

# REPORT OF THE CHIEF LEGISLATIVE ANALYST

---

DATE: June 13, 2017

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations  
and Neighborhoods Committee

FROM: Sharon M. Tso <sup>KEL</sup>  
Chief Legislative Analyst

Council File No: 17-0002-S52  
Assignment No: 17-04-0457

SUBJECT: Resolution (Koretz-Ryu) to SUPPORT Assembly Bill 485 (O'Donnell).

CLA RECOMMENDATION: Adopt Resolution (Koretz-Ryu) to include in the City's 2017-2018 State Legislative Program SUPPORT for Assembly Bill 485 (O'Donnell), which would prohibit pet store operators from selling live dogs, cats, or rabbits unless the animal was obtained from a public animal control shelter or other animal rescue organization, as defined, and SEEK AN AMENDMENT to authorize local government to establish more stringent measures at the local level.

## SUMMARY

Resolution (Koretz-Ryu), introduced on April 19, 2017, proposes that the City support AB 485 (O'Donnell) which would "replicate statewide the City's prohibition on the sale of mill-bred animals in pet shops." Specifically, AB 485, as amended on March 28, 2017, proposes to prohibit the sale of any live dog, cat, or rabbit from a pet store unless that dog, cat, or rabbit was obtained from one of the following:

- Public animal control agency or shelter;
- Society for the prevention of cruelty to animals shelter;
- Humane society shelter or non-profit, as defined; or
- Animal rescue adoption organization that is in a cooperative agreement with at least one private or public shelter, as specified.

The bill would authorize public or private shelters to enter into agreements with animal rescue or adoption organizations regarding rabbits similar to existing agreements regarding dogs and cats. Animal control officers and other law enforcement personnel would be authorized under AB 485 to enforce this measure by issuing a notice to correct or taking other corrective actions.

In 2013, the City of Los Angeles enacted Los Angeles Municipal Code (LAMC) Section 53.73, which made it unlawful to sell animals in pet shops that were not acquired from an animal shelter, a humane society or a non-profit rescue organization. The law became effective June 17, 2013. Support for AB 485 would be consistent with the City Council's and Mayor's prior endorsement of LAMC 53.73.

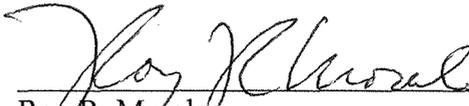
Resolution (Koretz-Ryu) proposes that the City seek an amendment to AB 485 to ensure that the City will retain the authority to enact more stringent measures at the local level to prohibit the sale of mill-bred animals. Such an amendment is necessary to ensure that the City will retain its authority as a Charter City to respond to any local concerns calling for additional protections for the health and safety of all pets.

DEPARTMENTS NOTIFIED

Department of Animal Services.

BILL STATUS

02/13/17 Introduced.  
04/19/17 Passed by Assembly Committee on Business and Professions.  
Referred to Assembly Committee on Appropriations.  
05/17/17 Passed Assembly Committee on Appropriations.  
05/30/17 Passed Assembly. To Senate.  
6/08/17 In Senate. Referred to Senate Committee on Business, Professions,  
and Economic Development.

  
\_\_\_\_\_  
Roy R. Morales  
Analyst

Attachments: Assembly Bill 485  
Resolution (Koretz-Ryu)

AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 485**

---

**Introduced by Assembly Member O'Donnell Members O'Donnell  
and Dababneh  
(Coauthor: Assembly Member Friedman)  
(Coauthors: Senators Galgiani and Monning)**

February 13, 2017

---

~~An act relating to animals.~~ *An act to amend Section 31753 of the Food and Agricultural Code, and to amend Section 122356 of, and to add Section 122354.5 to, the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 485, as amended, O'Donnell. ~~Dogs and cats: adoption and retail sales.~~ *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 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 nonprofit rescue or adoption organization that is in a cooperative agreement with at least one private or public shelter, as specified. The bill would make the provisions described above relating to the notice to correct applicable to a violation of this requirement. By creating new crimes, the bill would impose a state-mandated local program.

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 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.

Existing law, the Lockyer-Polanco-Farr Pet Protection Act, governs the retail sale of dogs and cats. Among other things, the act makes it unlawful for a pet dealer, as defined, to fail to maintain facilities where dogs are kept in a sanitary condition or provide dogs with adequate nutrition, potable water, socialization, and exercise. The act also prohibits a dog from being offered for sale by a pet dealer to a purchaser until the dog has been examined by a veterinarian licensed in this state.

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 selling or giving away to a new owner a dog or cat that has not been spayed or neutered and enacts other provisions relating to animal welfare.

This bill would express the intent of the Legislature to enact legislation that would promote the adoption of animals from shelters and rescue groups and encourage humane practices in the purchase of dogs and cats offered for retail sale in California.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

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

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

3     31753. ~~Any~~ A rabbit, guinea pig, hamster, potbellied pig, bird,  
4 lizard, snake, turtle, or tortoise that is legally allowed as personal  
5 property and that is impounded in a public or private shelter shall  
6 be held for the same period of time, under the same requirements  
7 of care, and with the same opportunities for redemption and  
8 adoption by new owners or nonprofit, as defined in Section  
9 501(c)(3) of the Internal Revenue Code, animal rescue or adoption  
10 organizations as provided for cats and dogs. *The public or private*  
11 *shelter may enter into cooperative agreements with animal rescue*  
12 *or adoption organizations regarding rabbits that are equivalent*  
13 *to those cooperative agreements authorized in Section 31108*  
14 *regarding dogs and Section 31752 regarding cats. Section 17006*  
15 *shall also apply to these animals. In addition to any required spay*  
16 *or neuter deposit, the public or private shelter, at its discretion,*  
17 *may assess a fee, not to exceed the standard adoption fee, for*  
18 *animals adopted by new owners or released to nonprofit animal*  
19 *rescue or adoption organizations pursuant to this section.*

