

AMENDED IN ASSEMBLY APRIL 16, 2007

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 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 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: yes.
State-mandated local program: 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 food”~~ means supplying at suitable
24 intervals a quantity of wholesome *and nutritious* foodstuff
25 appropriate for the species, age, size, and condition of the animal
26 and sufficient to maintain the 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

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

1 freedom of movement would endanger the animal, temporarily
2 and appropriately restricting movement of the animal in a humane
3 manner is permitted.

4 ~~(d)~~

5 (c) “Adequate veterinary care” means both of the following:

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

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

15 ~~(e)~~

16 (d) “Adequate water” means potable water is supplied in a
17 sanitary manner and is accessible to each animal appropriate for
18 the species, age, size, and condition of the animal.

19 ~~(f)~~

20 (e) “Animal” means any nonhuman vertebrate species *housed,*
21 *offered for sale or adoption, or both,* in the pet store, including,
22 but not limited to, mammals, birds, reptiles, amphibians, fish, and
23 *also* invertebrates sold or adopted as pets.

24 ~~(g)~~

25 (f) “Disposition” means the transfer of an animal from a pet
26 store to another location, including the sale or adoption of the
27 animal, the return of the animal to the person who supplied the
28 animal to the pet store, or removal of any deceased animal from
29 the pet store.

30 ~~(h)~~

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

38 ~~(i)~~

1 (h) “Euthanasia” or “euthanize” means the humane destruction
2 of an animal *that is in compliance with the requirements set forth*
3 *in paragraph (7) of subdivision (b) of Section 122354.*

4 ~~(j)~~

5 (i) “Humane” means any action taken to minimize stress, pain,
6 or discomfort of an animal.

7 ~~(k)~~

8 (j) “Impervious to moisture” means a surface that prevents the
9 absorption of fluids and that can be thoroughly and repeatedly
10 sanitized, will not retain odors, and from which fluids bead up and
11 run off or can be removed without being absorbed into the surface
12 material.

13 ~~(l)~~

14 (k) “Intact” means an animal that retains its sexual organs or
15 ability to procreate and has not been sterilized.

16 ~~(m)~~

17 (l) “Person” means any individual, partnership, firm, joint-stock
18 company, corporation, association, trust, estate, or other legal
19 entity.

20 ~~(n)~~

21 (m) “Pet store” means a retail establishment open to the public
22 and selling or offering animals for sale. The retail establishment
23 must also sell or offer for sale pet-related foods or products. Any
24 person who sells, exchanges, or otherwise transfers only animals
25 that were bred or raised, or both, by the person, or sells or otherwise
26 transfers only animals kept primarily for reproduction, shall be
27 considered a breeder and not a pet store.

28 ~~(o)~~

29 (n) “Pet store operator” or “operator” means a person who owns
30 or operates a pet store, or both.

31 ~~(p)~~

32 (o) “Primary enclosure” means any structure used to
33 immediately restrict an animal or animals to a limited amount of
34 space, such as a room, pen, cage, aquarium, terrarium, habitat
35 compartment or hutch, where the animal or animals reside until
36 their sale, transfer, or other disposition.

37 ~~(q)~~

38 (p) “Rodent” means an animal of the order Rodentia, such as a
39 guinea pig, rat, mouse, chinchilla, or hamster.

40 ~~(r)~~

1 (q) “Sanitize” means to make physically clean and to destroy,
2 to the extent practical, agents injurious to health.

3 (s)

4 (r) “Temporary enclosure” means a confined space used by the
5 pet store to house an animal when the animal is not in its primary
6 enclosure for a period not to exceed four consecutive hours. The
7 temporary enclosure shall allow the animals to stand up, lie down,
8 and turn around. Any enclosure used by the pet store to house an
9 animal for longer than four hours shall meet the requirements of
10 a primary enclosure.

11 (t)

12 (s) “Time of sale” means the calendar date the retail purchaser
13 removes the animal from the premises of the pet store following
14 the retail sale of that animal.

