

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1347

Introduced by Assembly Member Caballero

February 23, 2007

An act to add Chapter 9 (commencing with Section 122350) to Part 6 of Division 105 of the Health and Safety Code, relating to pets.

LEGISLATIVE COUNSEL'S DIGEST

AB 1347, as amended, Caballero. ~~Pet Stores.~~ *Store Animal Care Act.*

Existing law regulates the sale of dogs and cats by breeders and retail outlets and the sale of birds.

~~This bill would make findings and declarations regarding the necessity to establish standards of care for animals in pet stores.~~

This bill would enact the Pet Store Animal Care Act, which would establish procedures for the care and maintenance of animals in the custody of a pet store, and would place limitations on the sale or transfer of those animals.

This bill would make the violation of its provisions punishable as an infraction. By creating a new infraction, this bill would impose a state-mandated local program.

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.

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. The Legislature hereby finds and declares all of
2 the following:

3 (a) It is the intent of the Legislature to establish standards of
4 care for animals in pet stores.

5 (b) Standards of care for animals in pet stores are essential to
6 ensure the humane treatment of the animals, safeguard the public,
7 and are in the public interest.

8 (c) The Legislature does not intend, *by this act*, to regulate the
9 care or handling of animals in or on farms, ranches, livestock or
10 horse auctions, livestock markets, slaughtering facilities, or any
11 place other than pet stores.

12 (d) The Legislature does not intend, by regulating pet stores, to
13 classify as a pet store a person who breeds and sells animals
14 directly to the public.

15 SEC. 2. *This chapter shall be known, and may be cited, as the*
16 *Pet Store Animal Care Act.*

17 SEC. 3. *Chapter 9 (commencing with Section 122350) is added*
18 *to Part 6 of Division 105 of the Health and Safety Code, to read:*

19

20 CHAPTER 9. PET STORE ANIMAL CARE

21

22 122350. *As used in this act, the following definitions apply:*

23 (a) *“Adequate feeding” means supplying at suitable intervals*
24 *a quantity of wholesome foodstuff appropriate for the species, age,*
25 *size, and condition of the animal and sufficient to maintain the*
26 *health and well-being of each animal.*

27 (b) *“Adequate mobility” means the opportunity for the animal*
28 *to move sufficiently to maintain normal health and well-being for*
29 *the age, species, size, and condition of the animal.*

30 (c) *“Adequate space” means sufficient height and sufficient*
31 *floor space for the animals to stand up, sit down and turn about*
32 *freely using normal body movements without the head touching*
33 *the top of the primary enclosure; lie down with limbs outstretched*
34 *and exercise normal postural movement, and move about freely*
35 *as appropriate for the species, age, size, and condition of the*
36 *animal, and when appropriate, to experience socialization with*
37 *other animals in the primary enclosure, if any. However, when*
38 *freedom of movement would endanger the animal, temporarily*

1 and appropriately restricting movement of the animal in a humane
2 manner is permitted.

3 (d) “Adequate veterinary care” means both of the following:

4 (1) A documented program of disease control and prevention,
5 euthanasia, and routine veterinary care established and maintained
6 in consultation with a veterinarian, which must include a
7 documented onsite visit to the pet store premises by that
8 veterinarian or the attending veterinarian for that store at least
9 once a year.

10 (2) If applicable, any diseased, ill, or injured animals are
11 provided with veterinary care as needed for the health and
12 well-being of the animal.

13 (e) “Adequate water” means potable water is supplied in a
14 sanitary manner and is accessible to each animal appropriate for
15 the species, age, size, and condition of the animal.

16 (f) “Animal” means any nonhuman vertebrate species offered
17 for sale or adoption in the pet store, including, but not limited to,
18 mammals, birds, reptiles, amphibians, fish, and invertebrates sold
19 or adopted as pets.

20 (g) “Disposition” means the transfer of an animal from a pet
21 store to another location, including the sale or adoption of the
22 animal, the return of the animal to the person who supplied the
23 animal to the pet store, or removal of any deceased animal from
24 the pet store.

