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**AB-2445 Public health: retail sale of dogs, cats, and rabbits.** (2017-2018)

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**Assembly Bill No. 2445**

**CHAPTER 145**

An act to amend Section 122354.5 of the Health and Safety Code, relating to public health.

[ Approved by Governor July 20, 2018. Filed with Secretary of State July 20, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2445, O'Donnell. Public health: retail sale of dogs, cats, and rabbits.

Existing law requires a pet store operator, as defined, to comply with laws governing, among other things, the care and sale of, animals in a pet store. Existing law prohibits, commencing January 1, 2019, a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the animal was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group, as specified. Existing law imposes, effective January 1, 2019, a civil penalty on a pet store operator who violates these prohibitions.

This bill would additionally require a pet store operator to maintain records documenting the health, status, and disposition of each animal for at least 2 years after the animal is sold, and make these records available to specified individuals. This bill would require a pet store operator to provide to the prospective purchaser the pet return policy of the store. The bill would require the organization providing the animal to the pet store, upon request of the pet store operator, to provide the terms of the transfer and information about the animal, as specified. The bill would require a pet store to provide any veterinary records of the animal to a prospective purchaser or purchaser.

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

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

**SECTION 1.** Section 122354.5 of the Health and Safety Code is amended to read:

**122354.5.** (a) A pet store operator shall not sell a live dog, cat, or rabbit in a pet store unless the animal was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that is in a cooperative agreement with at least one private or public shelter pursuant to Section 31108, 31752, or 31753 of the Food and Agricultural Code.

(b) All sales of dogs and cats authorized by this section shall be in compliance with paragraph (1) of subdivision (a) of Section 30503 of, subdivision (b) of Section 30520 of, paragraph (1) of subdivision (a) of Section 31751.3 of, and subdivision (b) of Section 31760 of, the Food and Agricultural Code.

(c) Each pet store shall maintain records sufficient to document the origin of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year. Additionally, each pet store shall post, in a conspicuous location on the cage or enclosure of each

animal, a sign listing the name of the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit from which each animal was obtained. Public animal control agencies or shelters may periodically require pet stores engaged in sales of these animals to provide access to the records.

(d) A pet store operator shall maintain written records sufficient to document the health, status, and disposition of each animal for a period of not less than two years after the animal is sold. These records shall be available to humane officers, animal control officers, law enforcement officers, prospective purchasers, or the purchaser of the animal for inspection during normal business hours.

(e) A pet store operator shall provide to the prospective purchaser, in writing, the pet return policy of the pet store. The return policy shall include the circumstances, if any, under which the pet store will provide follow-up veterinary care for the animal in the event of illness.

(f) At the request of the pet store operator, the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group that supplies an animal to the pet store shall provide, in writing, the terms under which the animal is being transferred to the pet store, including policies on returning a sick animal, and information related to the animal, including the origin of the animal, if known, and any veterinary records.

(g) A pet store operator shall provide to the prospective purchaser or purchaser of an animal, a copy of the veterinary medical records of the animal, if any, including, but not limited to, records obtained pursuant to the requirements set forth in Section 122135.

(h) A pet store operator who is subject to this section is exempt from the requirements set forth in Article 2 (commencing with Section 122125) of Chapter 5, except for the requirements set forth in Section 122135, 122137, paragraphs (3) and (4) of subdivision (a) of, and paragraphs (5) and (6) of subdivision (b) of, Section 122140, and Section 122155.

(i) A pet store operator who violates this section shall be subject to a civil penalty of five hundred dollars (\$500). Each animal offered for sale in violation of this section shall constitute a separate violation.

(j) For purposes of this section, a "rescue group" is an organization that is tax exempt under Section 501(c)(3) of the Internal Revenue Code, and that does not obtain animals from breeders or brokers for compensation.

(k) This section does not prohibit a local governing body from adopting requirements that are more protective of animal welfare than those set forth in this section.

(l) This section shall become operative on January 1, 2019.