

CALIFORNIA FOOD AND AGRICULTURAL CODE, DIVISION 14, CHAPTER 3 SECTION 30801-30807 currently has sections 30804.5 and 30804.7. SB 250 would add a new section 30804.6 between these existing provisions. Section 30804.7 was enacted in 1998 as part of AB 1845 by then Assembly Member Edward Vincent. AB 1856 was introduced as prohibiting transfer of any dog or cat by anyone before sterilization, but was amended to only cover sterilization by animal control agencies, shelters and rescues, and only add surcharges to local fines for multiple impounds of unaltered dogs, i.e. 30804.7. 30801-30304. As Amended April 21, May 5 and May 28, SB 250 limits a section only to dogs. Cats are not included in Chapter 3 at all but are regulated separately in Division 14.5, Chapters 1 and 2. As Amended April 21, May 5 and May 28 SB 250, a new Section 31751.4 would be added to Division 14.15, Chapter 1, Regulation of Cats Generally.

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NOTE: The purpose of integrated text documents is to understand a proposed bill in the context of existing law. Consistent with this goal, the April 21, 2009 amended language has been formatted to include ONLY the language of the current bill and not the changes from the introduced version which is now irrelevant. The bill ONLY adds one new section to existing law, not changing any existing statutory language.

30801. (a) A board of supervisors may provide for the issuance of serially numbered metallic dog licenses pursuant to this section. The dog licenses shall be stamped with the name of the county and the year of issue.

(b) The board of supervisors or animal control department may authorize veterinarians to issue the licenses to owners of dogs who make application.

(c) The licenses shall be issued for a period of not to exceed two years.

(d) In addition to the authority provided in subdivisions (a), (b), and (c), a license may be issued, as provided by this section, by a board of supervisors for a period not to exceed three years for dogs that have attained the age of 12 months, or older, and who have been vaccinated against rabies. The person to whom the license is to be issued pursuant to this subdivision may choose a license period as established by the board of supervisors of up to one, two, or three years. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

30802. Each application for a dog license tag shall state the age, sex, color, and breed of the dog for which the license is desired and the address of the owner.

30803. (a) The animal control department shall endorse upon the application for a dog license tag the number of the license tag issued.

(b) All applications that have been endorsed shall be kept on file in the office of the animal control department open to public inspection.

30804. The fee for the issuance of the dog license tag is fifty cents (\$0.50). The board of supervisors may, however, increase the fee.

30804.5. Whenever dog license tags are issued pursuant to this division, any such tag shall be issued for one-half or less of the fee required for a dog, if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

SB 250 OPERATIVE PROVISIONS - SECTION 1. Section 30804.6 is added to the Food and Agricultural Code, to read:

(a)

(1) Every dog owner shall secure a license for the dog pursuant to Section 121690 of the Health and Safety Code or as required by the local licensing agency.

(2) No person shall own, keep, or harbor an unsterilized dog in violation of this section.

(3) An owner or custodian of an unsterilized dog shall have the dog sterilized by the age of six months, obtain a certificate of sterility, or, if provided for by ordinance of the responsible city, county, or city and county, obtain an unaltered dog license in accordance with this section.

(4) This subdivision shall not apply to a dog with a high likelihood, due to age or infirmity, of suffering serious bodily harm or death if surgically sterilized. The owner or custodian shall obtain written confirmation of this fact from a veterinarian licensed in this state. If the dog is able to be sterilized at a later date, that date shall be stated in the written confirmation. If the date for sterilization in the written confirmation is more than 30 days after the date that the owner or custodian receives that confirmation, the owner or custodian shall apply for an unaltered dog license pursuant to any applicable city, city and county, or county ordinance .

(b) The licensing agency shall utilize its existing procedures or may establish procedures for the denial or revocation of an unaltered dog license and may deny or revoke a license for one or more of the following reasons:

(1) The owner, custodian, applicant or licensee is not in compliance with all of the requirements of this section.

