

AMENDED IN SENATE JUNE 27, 2007

AMENDED IN ASSEMBLY MAY 17, 2007

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, *commencing January 1, 2009*, 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 or as a misdemeanor. By creating a new crime, 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 food" means supplying at suitable intervals a~~
24 ~~quantity of wholesome, nutritious, and palatable 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)~~

28 (a) "Adequate space" means sufficient height and sufficient
29 floorspace for the animals to stand up, sit down and turn about
30 freely using normal body movements without the head touching
31 the top of the primary enclosure; lie down with limbs outstretched
32 and exercise normal postural movement, and move about freely
33 as appropriate for the species, age, size, and condition of the
34 animal, and when appropriate, to experience socialization with
35 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 ~~(e) “Adequate veterinary care” means both of the following:~~

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

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

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

17 ~~(e)~~

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

22 ~~(f)~~

23 ~~(c) “Disposition” means the transfer of an animal from a pet~~
24 ~~store to another location, including the sale or adoption of the~~
25 ~~animal, the return of the animal to the person who supplied the~~
26 ~~animal to the pet store, or removal from the pet store of any animal~~
27 ~~that is deceased for any reason, including euthanasia.~~

28 ~~(g)~~

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

36 ~~(h)~~

37 ~~(e) “Euthanasia” or “euthanize” means the humane destruction~~
38 ~~of an animal that is in compliance with the requirements set forth~~
39 ~~in paragraph (7) of subdivision (b) of Section 122354.~~

40 ~~(i)~~

- 1 (f) “Impervious to moisture” means a surface that prevents the
2 absorption of fluids and that can be thoroughly and repeatedly
3 sanitized, will not retain odors, and from which fluids bead up and
4 run off or can be removed without being absorbed into the surface
5 material.
- 6 ~~(j)~~
- 7 (g) “Intact” means an animal that retains its sexual organs or
8 ability to procreate and has not been sterilized.
- 9 ~~(k)~~
- 10 (h) “Person” means any individual, partnership, firm, joint-stock
11 company, corporation, association, trust, estate, or other legal
12 entity.
- 13 ~~(l)~~
- 14 (i) “Pet store” means a retail establishment open to the public
15 and selling or offering ~~animals for sale. The retail establishment~~
16 ~~must also sell or offer for sale pet-related foods or products for~~
17 ~~sale animals.~~ Any person who sells, exchanges, or otherwise
18 transfers only animals that were bred or raised, or both, by the
19 person, or sells or otherwise transfers only animals kept primarily
20 for reproduction, shall be considered a breeder and not a pet store.
- 21 ~~(m)~~
- 22 (j) “Pet store operator” or “operator” means a person who owns
23 or operates a pet store, or both.
- 24 ~~(n)~~
- 25 (k) “Primary enclosure” means any structure used to immediately
26 restrict an animal or animals to a limited amount of space, such as
27 a room, pen, cage, aquarium, terrarium, habitat compartment or
28 hutch, where the animal or animals reside until their sale, transfer,
29 or other disposition.
- 30 ~~(o)~~
- 31 (l) “Rodent” means an animal of the order Rodentia, such as a
32 guinea pig, rat, mouse, chinchilla, or hamster.
- 33 ~~(p)~~
- 34 (m) “Sanitize” means to make physically clean and to destroy,
35 to the extent practical, agents injurious to health.
- 36 ~~(q)~~
- 37 (n) “Temporary enclosure” means a confined space used by the
38 pet store to house an animal when the animal is not in its primary
39 enclosure for a period not to exceed four consecutive hours. The
40 temporary enclosure shall allow the animals to stand up, lie down,

1 and turn around. Any enclosure used by the pet store to house an
2 animal for longer than four hours shall meet the requirements of
3 a primary enclosure.

4 ~~(r)~~

5 (o) "Time of sale" means the calendar date the retail purchaser
6 removes the animal from the premises of the pet store following
7 the retail sale of that animal.

