



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-128 Equines: protection.** (2019-2020)

SHARE THIS:  

Date Published: 10/14/2019 09:00 PM

**Assembly Bill No. 128**

**CHAPTER 765**

An act to amend Section 1834.8 of the Civil Code, and to amend Section 24106 of the Food and Agricultural Code, relating to equines.

[ Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 128, Gloria. Equines: protection.

(1) Proposition 6, an initiative measure approved by the electors at the November 3, 1998, general election, enacted the Prohibition of Horse Slaughter and Sale of Horsemeat for Human Consumption Act of 1998. The act makes it unlawful, and punishable as a felony, for any person to possess, to import into or export from the state, or to sell, buy, give away, hold, or accept any horse with the intent of killing, or having another kill, that horse, if that person knows or should have known that any part of that horse will be used for human consumption. The act also makes it unlawful to offer horsemeat for sale for human consumption.

The Equine Protection Act of 1991 creates a program of equine protection and identification in the Department of Food and Agriculture. The act prohibits any person from purchasing, consigning, selling, or accepting the donation of an animal, defined as a horse, pony, mule, or burro, that is destined for slaughter unless a written bill of sale or any written instrument containing specified information is provided, as prescribed. The act makes it a misdemeanor if any person does not keep the necessary written records with respect to these transactions and other transactions subject to the act, refuses to show the records to a peace officer or to allow copies to be made of the record, or destroys the record within a specified period of time.

This bill would instead require a written bill of sale or written instrument to be provided when any person purchases, consigns, sells, or accepts the donation of an animal, as defined in the act, at a public or private auction, as prescribed. The bill would require a person who purchases an animal in these circumstances to sign a sworn statement, under penalty of perjury, acknowledging and agreeing to comply with Proposition 6. The bill would require, before any animal could be sold at an auction, the operator of the auction yard to determine whether the animal has an implanted microchip or has been tattooed or branded with an identifying mark. If the animal has an implanted microchip, a tattoo, or a brand, the bill would require the operator of the auction yard to post, on its internet website and through any active social media in which the operator of the auction yard participates, all identifying information, as provided, for at least 24 hours. The bill would also require, for a minimum of one year following the date of sale of each animal sold at auction, the operator of the auction yard to maintain specified records that document compliance with the above provisions. The bill would require the operator of the auction yard to provide access to these records upon the request of the Department of Food and Agriculture, a law enforcement officer, an animal control agency, or a humane officer, as provided. Because a violation of these provisions would be a crime, and by expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

The bill would require, in addition to any other penalties available under law, a person who violates these provisions to be subject to a civil penalty of \$1,000 for the first offense and \$2,000 for the 2nd and each subsequent offense.

(2) Existing law requires that, at any public auction or sale where equines are sold, a specified notice be posted conspicuously or inserted into the consignment agreement, as specified, by the management of the auction or sale warning buyers and sellers that horses sold there may be purchased for slaughter and that, as a possible safeguard, the seller can set the minimum bid above current slaughter prices. Existing law requires the management of the auction or sale to post current slaughter prices or to make them available to sellers upon request.

This bill would instead require that notice or agreement to warn buyers that the sale of horses in California for slaughter for human consumption is a felony and would make a conforming change.

(3) 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.** (a) The Legislature finds and declares both of the following:

(1) The horse is part of California's heritage, having played a major role in California's historical growth and development. Horses contribute significantly to the enjoyment of generations of recreation enthusiasts in California.

(2) Wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West and are protected as such under federal law mandating they be considered a part of the natural system of public lands where they are found.

(b) In recognition of the aesthetic, ecological, economic, historical, and cultural importance of horses to the people of the state, and the overwhelming opposition of Californians and Americans at large to the practice of horse slaughter, it is the intent of the Legislature to strengthen protections for California's wild and domestic horses from slaughter.

### **SEC. 2.** Section 1834.8 of the Civil Code is amended to read:

**1834.8.** (a) At any public auction or sale where equines are sold, the management of the auction or sale shall post a sign (measuring a minimum of 15 x 9 inches with lettering of a minimum of  $1\frac{1}{4} \times \frac{1}{2}$  (91 point)) or shall insert into its consignment agreement with the seller in boldface type the notice stated in subdivision (b). If a sign is posted, it shall be posted in a conspicuous place so that it will be clearly visible to a majority of persons attending the sale. If the notice is inserted into the consignment agreement, space shall be provided adjacent to the notice for the seller to initial their acknowledgment of the notice.

(b) The notice required by subdivision (a) shall read as follows:

“WARNING

The sale of horses in California for slaughter for human consumption is a felony.”

(c) For the purposes of this section, the management of the auction or sale shall post current slaughter prices or make them available to sellers upon request.

### **SEC. 3.** Section 24106 of the Food and Agricultural Code is amended to read:

**24106.** (a) Before an animal may be sold at an auction, the operator of the auction yard shall determine whether the animal has an implanted microchip or has been tattooed or branded with an identifying mark. If the animal has an implanted microchip, a tattoo, or a brand, the operator of the auction yard shall post, on its internet website and through any active social media in which the operator of the auction yard participates, all identifying information, including any identification number contained in the microchip and a detailed description or picture of any tattoo or brand found on the animal. This information shall remain on the auction yard operator's internet website and on the page of any active social media in which the operator of the auction yard participates for at least 24 hours after the initial posting.

(b) No person shall purchase, consign, sell, or accept the donation of an animal at a public or private auction unless the seller or donor of the animal provides, and the purchaser or donee receives, at the time of delivery, a written bill of sale or any written instrument that contains all of the following information:

(1) A description of each animal that is sold that includes its sex, breed, color, approximate height and weight, approximate age, natural marks, or identifying scars, and of each brand or tattoo and its location. If the animal has been branded or tattooed and registered with the Bureau of Livestock Identification in the department, the identification papers shall accompany the animal.

(2) The name, address, signature, and motor vehicle driver's license number of the person who sold or donated the animal.

(3) The date of the transaction.

(4) The name, address, and motor vehicle driver's license number of the purchaser of the animal.

(5) The name, address, and motor vehicle driver's license number of any person who transports the animal to the purchaser or an auction yard.

(c) Any person who purchases an animal at an auction described in subdivision (b) shall sign a sworn statement, under penalty of perjury, acknowledging and agreeing to comply with Sections 598c and 598d of the Penal Code.

(d) For a minimum of one year following the date of sale of each animal sold at auction, the operator of the auction yard shall maintain appropriate records that accurately document compliance with this section. The operator of the auction yard shall provide access to the records and documents identified in subdivisions (a), (b), and (c) upon the request of the department, a law enforcement officer, an animal control agency, or a humane officer appointed pursuant to Section 14502 of the Corporations Code.

(e) In addition to any other penalties available under law, a person who violates this section shall be subject to a civil penalty of one thousand dollars (\$1,000) for the first offense and two thousand dollars (\$2,000) for the second and each subsequent offense.

**SEC. 4.** 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.