25 (h) “Enrichment” means providing objects or activities,
26 appropriate with the needs of the species, as well as the age, size,
27 and condition of the animal, that stimulate the animal and promote
28 the animal’s well-being, including items such as toys, exercise
29 wheels, chew sticks, nutritional treats, spray millet, hiding places,
30 crawl tubes, hay, straw, shelters, nest boxes, burrowing substrate,
31 and similar devices.

32 (i) “Euthanasia” or “euthanize” means the humane destruction
33 of an animal.

34 (j) “Humane” means any action taken to minimize stress, pain,
35 or discomfort of an animal.

36 (k) “Impervious to moisture” means a surface that prevents the
37 absorption of fluids and that can be thoroughly and repeatedly
38 sanitized, will not retain odors, and from which fluids bead up and
39 run off or can be removed without being absorbed into the surface
40 material.

- 1 (l) “Intact” means an animal that retains its sexual organs or
2 ability to procreate and has not been sterilized.
- 3 (m) “Person” means any individual, partnership, firm,
4 joint-stock company, corporation, association, trust, estate, or
5 other legal entity.
- 6 (n) “Pet store” means a retail establishment open to the public
7 and selling or offering animals for sale. The retail establishment
8 must also sell or offer for sale pet-related foods or products. Any
9 person who sells, exchanges, or otherwise transfers only animals
10 that were bred or raised, or both, by the person, or sells or
11 otherwise transfers only animals kept primarily for reproduction,
12 shall be considered a breeder and not a pet store.
- 13 (o) “Pet store operator” or “operator” means a person who
14 owns or operates a pet store, or both.
- 15 (p) “Primary enclosure” means any structure used to
16 immediately restrict an animal or animals to a limited amount of
17 space, such as a room, pen, cage, aquarium, terrarium, habitat
18 compartment or hutch, where the animal or animals reside until
19 their sale, transfer, or other disposition.
- 20 (q) “Rodent” means an animal of the order Rodentia, such as
21 a guinea pig, rat, mouse, chinchilla, or hamster.
- 22 (r) “Sanitize” means to make physically clean and to destroy,
23 to the extent practical, agents injurious to health.
- 24 (s) “Temporary enclosure” means a confined space used by the
25 pet store to house an animal when the animal is not in its primary
26 enclosure for a period not to exceed four consecutive hours. The
27 temporary enclosure shall allow the animals to stand up, lie down,
28 and turn around. Any enclosure used by the pet store to house an
29 animal for longer than four hours shall meet the requirements of
30 a primary enclosure.
- 31 (t) “Time of sale” means the calendar date the retail purchaser
32 removes the animal from the premises of the pet store following
33 the retail sale of that animal.
- 34 (u) “Transfer” means the release of an animal by its owner to
35 another person by sale, gift, adoption, or other disposition of the
36 animal at the time of the sale, gift, adoption, or other disposition
37 of the animal, including the exchange of animals between pet
38 stores.
- 39 (v) “Veterinarian” means any person who is licensed by the
40 State of California under Chapter 11 (commencing with Section

1 4800) of Division 2, or who is exempt from licensing requirements
2 pursuant to Section 4827 of the Business and Professions Code.

3 (w) "Veterinary treatment" means treatment by or at the
4 direction of a veterinarian.

5 122351. Each pet store operator shall be responsible for all
6 of the following:

7 (a) Maintaining the entire pet store facility in good repair.

8 (b) Protecting animals kept there from injury, restricting the
9 entry of pests from outside, ensuring the containment of animals
10 within the pet store, and, in the event that animals escape, being
11 responsible for reporting this fact, as necessary, to local authorities
12 and making a reasonable effort to capture the animals that
13 escaped.

14 (c) Ensuring that the pet store's interior building surfaces,
15 including walls and floors, are constructed in a manner that
16 permits them to be readily cleaned and maintained.

17 (d) Ensuring that the temperature within an animal's primary
18 enclosure are appropriate for the species, age, size, and condition
19 of the animal.

20 (e) Providing ventilation using fresh or filtered air to minimize
21 drafts, odors, and moisture condensation, and to provide for the
22 health of the animals.

23 (f) Uniformly distributing light, by natural or artificial means,
24 in a manner that permits routine inspection and cleaning, and the
25 proper care and maintenance of the animals.

26 (g) When dog or cat grooming services are offered by a pet
27 store, separating the grooming work area from the store's primary
28 animal enclosures, animal food storage areas, and isolation areas
29 for housing sick animals. The grooming area shall be cleaned and
30 maintained at least once daily.

