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AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Levine
(Principal coauthor: Senator Padilla)
(Coauthor: Assembly Member Nava)

February 23, 2007

An act to add Chapter 9 (commencing with Section 122336) to Part 6 of Division 105 of the Health and Safety Code, relating to pets.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Levine. California Healthy Pets Act.

Existing law sets forth provisions relating to veterinary public health and safety and provides for or regulates spay, neuter, and breeding programs for animals.

This bill would prohibit any person from owning or possessing any cat or dog over the age of 4 months that has not been spayed or neutered, unless that person possesses an intact permit, as defined. The bill would establish an intact permit fee in an amount to be determined by a local jurisdiction, and would require the revenue from these fees to be used for the administration of the local jurisdiction's permit program. The bill would make a violation of these provisions punishable by a prescribed civil penalty. It would require all revenues derived from these civil penalties to be used for funding the outreach efforts in

connection with, and the administration and enforcement of, these provisions, and, to the extent funding is available, free and low-cost spay and neuter programs, and outreach efforts for those programs, which would be required to be established by each local animal control agency.

By increasing the enforcement responsibility of local agencies, this bill would create a state-mandated local program.

The bill would become operative on April 1, 2008.

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. This act shall be known and may be cited as the
2 California Healthy Pets Act.

3 SEC. 2. Chapter 9 (commencing with Section 122336) is added
4 to Part 6 of Division 105 of the Health and Safety Code, to read:

5
6 CHAPTER 9. SPAY AND NEUTER PROGRAM FOR CATS AND DOGS

7
8 Article 1. Definitions

9
10 122336. For purposes of this chapter, the following definitions
11 shall apply:

12 (a) "Intact permit" means a document issued annually by a local
13 jurisdiction or its local animal control agency if authorized to issue
14 these permits, that authorizes a person to own or possess within
15 that locality an unaltered cat or dog and meets the requirements
16 of subdivision (a) of Section 122336.2. A dog or cat license that
17 meets the requirements of subdivision (a) of Section 122336.2
18 shall be considered a permit for purposes of this chapter.

19 (b) "Local animal control agency" means the municipal or
20 county animal control agency or other entity responsible for
21 enforcing animal-related laws.

1 (c) “Local jurisdiction” means any city, county, or city and
2 county.

3 (d) “Spay or neuter” means any procedure, as performed by a
4 duly licensed veterinarian, that permanently sterilizes an animal
5 and makes it incapable of reproduction.

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Article 2. General Provisions

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9 122336.1. (a) A person shall not own or possess within the
10 state any cat or dog over the age of four months that has not been
11 spayed or neutered, unless that person possesses an intact permit,
12 as defined in subdivision (b) of Section 122336.

13 (b) Subject to subdivision (c), any person who violates
14 subdivision (a) shall, for each animal for which a violation has
15 occurred, be subject to a civil penalty of five hundred dollars
16 (\$500). This penalty shall be imposed in addition to any other civil
17 or criminal penalties imposed by the local jurisdiction.

18 (c) If an owner of a cat or dog provides a letter from a California
19 licensed veterinarian indicating that due to age, poor health, or
20 illness, it is unsafe to spay or neuter the cat or dog and that
21 arrangements have been made to spay or neuter the cat or dog
22 within 75 days from the date the cat or dog reaches the age of four
23 months, and the owner has his or her cat or dog spayed within that
24 75-day period, the owner shall not be in violation of this act.

25 (d) Any civil penalty imposed under subdivision (b) may be
26 waived, *in whole or in part*, by the local jurisdiction if the person
27 in violation provides verification that his or her cat or dog has been
28 spayed or neutered.

29 (e) Any person who, on or after April 1, 2008, is in possession
30 of any document issued by the local jurisdiction or its authorized
31 *local* animal control agency that permits the owner to possess an
32 unaltered cat or dog shall be deemed in compliance with this act
33 until the document expires, or January 1, 2009, whichever occurs
34 first.

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Article 3. Permits

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38 122336.2. (a) A local jurisdiction shall issue an intact permit,
39 as defined in subdivision (a) of Section 122336, if any of the
40 following conditions ~~is~~ *are* met:

1 (1) The owner demonstrates, by providing a copy of his or her
 2 business license and federal and state tax number, or by other
 3 proof, as ~~requested~~ *required* by the local jurisdiction or its
 4 authorized *local* animal control agency, that he or she is doing
 5 business and is licensed as a breeder at a location for which the
 6 local jurisdiction or its authorized *local* animal control agency has
 7 issued a breeder license.

8 (2) The owner sufficiently demonstrates, as determined in the
 9 discretion of the local jurisdiction or its authorized *local* animal
 10 control agency, ~~all that his or her cat or dog is a valid breed that~~
 11 ~~is recognized by an approved registry or association, and complies~~
 12 ~~with at least one of the following:~~

13 (A) His or her cat or dog is used to show or compete and has
 14 competed in at least one legitimate show or sporting competition;
 15 hosted by, or under the approval of, a recognized ~~purebred~~ registry
 16 or association ~~in existence since at least October 1, 2007,~~ within
 17 the last two years, or by whatever proof is requested by the
 18 authorized local animal control agency that the cat or dog is being
 19 trained to show or compete and is too young to have yet competed.