(2) The owner, custodian, applicant, or licensee has violated a state law, or a city, county, or other local governmental provision relating to the care and control of animals.

(3) Any unaltered dog license held by the applicant has been revoked for violating a state law, or a city, county, or other local government provision relating to the care or control of animals.

(4) The license application is discovered to contain a material misrepresentation or omission of fact.

(c) The licensing agency shall utilize its existing procedures or may establish procedures for any appeal of a denial or revocation of an unaltered dog license, which appeal procedure may include written notice of the denial or revocation and a reasonable opportunity for the owner or custodian to respond.

(d) The licensing agency may assess a fee for the procedures related to the issuance, denial, or revocation of an unaltered dog license consistent with this chapter.

(e) An owner or custodian who offers any unsterilized dog for sale, trade, or adoption at four months of age or older or the age required by the licensing agency shall be required to include a valid unaltered dog license number with the offer of sale, trade, or adoption, or shall otherwise state and establish compliance with this section. The unaltered dog's license number, and any existing microchip number for the dog, shall appear on the document transferring ownership of the dog to the new owner.

(f)

(1) Any authorized penalty may be imposed upon an owner or custodian of an unlicensed, unaltered dog for a violation of this section only if the owner or custodian is concurrently cited for one or more of the following:

(A) Permitting the subject dog to roam at large.

(B) Failure to provide adequate care for the subject dog in violation of animal cruelty provisions.

(C) Rabies quarantine violations for the subject dog.

(D) Fighting dog activity in violation of Section 597.5 of the Penal Code.

(E) Failure to comply with the local jurisdiction's requirements for the keeping of a dog that has been adjudicated by a court or an agency of appropriate jurisdiction to be potentially dangerous, dangerous, or vicious.

(F) Failure to possess an unaltered dog license.

(2) Any owner or custodian of an unaltered dog who is found to be subject to a penalty under paragraph (1) shall be required to surgically sterilize the unaltered animal in accordance with this section. The licensing agency may utilize procedures as they exist on the effective date of this Section for any appeal of this requirement.

(3) Any owner or custodian of an unaltered dog who is lawfully using that dog for the pursuit or taking of mammals pursuant to Section 265 of Title 14 of the California Code of Regulations or for the lawful pursuit or taking of migratory game birds, game birds, ducks, and other permitted water fowl and has lawfully purchased a hunting license as provided in Section 3031 of the Fish and Game Code shall not be in violation of subparagraph (A) of paragraph (1).

(4) At the time a citation is issued pursuant to paragraph (1) or (2), the licensing agency may provide the owner or custodian information as to the availability of sterilization services for free or at a reduced cost.

(f) If an unlicensed unaltered dog is impounded pursuant to state or local law, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees pursuant to this section, the owner or custodian shall also do one of the following:

(1) Provide written proof of the dog's prior sterilization, if conditions cannot or do not make this assessment obvious to the licensing agency personnel.

(2) Have the dog surgically sterilized by a veterinarian associated with the licensing agency at the expense of the owner or custodian. That expense may include additional fees due to any extraordinary care required.

(3) Arrange to have the dog surgically sterilized by another veterinarian licensed in this state.

(4) At the discretion of the licensing agency, the dog may be released to the owner or custodian if he or she pays a refundable deposit consistent with existing practices and procedures, or signs a statement under penalty of perjury representing that the dog will be surgically sterilized and that he or she will submit a statement by the deadline set by the licensing agency, but in no case less than 10 days after the release, signed by the

veterinarian, confirming that the dog has been surgically sterilized or is incapable of breeding, or confirming that the veterinarian has scheduled the operation within a reasonable time.

(g) The owner or custodian of the unaltered dog shall be responsible for the established costs of impoundment, which shall include daily board costs, vaccination, medication, and any other diagnostic or therapeutic applications as required by this section. The owner or custodian shall comply with any additional impoundment procedures.

(h) All costs and fines collected under this section and the fees collected under subdivision (g) shall be paid to the licensing agency for the purpose of defraying the cost of the implementation and enforcement of this section.

