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**AB-1138 Sale of cats or dogs.** (2017-2018)

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ENROLLED SEPTEMBER 07, 2017

PASSED IN SENATE SEPTEMBER 05, 2017

PASSED IN ASSEMBLY MAY 18, 2017

AMENDED IN ASSEMBLY APRIL 17, 2017

AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 1138**

**Introduced by Assembly Member Maienschein**

**February 17, 2017**

An act to add Section 17531.2 to the Business and Professions Code, relating to the sale of pets.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1138, Maienschein. Sale of cats or dogs.

Existing law regulates the sale of dogs and cats in this state, including provisions governing the retail sale of dogs and cats.

This bill would make it unlawful for specified people and entities, in specified mediums, to advertise, call attention to, or give publicity to the sale or transfer of a dog or cat for which the statements about or pictures of the dog or cat are made or presented without the actual intent to sell or offer the exact dog or cat advertised or the statements about the dog or cat being advertised or offered for sale are known to be untrue or misleading. The bill would make a violation of these provisions a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$2,500, or by both that imprisonment and fine.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 17531.2 is added to the Business and Professions Code, to read:

**17531.2.** (a) It is unlawful for any person, firm, or corporation, in any newspaper, magazine, circular, form letter, or any open publication, published, distributed, or circulated in the State of California, including over the Internet, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise, call attention to, or give publicity to, the sale or transfer of a dog or cat for which any of the following apply:

(1) Statements about the dog or cat being advertised or offered for sale are known, or by exercise of reasonable care should be known, to be untrue or misleading.

(2) Statements about or pictures of the dog or cat are made or presented without the actual intent to sell or offer the exact dog or cat so advertised, pictured, or offered.

(b) In addition to any other penalty provided by law, any violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine.

**SEC. 2.** 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.