; this has been proven successful in many jurisdictions. And, just as important, cruelty at puppy mills and other commercial breeders will be mitigated by decreasing the demand for their inhumane commodities.”

The California Animal Control Directors Association writes that restricting 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.

Supporters write that by stopping one of the major outlets for the puppy mill pipelines in California, the Legislature is setting the standard for the rest of the country and that models already exist in responsible pet stores including Petsmart and Petco, so supporters do not believe that this bill will be an undue burden on merchants or animal control officers. Supporters state that by offering animals for adoption from nearby shelters, pet stores can save the lives of animals in search of a home, save the breeding animals trapped in puppy mills, and relieve pressure on county and city budgets and local taxpayers.

ARGUMENTS IN OPPOSITION: Opponents argue that this bill is an extreme overreach that could shut down many small, local pet stores that provide healthy, quality pets to the public. Opponents state concerns that the author has rejected amendments that would provide that retail stores can only obtain dogs and cats from USDA-licensed breeders (or breeders exempt from USDA licensing requirements) that have not been cited for any direct or critical noncompliance violation under the AWA for a two-year period prior to offering for sale any dog or cat and have not been cited for non-compliance during the most recent inspection by the USDA.

Opponents state that this bill will not put an end to puppy mills and write that sales bans, such as this one proposed, only perpetuate a false sense of security and drives the sale and supply of pets to the Internet, where there is little oversight or regulatory framework that applies. Opponents also state that in order to ensure compliance with the requirements of this bill, it would need to increase its state labor force to oversee the 100 local pet store operators.

Several pet shop owners/operators write that California already has some of the most stringent retail animal care standards in the country and that while they agree with the author's intent to target puppy mills and believe puppy mills are morally reprehensible, this bill is misguided by targeting the small number of remaining pet stores who sell a relatively small percentage of puppies in California – less than four percent of shelter intakes originated from pet stores. They argue that this bill puts small business at a disadvantage, and only opens the door to an unregulated market like selling animals via the Internet.

ASSEMBLY FLOOR: 55-11, 5/30/17

AYES: Aguiar-Curry, Arambula, Baker, Berman, Bloom, Bocanegra, Bonta, Brough, Burke, Calderon, Cervantes, Chávez, Chiu, Chu, Cooley, Dababneh, Daly, Flora, Friedman, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gomez, Gonzalez Fletcher, Gray, Holden, Irwin, Jones-Sawyer, Kalra, Levine, Limón, Low, Maienschein, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Quirk, Quirk-Silva, Reyes, Ridley-Thomas, Rodriguez, Rubio, Salas, Santiago, Mark Stone, Thurmond, Ting, Waldron, Weber, Wood, Rendon

NOES: Bigelow, Caballero, Fong, Gallagher, Harper, Lackey, Mathis, Melendez, Obernolte, Patterson, Voepel

NO VOTE RECORDED: Acosta, Travis Allen, Chau, Chen, Choi, Cooper, Cunningham, Dahle, Eggman, Frazier, Grayson, Kiley, Mayes, Steinorth

Prepared by: Bill Gage / B., P. & E.D. /
7/19/17 15:19:57

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