8 ~~(s)~~

9 (p) "Transfer" means the release of an animal by its owner to
10 another person by sale, gift, adoption, or other disposition,
11 including the exchange of animals between pet stores.

12 ~~(t) "Veterinarian" means any person who is licensed by the State
13 of California under Chapter 11 (commencing with Section 4800)
14 of Division 2, or who is exempt from licensing requirements
15 pursuant to Section 4827 of the Business and Professions Code.~~

16 ~~(u)~~

17 (q) "Veterinary treatment" means treatment by or at the direction
18 of a *California-licensed* veterinarian.

19 122351. Each pet store operator shall be responsible for all of
20 the following:

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

22 ~~(b) Protecting animals kept there from injury, restricting~~
23 *Restricting* the entry of pests from outside, ensuring the
24 containment of animals within the pet store, and, in the event that
25 animals escape, being responsible for reporting this fact, as
26 necessary, to local authorities and making reasonable efforts to
27 capture the animals that *have* escaped.

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

31 ~~(d) Ensuring that the temperature within an animal's primary
32 or temporary enclosure is appropriate for the species, age, size,
33 and condition of the animal.~~

34 ~~(e) Providing ventilation using fresh or filtered air to minimize
35 drafts, odors, and moisture condensation, and to provide for the
36 health of the animals.~~

37 ~~(f)~~

38 (d) Uniformly distributing light, by natural or artificial means,
39 in a manner that permits routine inspection and cleaning, and the
40 proper care and maintenance of the animals.

1 ~~(g)~~

2 (e) When dog or cat grooming services are offered by a pet
3 store, separating the grooming work area from the store's primary
4 animal enclosures, animal food storage areas, and isolation areas
5 for housing sick animals. The grooming area shall be cleaned and
6 maintained at least once daily.

7 (f) *With respect to dogs, complying with all of the requirements*
8 *of Section 122155.*

9 122352. (a) Primary enclosures shall comply with all of the
10 following structural standards:

11 (1) Primary and temporary enclosures shall be structurally sound
12 and maintained in good repair to protect the animals from injury,
13 to contain the animals, to keep other animals out, and to promote
14 the health and well-being of the enclosed animals. Primary
15 enclosures shall be constructed so they can be routinely maintained
16 to allow animals to stay clean and to provide access to adequate
17 food and water.

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

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

23 (4) All primary enclosures shall provide adequate space and
24 adequate mobility for the animal or animals housed in the
25 enclosure.

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

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

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

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

37 (2) Perches are provided in a diameter that is appropriate for
38 the species, age, size, and condition of the bird, and for the size of
39 the enclosure.

1 (3) There is sufficient space to enable each bird to fully extend
2 its wings in every direction while all birds are simultaneously
3 perched.

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

6 ~~122353. (a) Primary enclosures shall be sanitized as often as~~
7 ~~is necessary to reasonably ensure against odors and the risk of~~
8 ~~adverse health impacts to the animals in the enclosure.~~

9 ~~(b)~~

10 122353. (a) When the enclosure is being cleaned in a manner,
11 or with a substance, that is or may be harmful to the animals within
12 the enclosure, those animals shall be removed from the enclosure.

13 ~~(e)~~

14 (b) Enclosures shall be observed at least once daily, and animal
15 and food wastes, used bedding, debris, and any other organic
16 wastes shall be removed as necessary to prevent contamination of
17 the animals and to reduce disease hazards and odors.

18 ~~(d)~~

19 (c) Pest control measures shall be implemented to effectively
20 control infestation of vermin, insects, or other pests.

21 122354. (a) The pet store operator or at least one of his or her
22 employees shall be present in the store at least once daily,
23 regardless of whether the store is open for care and maintenance
24 of the animals in the pet store. ~~In the event of a natural disaster,~~
25 ~~an emergency evacuation, or other similar occurrence, the welfare~~
26 ~~of the animals shall be provided for, as required by this chapter,~~
27 ~~to the extent access to the animals is reasonably available.~~

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

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

31 ~~(2) Provide adequate food and water.~~

32 ~~(3)~~

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

34 ~~(4)~~

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

38 ~~(5)~~

1 (3) Take reasonable measures to house intact mammals that
2 have reached sexual maturity in a manner to prevent unplanned
3 reproduction.