(i) Nothing in this section shall prohibit a local jurisdiction from enforcing or enacting local measures that require the spaying or neutering of all dogs, and this section shall not prohibit a local jurisdiction from enacting or enforcing other local measures pertaining to the obligations of a person owning or possessing a dog.

(j) For the purposes of this section, the following terms have the following meanings:

(1) "Licensing agency" means the municipal city or county animal control agency or other entity responsible for enforcing laws relating to animals.

(2) "Custodian" means any person who undertakes the personal care and control of a dog, or any person who intentionally provides care, security, or sustenance for a dog on the person's property for any period exceeding 30 days. "Custodian" does not include a licensing agency.

(3) "Sterilize" means to permanently eliminate the ability of a dog to reproduce by removing the sex organs or preventing them from functioning

NOTE: Bill section only:

<p><i>SECTION 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.</i></p>

30804.7. (a) The owner of a nonspayed or unneutered dog that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for

unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of dogs, and any additional costs incurred by the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group in the administration of the requirements of this division.

(c) This section applies to each county and cities within each county, regardless of population.

(d) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a dog that is spayed or neutered in accordance with this section.

30805. The board of supervisors shall fix the compensation of the animal control department for issuing dog license tags.

30807. Any licensed kennel may be exempted pursuant to regulation or ordinance from any requirement to obtain a license tag for each dog within the kennel.

REFERENCE – SEPARATE DIVISION GOVERNS CATS FOOD AND AGRICULTURAL CODE SECTION 31751-31754

DIVISION 14.5. REGULATION OF CATS

CHAPTER 1. REGULATION OF CATS GENERALLY 31751-31754

31751. For the purposes of this division, each member of a litter of kittens, weaned or unweaned, shall be treated as an individual animal.

31751.3. (a) (1) Except as otherwise provided in subdivision (b), no public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall sell or give away to a new owner any cat that has not been spayed or neutered.

(2) For the purposes of this section, a "rescue group" is a for-profit or not-for-profit entity, or a collaboration of individuals with at least one of its purposes being the sale or placement of cats that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter or that have been previously owned by any person other than the original breeder of that cat.

(b) (1) If a veterinarian licensed to practice veterinary medicine in this state certifies that a cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the cat to be spayed or neutered, the adopter or purchaser shall pay the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group a deposit of not less than forty dollars (\$40), and not more than seventy-five dollars (\$75).

(2) The entity shall establish the amount of the deposit at the level it determines is necessary to encourage the spaying or neutering of cats.

(3) The deposit shall be temporary, and shall only be retained until the cat is healthy enough to be spayed or neutered, as certified by a veterinarian licensed to practice veterinary medicine in this state.

(4) The cat shall be spayed or neutered within 14 business days of that certification.

(5) The adopter or purchaser shall obtain written proof of spaying or neutering from the veterinarian performing the operation.

(6) If the adopter or purchaser presents proof of spaying or neutering to the entity from which the cat was obtained within 30 business days of obtaining the proof, the adopter or purchaser shall receive a full refund of the deposit.

(c) Public animal control agencies or shelters, society for the prevention of cruelty to animals shelters, humane society shelters, and rescue groups may enter into cooperative agreements with each other and with veterinarians in lieu of requiring spaying and neutering deposits to carry out this section.

(d) Any funds from unclaimed deposits made pursuant to this section, as it read on January 1, 1999, and any funds from deposits unclaimed after January 1, 2000, may be expended only for programs to spay or neuter cats and dogs, including agreements with a society for the prevention of cruelty to animals or a humane society or licensed veterinarian, to operate a program to spay or neuter cats and dogs.

(e) This section only applies to a county that has a population exceeding 100,000 persons as of January 1, 2000, and to cities within that county.

SB 250,[SECTION 2. Section 31751.4 is added to the Food and Agricultural Code, to read:]

(a)

(1) It is unlawful for any person who owns, keeps, or harbors any unsterilized cat six months of age or older to allow or permit that unsterilized cat to roam at large.