31 122352. (a) Primary enclosures shall comply with all of the
32 following structural standards:

33 (1) Primary enclosures shall be structurally sound and
34 maintained in good repair to protect the animals from injury, to
35 contain the animals, to keep other animals out, and to promote
36 the health and well-being of the enclosed animals. Primary
37 enclosures shall be constructed so they can be routinely maintained
38 to allow animals to stay clean and to provide access to clean food
39 and water, as appropriate for the species, age, size, and condition
40 of the animal.

1 (2) *The floor of the primary enclosure shall be constructed to*
2 *prevent injury. A solid surface, platform, or shelf shall be provided*
3 *when a grid-flooring system is used.*

4 (3) *Primary enclosures shall be constructed of materials that*
5 *are impervious to moisture and can be sanitized.*

6 (4) *All primary enclosures shall provide adequate space and*
7 *adequate mobility for the animal or animals housed in the*
8 *enclosure.*

9 (5) *Each primary enclosure shall provide animals with an*
10 *enrichment device or devices appropriate for the species, age,*
11 *size, and condition of the animal.*

12 (b) *In addition to the requirements set forth in subdivision (a),*
13 *primary enclosures for cats shall provide an elevated platform.*

14 (c) *In addition to the requirements set forth in subdivision (a),*
15 *primary enclosures for birds shall be designed to ensure all of the*
16 *following:*

17 (1) *A bird can fully extend both of its wings at the same time*
18 *without contacting the sides of the enclosure.*

19 (2) *Adequate perches are provided that are appropriate for the*
20 *species, age, size, and condition of the bird, and for the size of the*
21 *enclosure.*

22 (3) *A bird has sufficient space to enable it to fully extend its*
23 *wings in every direction while all birds are simultaneously perched.*

24 (d) *Primary enclosures for prey species shall be located where*
25 *they cannot be directly seen by predator animals for that species.*

26 122353. (a) *Primary enclosures shall be sanitized as often as*
27 *is necessary to reasonably ensure against odors and the risk of*
28 *adverse health impacts to the animals in the enclosure.*

29 (b) *When the enclosure is being cleaned in a manner that is or*
30 *may be harmful to the animals within the enclosure, those animals*
31 *shall be removed from the enclosure.*

32 (c) *Enclosures shall be observed at least once daily, and animal*
33 *and food wastes, used bedding, debris, and any other organic*
34 *wastes shall be removed as necessary to prevent contamination*
35 *of the animals and to reduce disease hazards and odors.*

36 (d) *Pest control measures shall be implemented to minimize*
37 *infestation of vermin, insects, or other pests.*

38 122354. (a) *The pet store operator or at least one of his or*
39 *her employees shall be present in the store at least once daily,*
40 *regardless of whether the store is open, for general care and*

1 maintenance of the animals in the pet store. In the event of a
2 natural disaster, an emergency evacuation, or other similar
3 occurrence, the welfare of the animals shall be provided for, as
4 required by this chapter, to the extent access to the animals is
5 reasonably available.

6 (b) Except as provided in subdivision (a), a pet store operator
7 shall comply with the following animal care requirements:

8 (1) Provide care for each animal in a humane manner.

9 (2) Provide adequate wholesome food and adequate potable
10 water consistent with the requirements of each species.

11 (3) House only compatible animals in the same enclosure.

12 (4) Observe each animal at regular intervals in order to
13 recognize and evaluate general symptoms of sickness, injury, or
14 abnormal behavior.

15 (5) Take reasonable measures to house intact mammals that
16 have reached sexual maturity in a manner to prevent unplanned
17 reproduction.

18 (6) Maintain and abide by written animal husbandry procedures,
19 which the “Animal Care Guidelines for the Retail Pet Industry,”
20 as amended, published by the Pet Industry Joint Advisory Council,
21 that address animal care, management and safe handling, disease
22 prevention and control, veterinary care, and disaster recovery.
23 These procedures shall be reviewed with employees who provide
24 animal care and shall be present in writing, either electronically
25 or physically, in the store and made available to all store
26 employees.

