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THIRD READING

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Bill No: AB 2152  
Author: Gloria (D) and O'Donnell (D), et al.  
Amended: 7/22/20 in Senate  
Vote: 21

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SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 8/8/20  
AYES: Glazer, Chang, Archuleta, Dodd, Galgiani, Hill, Leyva, Pan, Wilk

ASSEMBLY FLOOR: 75-0, 6/10/20 - See last page for vote

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**SUBJECT:** Public health: prohibition on the retail sale of dogs, cats, and rabbits

**SOURCE:** San Diego Humane Society

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**DIGEST:** This bill prohibits a pet store from selling dogs, cats, or rabbits, but allows a pet store to provide space to display animals for adoption if the animals are displayed by either a shelter or animal rescue group, as defined, and establishes a fee limit, inclusive of the adoption fee, for animals adopted at a pet store.

**ANALYSIS:**

Existing law:

- 1) Prohibits 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 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, as specified. (Health and Safety Code (HSC) § 122354.5(a))
- 2) Requires each pet store to maintain records sufficient to document the origin of each dog, cat, or rabbit the pet store sells or provides space for, for at least one year; and further requires each pet store to 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 animal was obtained. (HSC § 122354.5(c))

- 3) Subjects a pet store operator who violates the prohibition on the sale of retail animals is subject to a civil penalty of five hundred dollars, as specified. (HSC § 122354.5(i))
- 4) Defines a “rescue group” 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. (HSC § 122354.5(j))

This bill:

- 1) Prohibits a pet store from adopting out, selling or offering for sale a dog, cat, or rabbit; but does not prevent a pet store from providing space to display animals for adoption, as specified.
- 2) Requires the animals displayed for adoption to be either from a public animal control agency or shelter, or animal rescue group, and any animal displayed must be sterilized and the adoption fee must not exceed \$500.
- 3) Requires any animal displayed for adoption, by a public animal control agency or animal rescue group, to be both sterilized and adoptable for total fees, including, but not limited to adoption fees not to exceed \$500.00, and requires the fees to be posted to and visible to the public, as specified.
- 4) Prohibits the pet store displaying the dogs, cats, or rabbits from receiving any fees in connection with the display of dogs, cats, or rabbits.
- 5) Defines “animal rescue group” to mean any not-for-profit organization that has tax-exempt status as 501(c)(3) under the Internal Revenue Code, whose mission and practice is, in whole, or significant part, the rescue and placement of animals into permanent homes and does not breed animals or obtain animals in exchange for payment or compensation from any person that breeds or brokers animals.
- 6) Defines “public animal control agency or shelter” as any facility operated by or under contract with any governmental entity for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, rabbits,

or other animals.

- 7) States for purposes of this bill, pet store does not include an animal rescue group operating a retail establishment in compliance with 3) above.
- 8) States that the provisions of this bill do not prohibit a local government from adopting requirements that are more protective of animal welfare than those in this bill.
- 9) States that a violation of the above provisions of this bill will result in a single notice to correct, which must detail the specific violation, the corrective action that must be taken, and the time period in which it must be corrected, and a failure to correct in the specified time period will result in a civil penalty of \$1,000 for a first violation, \$2,500 for a second violation and \$5,000 for subsequent violations of the same provision.
- 10) Specifies that each animal adopted, sold, or offered for sale in violation constitutes a separate violation.
- 11) Authorizes an action for a violation to be brought in the name of the people of the state of California by the district attorney for the county where the violation occurred in the appropriate court or by the city attorney in the city where the violation occurred.
- 12) Authorizes, in addition to any other remedy, the district attorney to apply to the court for, and the court must grant, a temporary or permanent injunction enjoining or restraining any person or entity from violating any of the specified violations.

## **Background**

This bill aims to end the perceived practice of possibly circumventing state law related to the sale of dogs, cats, and rabbits at pet stores as a result of AB 485 (O'Donnell, Chapter 740, Statutes of 2017). Under this bill, pet stores would be broadly prohibited from adopting out, selling, or offering for sale a dog, cat, or rabbit unless they specifically obtain the animal from a public animal control agency or shelter or animal rescue group. Additionally, the adoption fees must be posted in a visible area and the fees cannot be more than \$500.00. This bill also provides penalties for violations; however, the first violation provides the retail store with a notice to correct prior to any issuance of a monetary fine.