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

22     122354.5. *A pet store operator shall not sell a live dog, cat,*  
23 *or rabbit in a pet store unless the dog, cat, or rabbit was obtained*  
24 *from a public animal control agency or shelter, society for the*  
25 *prevention of cruelty to animals shelter, humane society shelter,*  
26 *or nonprofit, as defined in Section 501(c)(3) of the Internal*  
27 *Revenue Code, animal rescue or adoption organization that is in*  
28 *a cooperative agreement with at least one private or public shelter*  
29 *pursuant to Section 31108, 31752, or 31753 of the Food and*  
30 *Agricultural Code.*

31     SEC. 3. *Section 122356 of the Health and Safety Code is*  
32 *amended to read:*

33     122356. (a) An animal control officer, as defined in Section  
34 830.9 of the Penal Code, a humane officer qualified pursuant to  
35 Section 14502 or 14503 of the Corporations Code, or a peace  
36 officer who detects a violation of Section 122351, subdivision (b)  
37 or (c) of Section 122353, paragraphs (3) or (4) of subdivision (b)  
38 of Section 122354, or Section 122354.5 or 122355 shall issue a

1 single notice to correct, which shall contain all of the following  
2 information:

3 (1) Specify each violation of this chapter found in the inspection.

4 (2) Identify the corrective action for each violation.

5 (3) Include a specific period of time during which the listed  
6 violation or violations must be corrected.

7 (b) After issuing a notice to correct pursuant to this section, the  
8 officer or another qualified officer of the issuing agency shall  
9 verify compliance with this chapter by conducting a subsequent  
10 investigation of the pet store in violation of this chapter within a  
11 reasonable period of time.

12 (c) An exact, legible copy of the notice to correct shall be  
13 delivered to the pet store operator at the time he or she signs the  
14 notice. In the alternative, the issuing agency may personally deliver  
15 the notice to the pet store operator within 48 hours of its issuance,  
16 excluding holidays and weekends. The signing of the notice is an  
17 acknowledgment of receipt, and does not constitute an admission  
18 of guilt.

19 (d) A pet store operator who fails to comply with a notice to  
20 correct is guilty of an infraction.

21 (e) A pet store operator who violates the same provision of this  
22 chapter on more than one occasion within a 12-month period, at  
23 the same location, is not eligible to receive a notice to correct, and  
24 is guilty of an infraction on the second violation, and is guilty of  
25 a misdemeanor on the third or subsequent violation.

26 (f) Notwithstanding subdivision (a), a pet store operator is guilty  
27 of a misdemeanor if the pet store operator violates any provision  
28 listed in subdivision (a), and by doing so, the pet store operator  
29 causes or allows harm or injury to an animal, or allows an animal  
30 to be subject to an unreasonable risk of harm or injury.

31 *SEC. 4. No reimbursement is required by this act pursuant to*  
32 *Section 6 of Article XIII B of the California Constitution because*  
33 *the only costs that may be incurred by a local agency or school*  
34 *district will be incurred because this act creates a new crime or*  
35 *infraction, eliminates a crime or infraction, or changes the penalty*  
36 *for a crime or infraction, within the meaning of Section 17556 of*  
37 *the Government Code, or changes the definition of a crime within*  
38 *the meaning of Section 6 of Article XIII B of the California*  
39 *Constitution.*

1     ~~SECTION 1. It is the intent of the Legislature to enact~~  
2     ~~legislation that would promote the adoption of animals from~~  
3     ~~shelters and rescue groups and encourage humane practices in the~~  
4     ~~purchase of dogs and cats offered for retail sale in California.~~

5

6

7     **REVISIONS:** \_\_\_\_\_

8     Heading—Lines 1, 2, and 3.

9     \_\_\_\_\_

O

**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed or pending before a local, state or federal governmental body or agency must first have been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, California taxpayers spend a quarter of a billion dollars annually to house and kill animals in local shelters while puppy mills throughout the country continue to mass breed animals for profit; and

WHEREAS, Assembly Bill 485 (O'Donnell) proposes to replicate statewide the City's prohibition on the sale of mill-bred animals in pet shops; and

WHEREAS, the legislation follows the City's lead in requiring pet shops which offer animals for adoption to obtain them from local animal shelters and rescue groups; and

WHEREAS, the experience in Los Angeles has been that this reduces the market for mill-bred animals and provides broader opportunities for adoption for shelter and rescue animals; and

WHEREAS, AB 485 would enhance the potential for accomplishing this statewide provided that it does not pre-empt more stringent local statutes and clearly delineates between prohibiting the sale of mill-bred animals and allowing pet shops to offer animals obtained from shelters and rescuers for adoption.

NOW, THEREFORE, BE IT RESOLVED, THAT, with the concurrence of the Mayor, by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program support for AB 485 provided that it is amended to allow local jurisdictions to adopt more restrictive statutes covering the same issue and to more clearly state that pet shops may offer for adoption animals obtained from shelters and rescuers in lieu of animals for sale obtained from commercial breeders.

PRESENTED BY: \_\_\_\_\_  
PAUL KORETZ  
Councilmember, Fifth District

SECONDED BY: \_\_\_\_\_

APR 19 2017