(2) An owner or custodian of an unsterilized cat *who permits that cat to roam at large* shall have the animal sterilized, or *obtain* a certificate of sterility.

(3) This subdivision shall not apply to a cat with a high likelihood, due to age or infirmity, of suffering serious bodily harm or death if sterilized. The owner or custodian shall obtain written confirmation of this fact from a veterinarian licensed in this state. If the cat is able to be sterilized at a later date, that date shall be stated in the written confirmation.

(b) An owner or custodian who offers any unsterilized cat for sale, trade, or adoption shall notify the licensing agency, if the jurisdiction requires the licensing of cats, of the name and address of the transferee within 10 days after the transfer. Any existing microchip number for the cat shall appear on a document transferring ownership of the cat to the new owner.

(c) If an unaltered cat is impounded pursuant to state or local law, in addition to satisfying applicable requirements for the release of the animal, including, but not limited to, payment of impound fees pursuant to this section, the owner or custodian shall also do one of the following:

(1) Provide written proof of the cat's prior sterilization, if conditions cannot or do not make this assessment obvious to the licensing agency personnel.

(2) Have the cat surgically sterilized by a veterinarian associated with the licensing agency at the expense of the owner or custodian. That expense may include additional fees due to any extraordinary care required.

(3) Arrange to have the cat surgically sterilized by another veterinarian licensed in this state.

(4) At the discretion of the licensing agency, the cat may be released to the owner or custodian if he or she pays a refundable deposit consistent with existing practices and procedures, or signs a statement under penalty of perjury representing that the cat will be surgically sterilized and that he or she will submit a statement by the deadline set by the licensing agency, but in no case less than 10 days after the release, signed by the veterinarian, confirming that the cat has been surgically sterilized or is incapable of breeding, or confirming that the veterinarian has scheduled the operation within a reasonable time.

(d) The owner or custodian of the unaltered cat shall be responsible for the established costs of impoundment, which shall include daily board costs, vaccination, medication, and any other diagnostic or therapeutic applications as required by this section. The owner or custodian shall comply with any additional impoundment procedures.

(e) All costs and fines collected under this section and the fees collected under subdivision (e) shall be paid to the licensing agency for the purpose of defraying the cost of the implementation and enforcement of this section.

(f) Nothing in this section shall prohibit a local jurisdiction from enforcing or enacting local measures that require the spaying or neutering of all cats, and this section shall not prohibit a local jurisdiction from enacting or enforcing other local measures pertaining to the obligations of a person owning or possessing a cat.

(g) For the purposes of this section, the following terms have the following meanings:

(1) "Custodian" means any person who undertakes the personal care and control of a cat, or any person who intentionally provides care, security, or sustenance for a cat on the person's property for any period exceeding 30 days. "Custodian" does not include a licensing agency.

(2) "Licensing agency" means the municipal city or county animal control agency or other entity responsible for enforcing laws relating to animals.

(3) "Sterilize" means to permanently eliminate the ability of a cat to reproduce by removing the sex organs or preventing them from functioning

NOTE: Bill section only:

SECTION 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

31751.5. Whenever a city or county requires cat license tags, any such tag shall be issued for one-half or less of the fee required for a cat, if a certificate is presented from a licensed veterinarian that the cat has been spayed or neutered.

31751.6. Any licensed cattery may be exempted pursuant to regulation or ordinance from any requirement to obtain a license tag for each cat within the cattery.

31751.7. (a) The owner of a nonspayed or unneutered cat that is impounded once by a city or county animal control agency or shelter, society for the prevention of cruelty to animals, or humane society, shall be fined thirty-five dollars (\$35) on the first occurrence, fifty dollars (\$50) on the second occurrence, and one hundred dollars (\$100) for the third or subsequent occurrence. These fines are for unneutered impounded animals only, and are not in lieu of any fines or impound fees imposed by any individual city, county, public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(b) An animal control officer, humane officer, police officer, peace officer, or any agency authorized to enforce the Penal Code may write citations with a civil penalty stated in an amount corresponding to the violation as provided in subdivision (a). The fines shall be paid to the local municipality or public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter. Any funds collected under this section shall be expended for the purpose of humane education, programs for low cost spaying and neutering of cats, and any additional costs incurred by the animal shelter in the administration of the requirements of this division.