4 ~~(6)~~

5 (4) Maintain and abide by written animal husbandry procedures
6 that address animal care, management and safe handling, disease
7 prevention and control, ~~veterinary care~~ *routine care, preventative*
8 *care, emergency veterinary care, euthanasia*, and disaster planning,
9 evacuation, and recovery that is applicable to the location of the
10 pet store. These procedures shall be reviewed with employees who
11 provide animal care and shall be present in writing, either
12 electronically or physically, in the store and made available to all
13 store employees.

14 (5) (A) *Make the determination as to whether an animal shall*
15 *be destroyed and ensure that the destruction of the animal is*
16 *effectuated by performing euthanasia on the animal using a method*
17 *or methods suitable for the species and specifically authorized for*
18 *the species as specified in Appendix 2 of the American Veterinary*
19 *Medical Association's (AVMA) 2000 Report of the AMVA Panel*
20 *on Euthanasia, and as authorized for the species in the documented*
21 *program prescribed in paragraph (7).*

22 (B) *Notwithstanding paragraph (A), an animal intended as food*
23 *for another animal may be destroyed using a method or methods*
24 *of euthanasia suitable for the species that is specifically authorized*
25 *for the species in the documented program prescribed in paragraph*
26 *(7), if the method or methods satisfy at least one of the following*
27 *requirements:*

28 (i) *The method or methods must be humane, involve*
29 *instantaneous unconsciousness, and result in immediate death.*

30 (ii) *The method or methods must involve anesthesia produced*
31 *by an agent that causes painless loss of consciousness and death*
32 *during that loss of consciousness.*

33 (C) *Subparagraphs (A) and (B) of this paragraph shall be*
34 *implemented in a manner consistent with California law.*

35 (D) *Each employee who performs euthanasia shall receive*
36 *adequate training in the method or methods used and proof of*
37 *successful completion of such training shall be documented in*
38 *writing and retained by the pet store. All training records shall be*
39 *maintained by the pet store for two years, and shall be made*

1 *available, upon request, to appropriate law enforcement officers*
2 *exercising authority pursuant to Section 122356.*

3 ~~(7) Follow only acceptable humane euthanasia methods for the~~
4 ~~species affected, as set forth in the most recent American~~
5 ~~Veterinary Medical Association (AVMA) Panel on Euthanasia~~
6 ~~Guidelines to the extent consistent with California law, including~~
7 ~~subdivision (g) of Section 30071 of Title 17 of the California Code~~
8 ~~of Regulations, as amended. The pet store operator shall also follow~~
9 ~~the most recent AVMA protocols for training and handling for~~
10 ~~euthanasia.~~

11 ~~(8)~~

12 (6) Isolate and not offer for sale, those animals that have or are
13 suspected of having a contagious condition. This paragraph shall
14 not apply to those animals that are effectively isolated by their
15 primary enclosure, including, but not limited to fish, provided that
16 a sign is posted on the enclosure that indicates that these animals
17 are not for sale, or otherwise marked in a manner to prevent their
18 sale to customers during their treatment for the contagious
19 condition.