15 (u)

16 (t) “Transfer” means the release of an animal by its owner to
17 another person by sale, gift, adoption, or other disposition ~~of the~~
18 ~~animal at the time of the sale, gift, adoption, or other disposition~~
19 ~~of the animal, including the exchange of animals between pet~~
20 ~~stores., including the exchange of animals between pet stores.~~

21 (v)

22 (u) “Veterinarian” means any person who is licensed by the
23 State of California under Chapter 11 (commencing with Section
24 4800) of Division 2, or who is exempt from licensing requirements
25 pursuant to Section 4827 of the Business and Professions Code.

26 (w)

27 (v) “Veterinary treatment” means treatment by or at the direction
28 of a veterinarian.

29 122351. Each pet store operator shall be responsible for all of
30 the following:

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

32 (b) Protecting animals kept there from injury, restricting the
33 entry of pests from outside, ensuring the containment of animals
34 within the pet store, and, in the event that animals escape, being
35 responsible for reporting this fact, as necessary, to local authorities
36 and making ~~a reasonable effort~~ *reasonable efforts* to capture the
37 animals that escaped.

38 (c) Ensuring that the pet store’s interior building surfaces,
39 including walls and floors, are constructed in a manner that permits
40 them to be readily cleaned and maintained.

1 (d) Ensuring that the temperature within an animal's primary
2 *or temporary* enclosure ~~are~~ *is* appropriate for the species, age, size,
3 and condition of the animal.

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

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

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

15 122352. (a) Primary enclosures shall comply with all of the
16 following structural standards:

17 (1) Primary *and temporary* enclosures shall be structurally sound
18 and maintained in good repair to protect the animals from injury,
19 to contain the animals, to keep other animals out, and to promote
20 the health and well-being of the enclosed animals. Primary
21 enclosures shall be constructed so they can be routinely maintained
22 to allow animals to stay clean and to provide access to ~~clean~~
23 *adequate* food and water, as appropriate for the species, age, size,
24 and condition of the animal.

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

28 (3) Primary enclosures shall be constructed of materials that are
29 impervious to moisture and can be sanitized.

30 (4) All primary enclosures shall provide adequate space and
31 adequate mobility for the animal or animals housed in the
32 enclosure.

33 (5) Each primary enclosure shall provide animals with an
34 enrichment device or devices appropriate for the species, age, size,
35 and condition of the animal.

36 (b) In addition to the requirements set forth in subdivision (a),
37 primary enclosures for cats shall provide an elevated platform *as*
38 *appropriate for the size of the cat.*

1 (c) In addition to the requirements set forth in subdivision (a),
2 primary enclosures for birds shall be designed to ensure all of the
3 following:

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

6 ~~(2) Adequate perches are provided that are appropriate for the~~

7 (2) *Perches are provided in a diameter that is appropriate for*
8 *the species, age, size, and condition of the bird, and for the size of*
9 *the enclosure.*

10 (3) ~~A bird has~~ *There is* sufficient space to enable ~~it~~ *each bird*
11 *to fully extend its wings in every direction while all birds are*
12 *simultaneously perched.*

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

15 122353. (a) Primary enclosures shall be sanitized as often as
16 is necessary to reasonably ensure against odors and the risk of
17 adverse health impacts to the animals in the enclosure.

18 (b) When the enclosure is being cleaned in a manner, *or with a*
19 *substance*, that is or may be harmful to the animals within the
20 enclosure, those animals shall be removed from the enclosure.

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

25 (d) Pest control measures shall be implemented to ~~minimize~~
26 *effectively control* infestation of vermin, insects, or other pests.

27 122354. (a) The pet store operator or at least one of his or her
28 employees shall be present in the store at least once daily,
29 regardless of whether the store is open, for general care and
30 maintenance of the animals in the pet store. In the event of a natural
31 disaster, an emergency evacuation, or other similar occurrence,
32 the welfare of the animals shall be provided for, as required by
33 this chapter, to the extent access to the animals is reasonably
34 available.

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

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

38 ~~(2) Provide adequate wholesome food and adequate potable~~
39 ~~water consistent with the requirements of each species.~~

40 (2) *Provide adequate food and water.*

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

2 (4) Observe each animal at regular intervals, *at least once a*
3 *day*, in order to recognize and evaluate general symptoms of
4 sickness, injury, or abnormal behavior.