(c) Local ordinances concerning the adoption or placement procedures of any public animal control agency or shelter, society

for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall be at least as restrictive as this division.

(d) This section applies to each county and cities within each county, regardless of population.

(e) No city or county, society for the prevention of cruelty to animals, or humane society is subject to any civil action by the owner of a cat that is spayed or neutered in accordance with this section.

31752. (a) The required holding period for a stray cat impounded pursuant to this division shall be six business days, not including the day of impoundment, except as follows:

(1) If the public or private shelter has made the cat available for owner redemption on one weekday evening until at least 7:00 p.m. or one weekend day, the holding period shall be four business days, not including the day of impoundment.

(2) 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.

Except as provided in Sections 17006 and 31752.5, stray cats shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption or adoption for the remainder of the holding period.

(b) Except as provided in Section 17006, 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.

(c) During the holding period required by this section and prior to the adoption or euthanasia of a cat impounded pursuant to this division, a public or private shelter shall 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.

31752.2. (a) Upon relinquishment of a cat to a public or private shelter, the owner of that cat shall present sufficient identification to establish his or her ownership of the cat and shall sign a statement that he or she is the lawful owner of the cat.

(b) Any person who provides false information pursuant to this subdivision about his or her ownership of the cat shall be liable to the true owner of the cat in the amount of one thousand dollars (\$1,000).

31752.5. (a) The Legislature finds and declares the following:

(1) Domestic cats' temperaments range from completely docile indoor pets to completely unsocialized outdoor cats that avoid all contact with humans.

(2) "Feral cats" are cats with temperaments that are completely unsocialized, although frightened or injured tame pet cats may appear to be feral.

(3) Some people care for or own feral cats.

(4) Feral cats pose particular safety hazards for shelter employees.

(5) It is cruel to keep feral cats caged for long periods of time; however, it is not always easy to distinguish a feral cat from a frightened tame cat.

(b) For the purposes of this section, a "feral cat" is defined as a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is totally unsocialized to people.

(c) Notwithstanding Section 31752, if an apparently feral cat has not been reclaimed by its owner or caretaker within the first three days of the required holding period, shelter personnel qualified to verify the temperament of the animal shall verify whether it is feral or tame by using a standardized protocol. If the cat is determined to be docile or a frightened or difficult tame cat, the cat shall be held for the entire required holding period specified in Section 31752. If the cat is determined to be truly feral, the cat may be euthanized or relinquished to a nonprofit, as defined in Section 501 (c)(3) of the Internal Revenue Code, animal adoption organization that agrees to the spaying or neutering of the cat if it has not already been spayed or neutered. In addition to any required spay or neuter deposit, the pound or shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for the animal released.

31753. Any 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 shall be held for the same period of time, under the same requirements of care, and with the same opportunities for redemption and adoption by new owners or nonprofit, as defined in Section 501(c) (3) of the Internal Revenue Code, animal rescue or adoption organizations as provided for cats and dogs. Section 17006 shall also apply to these animals. 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 by new owners or released to nonprofit animal rescue or adoption organizations pursuant to this section.

31754. (a) Except as provided in Section 17006, any animal relinquished by the purported owner that is of a species impounded by public or private shelters shall be held for the same holding periods, with the same requirements of care, applicable to stray dogs and cats in Sections 31108 and 31752, and shall be available for owner redemption or adoption for the entire holding period.

(b) Notwithstanding subdivision (a), kittens or puppies relinquished by the purported owner, or brought in by any other person with authority to relinquish them, to public or private shelters, may be available immediately for adoption.

(c) This section shall become operative on July 1, 2002.