20 ~~(9) Ensure that all ill or injured animals are evaluated and treated~~
21 ~~without delay. When necessary for the humane care of the animals,~~
22 ~~the pet store operator shall seek the consultation of a veterinarian,~~
23 ~~including all cases where an animal appears to be seriously ill or~~
24 ~~injured, without delay and shall follow the veterinarian's prescribed~~
25 ~~treatment.~~

26 ~~(10) Provide adequate veterinary care to all animals and follow~~
27 ~~the documented veterinary program requirements, as described in~~
28 ~~subdivision (e) of Section 122350.~~

29 (7) *Have a documented program of routine care, preventative*
30 *care, and emergency veterinary care, disease control and*
31 *prevention, veterinary treatment and euthanasia, as outlined in*
32 *paragraph (5) that is established and maintained by the pet store,*
33 *in consultation with, a veterinarian employed by the pet store or*
34 *a California-licensed veterinarian, to ensure adherence to the*
35 *program with respect to each animal. The program shall also*
36 *include a documented onsite visit to the pet store premises by a*
37 *California-licensed veterinarian, at least once a year.*

38 (8) *Ensure that each diseased, ill, or injured animal is evaluated*
39 *and treated without delay. If necessary for the human care and*

1 *treatment of the animal, the animal shall be provided with*
 2 *veterinary treatment without delay.*

3 *(9) In the event of a natural disaster, an emergency evacuation,*
 4 *or other similar occurrence, the humane care and treatment of*
 5 *each animal is provided for, as required by this chapter, to the*
 6 *extent access to the animal is reasonably available.*

7 *(c) Subdivisions (a) and (b) shall be implemented to the extent*
 8 *consistent with California law.*

9 122355. (a) Each pet store operator shall ensure that records
 10 of all veterinary visits to the pet store are documented in writing.
 11 Veterinary treatment records shall be kept for each animal or group
 12 of animals that receives medications or immunizations while in
 13 the care of the pet store. These records shall include summaries
 14 of direction received orally from veterinarians, and shall include
 15 all of the following, to the extent it is provided by the veterinarian:

16 (1) Identification of the animal or group of animals receiving
 17 medical treatment.

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

19 (3) Amount of medication used.

20 (4) Time and date on which the medication or immunization
 21 was administered.

22 (b) Records required by subdivision (a) shall be made available,
 23 upon request, to a person who purchases a cat or dog, or any
 24 individually housed animal.

25 (c) The pet store shall provide to the purchaser of an animal at
 26 the time of sale information concerning the store’s animal return
 27 policy, which shall be made available to customers either through
 28 in store signs or handouts to customers when they purchase an
 29 animal. The pet store shall also provide to a purchaser of cats,
 30 dogs, and all individually housed animals, all of the following
 31 information:

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

33 (2) Vaccinations, medical treatment, and veterinary treatment
 34 administered to the animal during its stay in the store.

35 (3) Any identification device on the animal.

36 (4) *With respect to dogs and cats, all information required to*
 37 *be disclosed under Section 122140.*

38 (5) *With respect to dogs, all information required to be disclosed*
 39 *under Sections 122190 and 122310. This information shall be*
 40 *contained in separate documents.*

1 (d) *The pet store owner shall retain all records of the person*
2 *from whom each animal in the pet store was acquired, with their*
3 *name, address, and telephone number, and the date the animal*
4 *was acquired.*

5 ~~(d)~~

6 (e) All records required by this section shall be maintained by
7 the pet store for two years from the date of disposition of the
8 animal, and shall be made available upon request to appropriate
9 enforcement officers exercising authority pursuant to Section
10 122356.

11 122356. (a) An animal control officer, as defined in Section
12 830.9 of the Penal Code, a humane officer qualified pursuant to
13 Section 14502 or 14503 of the Corporations Code, or a peace
14 officer who, in the course of inspecting a pet store, detects a
15 violation of the requirements of this chapter may do one or both
16 of the following: *officer who detects a violation of Section 122351,*
17 *subdivision (b) or (c) of Section 122353, paragraphs (3) or (4) of*
18 *subdivision (b) of Section 122354, or Section 122355 shall issue*
19 *a single notice to correct, which shall contain all of the following*
20 *information:*

21 ~~(1) Take or initiate any enforcement action authorized by this~~
22 ~~chapter or any other applicable federal, state, or local law,~~
23 ~~including, but not limited to, Section 5971 of the Penal Code,~~
24 ~~including the penalties provided in that section, if applicable.~~

