

Date of Hearing: June 2, 2020

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
AB 2152 (Gloria and O'Donnell) – As Amended May 18, 2020

Policy Committee: Business and Professions Vote: 18-0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill addresses sales and adoption of pets at pet stores. Specifically, this bill:

- 1) Deletes current-law provisions that allow pet stores to sell animals procured from rescue organizations, and instead prohibits a pet store from selling dogs, cats or rabbits.
- 2) Allows a pet store to provide space for the display of dogs, cats or rabbits available for adoption, provided the animals are displayed by either a shelter or animal rescue group, as defined.
- 3) Establishes a fee limit of \$500, inclusive of the adoption fee, for animals adopted at a pet store.
- 4) Makes each unlawful sale or offer for sale and each unlawful adoption or provision of space to display a dog, cat or rabbit for adoption a separate misdemeanor, and provides a first violation results in a notice to correct, with subsequent violations constituting misdemeanors.

FISCAL EFFECT:

- 1) Unknown increased court costs, including possible trial costs, given the bill creates a new misdemeanor. A defendant charged with a misdemeanor is entitled to a no-cost legal representation and a jury trial. If 15 new misdemeanors are filed annually statewide and proceed to trial resulting in the use of two days of court time, at an estimated cost of approximately \$6,331 for an eight-hour court day, the approximate cost to the trial courts is \$189,930.
- 2) Unknown potential non-reimbursable costs to counties for potential incarceration costs associated with convictions of this new misdemeanor.

COMMENTS:

- 1) **Purpose.** This bill is intended to close a loophole the author indicates has been used to skirt prohibitions on sales of pets by pet stores of puppies obtained from “puppy mills” posing as rescue organizations. The author contends the outright prohibition of pet store sales of animals coupled with the ability to partner with bona fide rescue organizations will further the spirit of existing law recently passed to address this issue.
- 2) **Background.** AB 485 (O’Donnell), Chapter 740, Statutes of 2017, prohibited 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, shelter, or similar organization. Several lawsuits have been filed in California and Iowa against commercial breeders fraudulently registering as animal rescue non-profits in order to skirt pet sale laws. Lawsuits allege commercial breeders, or shell organizations linked to them, obtain nonprofit status to disguise themselves as animal rescue groups, circumventing state and local laws by labeling puppies bred in animal mills as “rescues.” This bill aims to end this practice by banning the ability to sell animals at pet stores. Pet stores would still be able to partner with rescue organizations by offering space within their stores for adoptions. Each unlawful sale, offer for sale, and adoption by a pet store—for instance, any adoption by an organization that is not a legitimate shelter or rescue organization—that is facilitated by the pet store would constitute a misdemeanor.

- 3) **Support.** This bill is sponsored by the San Diego Humane Society and supported by a number of animal welfare organizations. Supporters argue it will provide necessary safeguards to cut off the deceptive puppy mill-to-pet store supply chain and end fraudulent puppy laundering practices, while allowing for partnerships between pet stores and rescue organizations to persist in the future.
- 4) **Opposition (Unless Amended).** A coalition of pet stores write seeking amendments to remove the criminal liability from pet stores, arguing pet stores can be found liable for partnering with a rescue organization later deemed illegitimate, without the ability to truly vet whether each animal rescue organization meets the criteria in the bill. These operators make the case that the risk of criminal penalties would leave them unable to offer rescue organizations space to facilitate adoptions within their stores.

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