

**2021 CA AB 702, Santiago. INTEGRATED TEXT, bill as introduced,  
2/16/2021, California Health and Safety Code, Part 6**

*THE ANIMAL COUNCIL, 18 FEB 2021*

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**AB 702**

**SECTION 1.**

Chapter 8.5 (commencing with Section 122336) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

**CHAPTER 8.5. Breeder Permitting Programs for Cats and Dogs**

**122336.**

For purposes of this chapter, the following definitions shall apply:

(a) "Breeder permit" means a document issued annually by a local jurisdiction or its local animal control agency if authorized to issue these permits, that authorizes a person to own or possess within that locality an unaltered cat or dog for the purposes of breeding and meets the requirements of subdivision (a) of Section 122338.

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

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

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

(e) "Unaltered" means any female or male dog or cat that has not been spayed or neutered or has otherwise been rendered incapable of reproduction.

(f) "Breeding" shall be deemed to have occurred upon the production of offspring, whether the offspring result from sexual activity or artificial insemination, and whether the sexual activity was intentional or the result of improper confinement.

(g) "Proper shelter" means an enclosure with four walls, a roof and a raised floor that adequately protects from exposure to cold, heat, and water, and that gives access to an enclosed yard or other open outdoor space.

## **122337.**

(a) Subject to subdivision (b), no person, as principal, agent, employee, or otherwise, shall establish or maintain any dog or cat kennel for breeding purposes, keep any dog or cat for breeding purposes, or breed any dog or cat that is owned, harbored, or kept without first applying to and receiving a breeder permit.

(b) The application for a breeder permit shall contain information that is requested by the local jurisdiction, including, but not limited to, the following:

(1) A complete description of the nature and extent of the breeding to be conducted and for which application is made, including the breed of cats or dogs proposed to be bred.

(2) The address of the location at which breeding will occur and, if different from the breeding address, the address of the location at which the litter shall be queened or whelped.

(3) The name and address of the applicant or applicants.

(4) A statement by the applicant or applicants stating that each applicant or applicants owns either of the cats or dogs to be bred and that there are no other owners.

(5) A statement by the applicant or applicants stating that at least one of the litter is intended to be offered for sale.

(6) Evidence that the cats or dogs to be bred do not have the same sire or dam.

(7) Evidence that the dam to be bred is at least two years of age and no more than seven years of age.

(8) A copy of a valid certificate of health for the dam.

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(9) Evidence that both cats and dogs to be bred have microchip devices implanted with the permittees contact information.

(10) If the owners are not the applicant or applicants, written authorization to do any of the following:

- (A) Breed.
- (B) Queen.
- (C) Whelp.
- (D) Breed and queen.
- (E) Breed and whelp.

(11) A statement by the applicant or applicants stating that the applicant or applicants have reviewed and will comply with all applicable rules and regulations regarding breeding and keeping animals on private property.

(12) Other information that may be required by the jurisdiction, consistent with the purposes of this chapter.

(c) A person who is in possession of any document issued by the local jurisdiction or its authorized local animal control agency that permits actions described in subdivision (a) shall be deemed in compliance with this act until the document expires.

**122338.**

(a) A local jurisdiction shall issue a breeder permit if the owner provides sufficient proof, as determined by the local jurisdiction or its authorized local animal control agency, that the following conditions are met:

(1) The owner demonstrates, by providing a copy of their business license and federal and state tax number, or by other proof, as required by the local jurisdiction or its authorized local animal control agency, that the owner is doing business as a cat or dog breeder at a location for which the local jurisdiction or its authorized local animal control agency has issued the business license.

(2) The owner agrees to comply with the following requirements:

- (A) Only one litter per year, per cat or dog per household may be queened or whelped.
- (B) Proper shelter shall be provided for all cats, dogs, and litters.
- (C) Clean and reasonably temperate water shall be provided to all cats and dogs at all times.
- (D) Nutritious food sufficient to properly nourish the dam and the dam's litter shall be provided.
- (E) Cats' and dogs' living quarters and yards shall be properly maintained at all times, including, but not limited to, removal of feces and urine to prevent odors from entering surrounding areas.
- (F) Births shall be reported to the local jurisdiction within 10 days of their occurrence.

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(G) No offspring shall be sold or otherwise transferred, whether for compensation or otherwise, until it has reached the eight weeks of age, has been immunized against common diseases, and has been issued a certificate of health.

(H) All offspring shall have a microchip device that identifies the breeder implanted before the eight weeks of age. The identity of the breeder shall remain on the microchip device along with the identity of the new owner upon the sale or transfer of the animal.

(I) All advertising in any medium undertaken to market the offspring of a permitted unaltered animal shall prominently feature the permit number and identity of the permitting jurisdiction.

(J) An owner who transfers ownership of a dog or cat for compensation or otherwise shall disclose to the transferee information regarding the license and permit requirements of the jurisdiction applicable to the transferred animal and all medical records, health certificates, and microchip information.

(b) (1) The amount of the fee for a breeder permit shall be determined by the local jurisdiction, but shall not exceed the reasonable costs of administering these provisions.

(2) A fee assessed by a local jurisdiction pursuant to this chapter shall not be duplicative of any other local fee in that jurisdiction.

(c) Nothing in this section shall prohibit a local jurisdiction from adopting or enforcing more restrictive spay and neuter, unaltered, or breeding provisions pursuant to Section 122331.<sup>i</sup>

(d) (1) Any individual or organization breeding animals for services provided by guide dogs, signal dogs, or service dogs, as defined in subparagraph (C) of paragraph (6) of subdivision (b) of Section 54.1 of the Civil Code, shall be presumptively entitled to a breeder permit issued pursuant to this chapter.

## **122339.**

(a) A local animal control agency shall be responsible for enforcing and administering this chapter.

(b) A local animal control agency may revoke a permit of an owner, after notice and an opportunity to be heard, for a failure to comply with the requirements of paragraph (2) of subdivision (a) of Section 122338.<sup>ii</sup>

## **SEC. 2.**

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

CHAPTER 9. Pet Store Animal Care122350-122361

CHAPTER 10. Sale of Animals at Swap Meets122370-122374

CHAPTER 11. Pet Boarding Facilities122380-122388

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[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=HSC&sectionNum=122331](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=122331).

**CHAPTER 7. Spay/Neuter and Breeding Programs for Animals [122330 - 122331] ( Chapter 7 added by Stats. 2005, Ch. 668, Sec. 2. )**

**122331.**

**(a) Cities and counties may enact dog breed-specific ordinances pertaining only to mandatory spay or neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.**

**(b) Jurisdictions that implement programs described in subdivision (a) shall measure the effect of those programs by compiling statistical information on dog bites. The information shall, at a minimum, identify dog bites by severity, the breed of the dog involved, whether the dog was altered, and whether the breed of dog was subject to a program established pursuant to subdivision (a). These statistics shall be submitted quarterly to the State Public Health Veterinarian.**

**(Added by Stats. 2005, Ch. 668, Sec. 2. Effective January 1, 2006.)**

ii **(2) The owner agrees to comply with the following requirements: SHADED GREEN ABOVE**