25 ~~(2) Issue a single notice of correction, which shall contain all~~
26 ~~of the following information:~~

27 ~~(A) Specify every violation of this chapter found in the~~
28 ~~inspection.~~

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

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

32 ~~(b) After issuing a notice of correction pursuant to this section,~~
33 ~~the inspecting officer shall verify compliance with this chapter by~~
34 ~~conducting a subsequent investigation of the pet store in violation~~
35 ~~of this chapter within a reasonable period of time.~~

36 ~~(e) If, at his or her discretion, the officer exercising authority,~~
37 ~~as specified in subdivision (a), determines that the violation reflects~~
38 ~~a pattern of continued violations of the same requirements of this~~
39 ~~chapter, the operator has failed to comply with a notice of~~
40 ~~correction, or if the violation poses a significant risk of harm to~~

1 one or more animals, the officer may issue an infraction or a
2 misdemeanor citation or take any other action authorized by
3 federal, state, or local law.

4 (d) Any person issued a citation pursuant to this chapter may
5 be subject to a penalty determined by the court.

6 ~~122357. (a) Notwithstanding Section 599 of the Penal Code,~~
7 ~~a pet store shall not offer any live animal as a prize or give away~~
8 ~~any animal as an inducement to enter any contest, game, or other~~
9 ~~competition.~~

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

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

18 (2) *Identify the corrective action for each violation.*

19 (3) *Include a specific period of time for which the listed violation*
20 *or violations must be corrected.*

21 (b) *After issuing a notice to correct pursuant to this section, the*
22 *officer or another qualified officer of the issuing agency shall*
23 *verify compliance with this chapter by conducting a subsequent*
24 *investigation of the pet store in violation of this chapter within a*
25 *reasonable period of time.*

26 (c) *An exact, legible copy of the notice to correct shall be*
27 *delivered to the pet store operator at the time he or she signs the*
28 *notice. In the alternative, the issuing agency may personally deliver*
29 *the notice to the pet store operator within 48 hours of its issuance,*
30 *excluding holidays and weekends. The signing of the notice is an*
31 *acknowledgment of receipt, and does not constitute an admission*
32 *of guilt.*

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

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

1 (f) Notwithstanding subdivision (a), a pet store owner is guilty
2 of a misdemeanor if the pet store owner violates any provision
3 listed in subdivision (a), and by doing so, the pet store operator
4 causes or allows harm or injury to an animal, or allows an animal
5 to be subject to an unreasonable risk of harm or injury.

6 122357. A pet store owner who violates any provision of this
7 chapter not specified in subdivision (a) of Section 122356 is guilty
8 of a misdemeanor.

9 122358. An infraction is punishable by a fine not to exceed
10 two hundred fifty dollars (\$250) per violation. A misdemeanor is
11 punishable by a fine not to exceed one thousand dollars (\$1,000)
12 per violation. The court shall weigh the gravity of the offense in
13 setting the penalty.

14 122359. (a) Notwithstanding Section 599 of the Penal Code,
15 a pet store shall not offer any live animal as a prize or give away
16 any animal as an inducement to enter any contest, game, or other
17 competition.

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

25 122360. (a) Nothing in this chapter shall be construed to in
26 any way limit or affect the application of any other law that
27 protects animals or the rights of animals, including, but not limited
28 to, the Lockyer-Polanco-Farr Pet Protection Act contained in
29 Article 2 (commencing with Section 122125) of Chapter 5 of Part
30 6 of Division 105, or Sections 597 and 5971 of the Penal Code.

31 (b) Nothing in this chapter limits or authorizes any act or
32 omission that violates Sections 597 and 5971 of the Penal Code,
33 or any other local, state, or federal law. The procedures set forth
34 in this chapter shall not apply to a violation of Section 597 or 5971
35 of the Penal Code, which is cited or prosecuted pursuant to one
36 or both of those sections.

37 122361. This chapter shall become operative on January 1,
38 2009.

39 SEC. 4. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

O