27 (7) Follow humane euthanasia protocols according to the most
28 recent American Veterinary Medical Association (AVMA) Panel
29 on Euthanasia Guidelines and in accordance with California law.

30 (8) Isolate, when feasible, and not offer for sale, those animals
31 that have or are suspected of having an infectious condition.

32 (9) Evaluate and treat, in a timely manner, ill or injured animals.
33 When necessary for the humane care of the animals, the pet store
34 operator shall seek the consultation of a veterinarian in a timely
35 manner and shall follow the veterinarian’s prescribed treatment.

36 122355. (a) Each pet store operator shall ensure that records
37 of all veterinary visits to the pet store are documented in writing.
38 Veterinary treatment records shall be kept for each animal or
39 group of animals that receives medications or immunizations while
40 in the care of the pet store. These records shall include summaries

1 of direction received orally from veterinarians, and shall include
2 all of the following, to the extent it is provided by the veterinarian:

3 (1) Identification of the animal or group of animals receiving
4 medical treatment.

5 (2) Name of the medication or immunization used.

6 (3) Amount of medication used.

7 (4) Time and date on which the medication or immunization
8 was administered.

9 (b) Records required by subdivision (a) shall be made available,
10 upon request, to a person who purchases a cat or dog, or any
11 individually housed animal. For animals not housed individually,
12 the pet store shall retain records that indicate group treatment.

13 (c) The pet store shall provide to the purchaser of an animal at
14 the time of sale information concerning all of the following:

15 (1) Spay or neuter procedures performed on the animal.

16 (2) Vaccinations administered to the animal during its stay in
17 the store.

18 (3) Permanent identification on the animal, if available.

19 (4) The store's animal return policy, which shall be made
20 available to customers either through instore signs or handouts
21 to customers when they purchase an animal.

22 (d) Records required by subdivision (c) shall be retained by the
23 pet store for two years from the date of disposition of the animal.
24 Pet stores shall maintain animal purchase records and any records
25 obtained in connection with the initial acquisition of the animal
26 for two years from the date of disposition. All records required by
27 this section shall be made available upon request to appropriate
28 enforcement officers exercising authority pursuant to Section
29 122356.

30 122356. (a) An animal control officer, as defined in Section
31 830.9 of the Penal Code, a humane officer qualified pursuant to
32 Section 14502 or 14503 of the Corporations Code, or a peace
33 officer who, in the course of inspecting a pet store, detects a
34 violation of the requirements of this chapter may do one or both
35 of the following:

36 (1) Take or initiate any enforcement action authorized by this
37 chapter or any other applicable federal, state, or local law.

38 (2) Issue a single notice of correction, which shall contain all
39 of the following information:

1 (A) Specify every violation of this chapter found in the
2 inspection.

3 (B) Clearly identify the corrective action for each violation.

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

6 (b) After issuing a citation pursuant to this section, the
7 inspecting officer shall verify compliance with this chapter by
8 conducting a subsequent investigation of the pet store in violation
9 of this chapter within a reasonable period of time.

10 (c) If, at his or her discretion, the officer exercising authority,
11 as specified in subdivision (a), determines that the violation reflects
12 a pattern of continued violations of the same requirements of this
13 chapter, the operator has failed to comply with a notice of
14 correction, or if the violation poses a significant risk of harm to
15 one or more animals, the officer may issue an infraction citation
16 or take any other action authorized by federal, state, or local law.

17 (d) Any person issued a citation pursuant to this chapter may
18 be subject to a penalty determined by the court. No person shall
19 be subject to penalties pursuant to both this chapter and any other
20 provision of federal, state, or local law for violations arising from
21 any single act or omission.

22 122357. (a) Notwithstanding Section 599 of the Penal Code,
23 a pet store shall not offer any live animal as a prize or give away
24 any animal as an inducement to enter any contest, game, or other
25 competition.

26 (b) Notwithstanding Section 597z of the Penal Code, a pet store
27 shall not sell, offer for sale, trade, or barter any dog or cat that is
28 under the age of eight weeks. Notwithstanding any other provision
29 of law, dogs or cats over the age of eight weeks may be sold,
30 offered for sale, traded, or bartered only if the animal is weaned.
31 Pet stores shall not sell any animal before it is weaned, except for
32 animals intended to be used as food for other animals.

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

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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