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AB-2723 Animals: microchips. (2021-2022)

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Assembly Bill No. 2723

CHAPTER 549

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

[Approved by Governor September 26, 2022. Filed with Secretary of State September 26, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2723, Holden. Animals: microchips.

Existing law prohibits 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. Existing law subjects an agency, shelter, or group that violates these provisions on or after January 1, 2022, to a civil penalty of \$100, except as specified.

This bill would additionally require the owner or new owner of the dog or cat to be registered with the microchip registry company as the primary owner of the dog or cat. The bill would prohibit the agency, shelter, or group from being listed as the primary owner of the dog or cat. If a dog or cat has a preexisting microchip or if there is reasonable proof of ownership, the bill would also require an agency, shelter, or group to document and retain a record of all efforts made to contact a microchip's primary registrant or other demonstrated owner. The bill would expressly provide that a dog or cat that is temporarily housed under an emergency evacuation order is not subject to these provisions. The bill would also make a conforming change.

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

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

SECTION 1. Section 31108.3 of the Food and Agricultural Code is amended 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, and the owner or new owner is registered with the microchip registry company as the primary owner of the dog. The public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall not be registered with a microchip registry company as the primary owner of the dog. Upon adoption, sale, giving away, or transfer of ownership, the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall provide information on the transference of ownership, including microchip company information, the microchip number and any other relevant identifiers, and any other information needed for an owner or new owner to register themselves as the microchip's primary contact, 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 maintain a list of local and regional 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 pursuant to paragraph (1) before releasing, adopting out, selling, or giving away the dog. If a dog has a preexisting microchip or there is reasonable proof of ownership, the agency, shelter, or group shall document and retain a record of all efforts made to contact the microchip's primary registrant or other demonstrated owner for at least two years.

(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).

(d) This section does not apply to a dog that is temporarily housed under an emergency evacuation order.

SEC. 2. Section 31752.1 of the Food and Agricultural Code is amended 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, and the owner or new owner is registered with the microchip registry company as the primary owner of the cat. The public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall not be registered with a microchip registry company as the primary owner of the cat. Upon adoption, sale, giving away, or transfer of ownership, the public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall provide information on the transference of ownership, including microchip company information, the microchip number and any other relevant identifiers, and any other information needed for an owner or new owner to register themselves as the microchip's primary contact, 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 maintain a list of local and regional 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 pursuant to paragraph (1) before releasing, adopting out, selling, or giving away the cat. If a cat has a preexisting microchip or there is reasonable proof of ownership, the

agency, shelter, or group shall document and retain a record of all efforts made to contact the microchip's primary registrant or other demonstrated owner for at least two years.

(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) Chapter 7 (commencing with Section 31401) of Division 14 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).

(d) This section does not apply to a cat that is temporarily housed under an emergency evacuation order.