20 ~~(B) His or her cat or dog is a valid breed that is recognized by~~
 21 ~~an approved purebred registry or association in existence since at~~
 22 ~~least October 1, 2007.~~

23 ~~(C)~~

24 (B) The cat or dog has earned, or if under two years old, is in
 25 the process of earning, a conformation, obedience, agility, carting,
 26 herding, protection, rally, sporting, working, or other title from an
 27 approved purebred registry or association.

28 (3) The owner provides proof to the local jurisdiction or its
 29 authorized local animal control agency that the dog is being trained
 30 or is documented as having been appropriately trained and meets
 31 the definition of guide dog, service dog, or signal dog, as set forth
 32 in subdivisions (d), (e), and (f) of Section 365.5 of the Penal Code.

33 (4) The owner provides proof to the local jurisdiction or its
 34 authorized local animal control agency that the dog is being trained,
 35 or is documented as having been appropriately trained, and actively
 36 used by law enforcement agencies for law enforcement or rescue
 37 activities.

38 (5) The owner of a cat or dog provides a letter to the local
 39 jurisdiction or its authorized local animal control agency from a
 40 California licensed veterinarian stating that due to age, poor health,

1 or illness, it is unsafe to spay or neuter the cat or dog. This letter
2 shall include the veterinarian's license number and shall, if this
3 information is available, include the duration of the condition of
4 the dog or cat, and the date by which the dog or cat may be safely
5 spayed or neutered.

6 (b) An unaltered cat or dog for which an intact permit was issued
7 who ceases to meet the requirements of subdivision (a) is subject
8 to the spay and neuter requirements set forth in Section 122336.1.

9 (c) (1) The amount of the fee for an intact permit shall be
10 determined by the local jurisdiction, and shall be no more than
11 what is reasonably necessary to fund the administration of that
12 jurisdiction's intact permit program.

13 (2) A local jurisdiction shall waive the intact permit fee for an
14 unaltered cat or dog that meets the requirements of paragraph (3)
15 or (4) of subdivision (a), and may waive all or part of the intact
16 permit fee for an unaltered cat or dog meeting the requirements of
17 paragraph (5) of subdivision (a).

18 (d) Nothing in this section shall prohibit a local jurisdiction
19 from adopting or enforcing a more restrictive spay or neuter
20 program pursuant to Section 122331, provided that the program
21 allows for a cat or dog to be temporarily or permanently exempted
22 from a spay or neuter requirement for the reasons set forth in
23 paragraphs (3) to (5), inclusive, of subdivision (a).

24 (e) Any owner of a cat or dog who is not a resident of California
25 ~~and who brings a cat or dog into California from outside the state~~
26 shall be exempted from the permit requirements set forth in this
27 chapter if the owner provides proof, as determined by the local
28 jurisdiction or its authorized *local* animal control agency, that ~~he~~
29 ~~or she moved from another state or country after April 1, 2008.~~
30 ~~For purposes of this subdivision, proof may include, but need not~~
31 ~~be limited to, a valid driver's license from another state.~~ *the cat*
32 *or dog is temporarily in California for training, showing, or any*
33 *other legitimate reason, as determined by the local jurisdiction.*
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35 Article 4. Funding

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37 122336.3. (a) (1) Any civil penalty collected pursuant to
38 subdivision (b) of Section 122336.1 shall be used for funding the
39 administration, outreach, and enforcement activities set forth in
40 Article 5 (commencing with Section 122336.4).

1 (2) To the extent that funding is available pursuant to this
 2 chapter, a local animal control agency shall establish a free and
 3 low-cost spay and neuter program for low-income individuals.
 4 The agency shall undertake outreach efforts to inform qualified
 5 persons about these programs.

6 (b) All permit fees collected pursuant to subdivision (c) of
 7 Section 122336.2, shall be used for funding the administration of
 8 the permit program in the local jurisdiction in which the permits
 9 are issued.

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Article 5. Enforcement

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13 122336.4. A local animal control agency shall be responsible
 14 for enforcing conducting outreach efforts in connection with, and
 15 administering, this chapter.

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17 SEC. 3. No reimbursement is required by this act pursuant to
 18 Section 6 of Article XIII B of the California Constitution because
 19 a local agency or school district has the authority to levy service
 20 charges, fees, or assessments sufficient to pay for the program or
 21 level of service mandated by this act, within the meaning of Section
 22 17556 of the Government Code.

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23 SEC. 4. This act shall become operative on April 1, 2008.

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CORRECTIONS:

26

Text—Pages 4 and 6.

27