*AB 485 and the Prohibition on the Retail Sale of Animals.* In 2017, the Legislature passed and the Governor signed, AB 485, which prohibited a pet store operator from selling a live cat, dog, or rabbit in a pet store unless the animal was obtained from a public animal control agency or shelter, specified nonprofit, or animal rescue or adoption organization beginning January 1, 2019.

This bill builds upon the existing law as a result of AB 485, but revises the law to more narrowly define the not-for-profits that will be authorized to provide adoptable animals to the retail pet establishment, and adds additional limitations. This bill specifies that a pet store is prohibited from providing space to display dogs, cats, and rabbits, unless the animals are displayed by either a public animal control agency or shelter, or an animal rescue group. To address the problems of potential fraudulent non-profit rescues, the bill provides for a specific definition of an animal rescue group. In addition, the bill establishes a total fee limit of \$500, inclusive of the adoption fee and any other fees, for any animals displayed and adopted at a pet store.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 8/12/20)

San Diego Humane Society (source)  
Animal Legal Defense Fund  
Best Friends Animal Society  
California Animal Welfare Association  
City of West Hollywood  
Humane Society of the United States  
Humane Society Veterinary Medical Association  
Pawpac  
San Francisco SPCA

**OPPOSITION:** (Verified 8/12/20)

Healthy Spot  
Kriser's  
Pet Industry Joint Advisory Council  
Pet Supermarket  
Pet Valu  
Petco Animal Supplies Stores, INC.  
Petco Foundation  
PetSMART

## Petsmart Charities

**ARGUMENTS IN SUPPORT:** Animal Legal Defense Fund, Best Friends Animal Society, California Animal Welfare Association, Humane Society of The United States; San Diego Humane Society, and the San Francisco SPCA write in support, “when signed by Governor Brown in 2017, AB 485 (O’Donnell)...made California the first state in the country to prohibit the sale of commercially bred dogs, cats and rabbits in retail stores, allowing for certain exceptions. Unfortunately, when the statute went into effect after a year-long grace period, it became clear that breeders and retail store operators discovered how to circumvent the law by obscuring the source of the animals.

The City of West Hollywood writes in support, “AB 2152 prohibits the retail sale of dogs, cats, and rabbits while still allowing pet stores to partner with rescue organizations and shelters to host animal adoption events. AB 2152 will eliminate the kitten factories and puppy and rabbit mill industry in California and their inhumane breeding practices of dogs, cats, and rabbits.

The Humane Society Veterinary Medical Association writes in support, “If enacted, it would safeguard the health and welfare of homeless, adoptable companion dogs, cats and rabbits sold to families in California.”

**ARGUMENTS IN OPPOSITION:** Pet Industry Joint Advisory Council writes in opposition, “PIJAC strongly opposed AB 485 (O’Donnell) that banned retail stores from selling legally obtained dogs/cats/rabbits from sources other than animal shelters. Pet sale bans and limits on the types of pet’s people may own can cripple legitimate businesses and foster an underground, unregulated market for pets in the future.”

Petco Animal Supplies Stores, INC., The Petco Foundation, PetSmart, PetSmart Charities, Kriser’s, Healthy Spot, Pet Valu, and Pet\_Supermarket are opposed unless amended and write, “Unfortunately, one of the provisions in Assembly Bill 2152 has the potential to put an end to hosting in-store adoptions and adoption events. As currently written, the bill holds pet stores criminally liable for any adoptions from or provisions of space to any organization that does not meet the definition of “animal rescue group” in the bill. If this becomes law, our exposure to criminal liability for the actions or omissions of a third-party organization would leave us unable to continue hosting in-store adoptions, adoption events or provide adoption centers and habitats to all our animal welfare partners in California.”

ASSEMBLY FLOOR: 75-0, 6/10/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Chu, Cooley, Cunningham, Megan Dahle, Daly, Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Obernolte, O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Choi, Cooper, Kiley, Quirk

Prepared by: Elissa Silva / B., P. & E.D. / 916-651-4104  
8/12/20 15:36:45

\*\*\*\* END \*\*\*\*