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SB-573 Dogs and cats: microchip implants. (2019-2020)

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Senate Bill No. 573

CHAPTER 108

An act to add Sections 31108.3 and 31752.1 to the Food and Agricultural Code, relating to animals.

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

LEGISLATIVE COUNSEL'S DIGEST

SB 573, Chang. Dogs and cats: microchip implants.

Existing law requires that the holding period for a stray dog or cat impounded in a shelter be 6 business days, not including the day of impoundment, with exceptions, as provided. Existing law requires a shelter, during this holding period and before adoption or euthanasia, to scan the dog or cat for a microchip that identifies the owner of that dog or cat and to make reasonable efforts to contact the owner.

This bill would prohibit a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group from releasing a dog or cat to an owner seeking to reclaim it, or adopting out, selling, or giving away a dog or cat to a new owner, unless the dog or cat is or will be microchipped, as specified. If the agency, shelter, or group does not have microchipping capability on location, the bill would require that the agency, shelter, or group make a good faith effort to locate available free or discounted regional microchipping services and provide that information to the owner or new owner. The bill would exempt from these microchipping requirements a dog or cat that is medically unfit for a microchipping procedure, or a dog or cat reclaimed or received by an owner who signs a form stating that the cost of microchipping would impose an economic hardship for the owner, as provided. Under the bill, an agency, shelter, or group that violates these provisions on or after January 1, 2022, would be subject to a civil penalty of \$100, except as specified.

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

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

SECTION 1. Section 31108.3 is added to the Food and Agricultural Code, to read:

31108.3. (a) (1) Except as provided in subdivision (b), a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall not release a dog to an owner seeking to reclaim it, or adopt out, sell, or give away a dog to a new owner, unless either of the following conditions is met:

(A) The dog is microchipped with current information on the owner reclaiming the dog or new owner receiving the dog, as applicable.

(B) If the agency, shelter, or group does not have microchipping capability on location, the agency, shelter, or group first obtains from the owner reclaiming the dog or new owner receiving the dog an agreement that requires the owner or new

owner to present to the agency, shelter, or group, within the next 30 days, proof that the dog is microchipped as described in subparagraph (A).

(2) If the agency, shelter, or group does not have microchipping capability on location, the agency, shelter, or group shall make a good faith effort to locate available free or discounted regional microchipping services and provide that information to the owner or new owner.

(3) An agency, shelter, or group may require proof that the dog is microchipped with current information on the owner reclaiming the dog or new owner receiving the dog before releasing, adopting out, selling, or giving away the dog, as applicable, pursuant to paragraph (1).

(4) For purposes of subparagraph (B) of paragraph (1), an owner reclaiming a dog or new owner receiving a dog is not required to register the dog's microchip number with a microchip registry company that will use, without the owner's or new owner's consent, the personal information of the owner or new owner for purposes other than to reunite the owner or new owner with the dog.

(b) (1) Notwithstanding subdivision (a), this section does not require a dog to be microchipped if a licensed veterinarian certifies in writing that the dog is medically unfit for the microchipping procedure because the dog has a physical condition that would be substantially aggravated by the procedure.

(2) Notwithstanding subdivision (a), this section does not require a dog to be microchipped if the agency, shelter, or group receives a signed form from the owner reclaiming the dog or new owner receiving the dog that states that the cost of microchipping would impose an economic hardship for the owner or new owner.

(c) (1) An agency, shelter, or group that violates this section on or after January 1, 2022, is subject to a civil penalty of one hundred dollars (\$100).

(2) Chapter 7 (commencing with Section 31401) and Section 9 do not apply to a violation of this section.

(3) An agency, shelter, or group that does not have microchipping capability on location is not subject to the civil penalty described in this subdivision upon obtaining the agreement described in subparagraph (B) of paragraph (1) of subdivision (a).

SEC. 2. Section 31752.1 is added to the Food and Agricultural Code, to read:

31752.1. (a) (1) Except as provided in subdivision (b), a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall not release a cat to an owner seeking to reclaim it, or adopt out, sell, or give away a cat to a new owner, unless either of the following conditions is met:

(A) The cat is microchipped with current information on the owner reclaiming the cat or new owner receiving the cat, as applicable.

(B) If the agency, shelter, or group does not have microchipping capability on location, the agency, shelter, or group first obtains from the owner reclaiming the cat or new owner receiving the cat an agreement that requires the owner or new owner to present to the agency, shelter, or group, within the next 30 days, proof that the cat is microchipped as described in subparagraph (A).

(2) If the agency, shelter, or group does not have microchipping capability on location, the agency, shelter, or group shall make a good faith effort to locate available free or discounted regional microchipping services and provide that information to the owner or new owner.

(3) An agency, shelter, or group may require proof that the cat is microchipped with current information on the owner reclaiming the cat or new owner receiving the cat before releasing, adopting out, selling, or giving away the cat, as applicable, pursuant to paragraph (1).

(4) For purposes of subparagraph (B) of paragraph (1), an owner reclaiming a cat or new owner receiving a cat is not required to register the cat's microchip number with a microchip registry company that will use, without the owner's or new owner's consent, the personal information of the owner or new owner for purposes other than to reunite the owner or new owner with the cat.

(b) (1) Notwithstanding subdivision (a), this section does not require a cat to be microchipped if a licensed veterinarian certifies in writing that the cat is medically unfit for the microchipping procedure because the cat has a physical condition that would be substantially aggravated by the procedure.

(2) Notwithstanding subdivision (a), this section does not require a cat to be microchipped if the agency, shelter, or group receives a signed form from the owner reclaiming the cat or new owner receiving the cat that states that the cost of

microchipping would impose an economic hardship for the owner or new owner.

(c) (1) An agency, shelter, or group that violates this section on or after January 1, 2022, is subject to a civil penalty of one hundred dollars (\$100).

(2) Section 9 does not apply to a violation of this section.

(3) An agency, shelter, or group that does not have microchipping capability on location is not subject to the civil penalty described in this subdivision upon obtaining the agreement described in subparagraph (B) of paragraph (1) of subdivision (a).