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

8 (6) Maintain and abide by written animal husbandry procedures;
9 ~~which the “Animal Care Guidelines for the Retail Pet Industry,”~~
10 ~~as amended, published by the Pet Industry Joint Advisory Council,~~
11 that address animal care, management and safe handling, disease
12 prevention and control, veterinary care, and disaster ~~recovery~~
13 *planning, evacuation, and recovery that is applicable to the*
14 *location of the pet store.* These procedures shall be reviewed with
15 employees who provide animal care and shall be present in writing,
16 either electronically or physically, in the store and made available
17 to all store employees.

18 (7) Follow humane euthanasia protocols ~~according to~~ *as set*
19 *forth in subdivision (g) of Section 30071 of Title 17 of the*
20 *California Code of Regulations, as amended, and the most recent*
21 *American Veterinary Medical Association (AVMA) Panel on*
22 *Euthanasia Guidelines and in accordance to the extent consistent*
23 *with California law.*

24 (8) Isolate, when feasible, and not offer for sale, those animals
25 that have or are suspected of having ~~an infectious condition a~~
26 *contagious condition. This paragraph shall not apply to those*
27 *animals that are effectively isolated by their primary enclosure,*
28 *including, but not limited to fish, provided that a sign is posted on*
29 *the enclosure that indicates that these animals are not for sale.*

30 ~~(9) Evaluate and treat, in a timely manner, ill or injured animals.~~

31 (9) *Ensure that all ill or injured animals are evaluated and*
32 *treated without significant delay.* When necessary for the humane
33 care of the animals, the pet store operator shall seek the
34 consultation of a veterinarian ~~in a timely manner~~ *without significant*
35 *delay* 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 group
39 of animals that receives medications or immunizations while in
40 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:~~ *the*
15 *store's animal return policy, which shall be made available to*
16 *customers either through in store signs or handouts to customers*
17 *when they purchase an animal. The pet store shall also provide to*
18 *a purchaser of cats, dogs, and all individually housed animals, all*
19 *of the following information:*

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

21 (2) Vaccinations, *medical treatment, and veterinary treatment*
22 administered to the animal during its stay in the store.

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

24 (3) *Any identification device on the animal.*

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

28 ~~(d) Records required by subdivision (c) shall be retained by the~~
29 ~~pet store for two years from the date of disposition of the animal.~~
30 ~~Pet stores shall maintain animal purchase records and any records~~
31 ~~obtained in connection with the initial acquisition of the animal~~
32 ~~for two years from the date of disposition. All records required by~~
33 ~~this section shall be made available upon request to appropriate~~
34 ~~enforcement officers exercising authority pursuant to Section~~
35 ~~122356.~~

36 (d) *All records required by this section shall be maintained by*
37 *the pet store for two years from the date of disposition of the*
38 *animal, and shall be made available upon request to appropriate*
39 *enforcement officers exercising authority pursuant to Section*
40 *122356.*

1 122356. (a) An animal control officer, as defined in Section
 2 830.9 of the Penal Code, a humane officer qualified pursuant to
 3 Section 14502 or 14503 of the Corporations Code, or a peace
 4 officer who, in the course of inspecting a pet store, detects a
 5 violation of the requirements of this chapter may do one or both
 6 of the following:

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

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

11 (A) Specify every violation of this chapter found in the
 12 inspection.

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

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

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

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

27 (d) Any person issued a citation pursuant to this chapter may
 28 be subject to a penalty determined by the court. ~~No person shall
 29 be subject to penalties pursuant to both this chapter and any other
 30 provision of federal, state, or local law for violations arising from
 31 any single act or omission.~~

32 122357. (a) Notwithstanding Section 599 of the Penal Code,
 33 a pet store shall not offer any live animal as a prize or give away
 34 any animal as an inducement to enter any contest, game, or other
 35 competition.

36 (b) Notwithstanding Section 597z of the Penal Code, a pet store
 37 shall not sell, offer for sale, trade, or barter any dog or cat that is
 38 under the age of eight weeks. Notwithstanding any other provision
 39 of law, dogs or cats over the age of eight weeks may be sold,
 40 offered for sale, traded, or bartered only if the animal is weaned.

1 Pet stores shall not sell any animal before it is weaned, except for
2 animals intended to be used as food for other animals.

3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.

O