



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** April 10, 2018

From: Gina M. Whiteside, Director of Animal Services **Item No:** 10
Animal Services Department

Subject: NEW LEGISLATION REGULATING PET STORES

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council receive and file the Animal Services report on Assembly Bill No. 485 (AB 485) – Pet store operators: dogs, cats, and rabbits.

SUMMARY:

Effective January 1, 2019, pet stores will only be allowed to sell cats, dogs and rabbits that have come from public animal shelters, humane society shelters or rescue groups in a cooperative agreement with at least one private or public shelter. Pet stores operators selling dogs and cats under the new law will be required to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was obtained, and authorizes public animal control agencies or shelters to periodically require pet stores engaged in sales of dogs, cats, or rabbits to provide access to those records. A violation of the law would carry a \$500 civil fine. The bill also requires all sales of dogs and cats authorized by this provision to be in compliance with laws requiring the spaying or neutering of animals, as specified.

AB 485 - Pet store operators: dogs, cats, and rabbits was signed into law by Governor Jerry Brown in October 2017. Enforcement of the new regulation falls to the jurisdiction where pet stores are located.

BACKGROUND:

Existing law authorizes a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding dogs and cats. This bill expands the current law allowing a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to the cooperative agreements authorized regarding dogs and cats.

Pet stores will be required to only sell cats, dogs and rabbits that have come from public/private animal shelters or 501c3 non-profit animal rescues that have a cooperative agreement with an animal shelter as defined.

Animal advocates have praised the new legislation as a solution to reducing euthanasia in local animal shelters.

Animal breeders who will be prohibited under the new legislation to sell their animals to pet stores or out of commercial locations have opposed the new legislation.

CONCLUSION:

Currently, there are no pet stores in the Town of Apple Valley that sell cats or dogs. Staff will begin monitoring statistics after January 1, 2019, to determine if there is an increase in live release rates that corresponds with the implementation of the new law.

FISCAL IMPACT:

No known impact at this time.

*Civil penalties are fines or other financial payments imposed by a state or federal agency for violation of laws or regulations. Examples include fines for late payment of taxes, or **penalties** for failing to obtain a building permit.*

A civil penalty is a monetary fine that is designed to compensate for harm. It is distinct from a criminal penalty, since its purpose is not designed to punish the person who the penalty is imposed on. Instead, it is designed to make the other party, who was damaged or injured in some way, whole. Civil penalties, also referred to as civil fines, are exclusively monetary. They are issued by either a judge or a jury, who determines the appropriate amount of the fine that will be assessed.

Assembly Bill No. 485

CHAPTER 740

An act to amend Section 31753 of the Food and Agricultural Code, and to amend Section 122357 of, and to add Section 122354.5 to, the Health and Safety Code, relating to public health.

[Approved by Governor October 13, 2017. Filed with
Secretary of State October 13, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 485, O'Donnell. Pet store operators: dogs, cats, and rabbits.

Existing law 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, under certain conditions. Existing law also regulates the retail sale of dogs and cats.

Existing law requires an animal control officer, a humane officer, or a peace officer who detects any of certain violations of the laws governing pet store operators to issue a single notice to correct the violation, except as specified. Existing law makes a pet store operator who fails to comply with a notice to correct, or who violates the laws regulating pet store operators, as specified, guilty of a crime.

This bill would prohibit, on and after January 1, 2019, a pet store operator from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit 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 defined, that is in a cooperative agreement with at least one private or public shelter, as specified. The bill would require all sales of dogs and cats authorized by this provision to be in compliance with laws requiring the spaying or neutering of animals, as specified. The bill would require each pet store to maintain records sufficient to document the source of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year, and to post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the name of the entity from which each dog, cat, or rabbit was obtained, and would authorize public animal control agencies or shelters to periodically require pet stores engaged in sales of dogs, cats, or rabbits to provide access to those records. The bill would make a pet store operator who violates these provisions subject to a civil penalty of \$500, as specified. The bill would also exempt a pet store operator who is subject to these provisions from certain requirements relating to the retail sale of dogs and cats, except as specified.

Existing law authorizes a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding dogs and cats.

This bill would authorize a public or private shelter to enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to the cooperative agreements authorized regarding dogs and cats described above.

The people of the State of California do enact as follows:

SECTION 1. Section 31753 of the Food and Agricultural Code is amended to read:

31753. A rabbit, guinea pig, hamster, potbellied pig, bird, lizard, snake, turtle, or tortoise that is legally allowed as personal property and that is impounded in a public or private shelter shall be held for the same period of time, under the same requirements of care, and with the same opportunities for redemption and adoption by new owners or nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organizations as provided for cats and dogs. The public or private shelter may enter into cooperative agreements with animal rescue or adoption organizations regarding rabbits that are equivalent to those cooperative agreements authorized in Section 31108 regarding dogs and Section 31752 regarding cats. Section 17006 shall also apply to these animals. In addition to any required spay or neuter deposit, the public or private shelter, at its discretion, may assess a fee, not to exceed the standard adoption fee, for animals adopted by new owners or released to nonprofit animal rescue or adoption organizations pursuant to this section.

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

122354.5. (a) A pet store operator shall not sell a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit 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 source 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 dog, cat, or rabbit was obtained. Public animal control agencies or shelters may periodically require pet stores engaged in sales of dogs, cats, or rabbits to provide access to these records.

(d) 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, paragraphs (3) and (4) of subdivision (a) of, and paragraphs (5) and (6) of subdivision (b) of, Section 122140, and Sections 122145 and 122155.

(e) 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.

(f) 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.

(g) 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.

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

SEC. 3. Section 122357 of the Health and Safety Code is amended to read:

122357. A pet store operator who violates any provision of this chapter that is not specified in subdivision (a) of Section 122356 and is not proscribed by Section 122354.5 is guilty of a misdemeanor.