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AB-2152 Public health: prohibition on the retail sale of dogs, cats, and rabbits. (2019-2020)

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Assembly Bill No. 2152

CHAPTER 96

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

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2152, Gloria. Public health: prohibition on the retail sale of dogs, cats, and rabbits.

Existing law, the Pet Store Animal Care Act, requires pet store operators, as defined, to comply with laws governing, among other things, the care of animals in pet stores. Existing law makes a pet store operator who violates these provisions guilty of a misdemeanor, unless otherwise provided.

Existing law prohibits 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 various requirements on a pet store operator, including, among others, that the pet store maintain sufficient records to document the origin of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year. Existing law exempts a pet store operator who violates those provisions from criminal prosecution and imposes a civil penalty on pet store operators for those violations.

This bill, instead, would prohibit a pet store from adopting out, selling, or offering for sale a dog, cat, or rabbit. The bill would authorize a pet store to provide space to a public animal control agency or shelter, or an animal rescue group, to showcase adoptable animals provided the animal displayed for adoption is both sterilized and adoptable for total fees not to exceed \$500. The bill would prohibit the pet store displaying the dogs, cats, or rabbits from receiving any fees in connection with that display. The bill would prohibit a public animal control agency or shelter, an animal rescue group displaying animals at a pet store, or an animal rescue group operating a retail establishment from offering dogs, cats, or rabbits for adoption unless the animals are sterilized, the animals are adoptable for total fees, including adoption fees, not exceeding \$500, and the adoption fees are posted and visible to the public, as described. The bill would authorize civil penalties and injunctive relief for a violation of these provisions, as specified. The bill would also repeal other requirements, including, among others, the requirement for a pet store to maintain sufficient records to document the origin of each dog, cat, or rabbit the pet store sells or provides space for adoption.

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 repealed.

SEC. 2. Section 122354.5 is added to the Health and Safety Code, to read:

122354.5. (a) A pet store shall not adopt out, sell, or offer for sale a dog, cat, or rabbit. This section does not prevent a pet store from providing space to display animals for adoption in accordance with subdivision (b).

(b) (1) A pet store shall not provide space for the display of dogs, cats, or rabbits available for adoption unless the animals are displayed by either a public animal control agency or shelter, or animal rescue group.

(2) Any animal displayed for adoption shall be both sterilized and adoptable for total fees, including, but not limited to, adoption fees, not to exceed five hundred dollars (\$500).

(3) The pet store displaying dogs, cats, or rabbits pursuant to paragraph (1) shall not receive any fees in connection with the display of dogs, cats, or rabbits.

(c) A public animal control agency or shelter, an animal rescue group displaying animals at a pet store, or an animal rescue group operating a retail establishment shall not offer dogs, cats, or rabbits for adoption unless the animals are sterilized, the animals are adoptable for total fees, including, but not limited to, adoption fees, not to exceed five hundred dollars (\$500), and the adoption fees are posted and visible to the public on or near the enclosures or areas where adoptable animals are displayed. An animal rescue group that displays animals at a pet store, but does not meet the criteria set forth in clauses (i) and (ii) of subparagraph (A) of paragraph (1) of subdivision (e) is also subject to the penalties described in this section.

(d) (1) Each violation of subdivision (a), (b), or (c) shall result in a single written notice to the pet store and any public animal control agency, shelter, or animal rescue group responsible for the animal that is the subject of the violation. The notice shall set forth in detail the specific violation, the name and location of the pet store, the name and location of, or other identifying information regarding, the public animal control agency, shelter, or animal rescue group responsible for the animal that is the subject of the violation, and any other information relevant to the violation. In addition, the notice shall include a direction to cease the specific activity found to be in violation of this section and state the time period during which the violation must be corrected.

(2) A failure to correct the violation described in the notice issued pursuant to paragraph (1) in the time period stated in the notice to correct shall be punished by a civil penalty of one thousand dollars (\$1,000) for a first violation, two thousand five hundred dollars (\$2,500) for a second violation, and five thousand dollars (\$5,000) for subsequent violations as described in the notice. Each animal that is displayed, adopted, sold, or offered for sale or adoption in violation of subdivision (a), (b), or (c), as described in the notice, constitutes a separate violation.

(e) (1) For purposes of this section, the following definitions apply:

(A) An "animal rescue group" is any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, whose mission and practice is, in whole or significant part, the rescue and placement of animals into permanent homes, and that meets the following requirements:

(i) Does not breed animals.

(ii) Does not obtain animals in exchange for payment or compensation from any person that breeds or brokers animals.

(B) "Public animal control agency or shelter" is any facility operated by or under contract with any governmental entity for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, rabbits, or other animals.

(2) For purposes of this section, "pet store" does not include an animal rescue group operating a retail establishment in compliance with subdivision (c).

(f) 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.

(g) An action for a violation of this section may be brought in the name of the people of the State of California by the district attorney for the county where the violation occurred in the appropriate court or by the city attorney in the city where the violation occurred. In addition to any other remedy, the district attorney is authorized to apply to the court for, and that court shall have jurisdiction upon hearing and for cause shown to grant, a temporary or permanent injunction enjoining or restraining any person or entity from violating any provision of this section.

SEC. 3. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.