

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 10, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2343**

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**Introduced by Assembly Member Gatto**

February 21, 2014

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An act to amend Sections 31108, 31751.3, *and* 31752, ~~and 31754~~ of the Food and Agricultural Code, and to add Section 17581.8 to the Government Code, relating to stray animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2343, as amended, Gatto. Stray animals: pounds and shelters: adoption of dogs and cats.

(1) Existing law specifies that no stray dog or cat impounded by a public or private shelter shall be euthanized before 6 business days after the stray dog or cat is impounded, not including the day of impoundment, and requires that the stray dog or cat be released to a nonprofit animal rescue or adoption organization prior to the scheduled euthanasia of the stray dog or cat in certain circumstances, subject to specified exceptions. Existing law requires that a public or private shelter make reasonable efforts to contact the owner of a stray dog or cat that is impounded and notify him or her that his or her dog or cat is impounded and is available for redemption. Existing law requires that a stray dog or cat be held for owner redemption during the first 3 days of the holding period, not including the day of impoundment, and be available for owner redemption or adoption for the remainder of the holding period.

~~This bill would, instead, for any local governmental entity that receives specified block grant funding, prohibit a stray dog or cat from being euthanized or otherwise disposed of until after that required holding period, except as provided. The bill would require that any stray dog impounded or stray cat admitted to a shelter pursuant to those provisions be made available for owner redemption, adoption, or release to an animal rescue *group* or adoption organization, as defined, during the required holding period, except as provided. The bill would require that any stray dog or cat with identification, as defined, be held exclusively for owner redemption during the entire holding period, and any stray dog without identification be held exclusively during the first 72 hours of the holding period and then may be made available for adoption or release to an animal rescue or adoption organization, and would authorize a public or private shelter to make available for adoption or release to an animal rescue *group* or adoption organization, any stray cat without identification that is admitted to a public private or shelter at any time. The bill would authorize a public or private shelter to make available for adoption or release to an animal rescue *group* or adoption organization, each member of a litter of puppies without identification, consisting of 3 or more stray dogs under 4 months of age that originated from the same location.~~

~~This bill would also specify that, for any local governmental entity that receives specified block funding, any animal that is of a species admitted by public or private shelters may be made immediately available for adoption or release to an animal rescue or adoption organization, but, if the animal is not so adopted or released, would prohibit the animal from being euthanized or otherwise disposed of until after expiration of the holding periods applicable to stray dogs and cats.~~

By imposing new duties on local officials with regard to the operation of public pounds and animal shelters, the bill would impose a state-mandated local program.

(2) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions.

Existing law provides that no local agency shall be required to implement or give effect to any statute or executive order, or portion thereof, that imposes a mandate during any fiscal year and for the period immediately following that fiscal year if specified conditions are met,

including that the statute or executive order, or portion thereof, has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year.

~~This bill would provide that funding apportioned pursuant to a specified provision of the bill for use for prescribed purposes relating to providing care for impounded animals in shelters shall constitute constitutionally required reimbursement for the performance of any state mandates included in the statutes and executive orders identified in that provision. The bill would authorize a city, county, city and county, or joint powers authority to elect to receive specified state block grant funding provided under the annual Budget Act, and administered by the State Department of Public Health, if the city, county, city and county, or joint powers authority complies with specified procedures for securing funds, and uses any funds received for those specified purposes relating to the provision of mandated care for impounded animals in shelters. The bill would provide that the grant funding shall constitute the constitutionally required reimbursement for the provision of that mandated care. The bill would require a city, county, city and county or joint powers authority that elects not to apply for that block grant funding to hold a public hearing, during which it shall be required to make a finding regarding its decision not to apply for that funding, thereby imposing a state-mandated local program by mandating new duties on local governmental entities. funding.~~

(3) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) California has long sought to protect the welfare and interests
- 4 of homeless animals.

1 (2) With the passage of the “Hayden Law” (Ch. 752, Stats.  
2 1998), California codified longer holding periods for homeless  
3 animals in shelters and, among other things, required shelters to  
4 provide necessary veterinary care, to post lost and found lists, and  
5 to release animals scheduled to be euthanized to animal adoption  
6 and rescue organizations.

7 (3) The Commission on State Mandates ruled in 2001 that some  
8 policies of the Hayden Law are reimbursable mandates, which led  
9 to multiyear suspensions of funding for animal shelters during the  
10 state’s budget crisis.

11 (4) The vulnerability of these policies governing the treatment  
12 of homeless animals in shelters prompted the formation of a  
13 statewide stakeholders group that evaluated outcomes, developed  
14 best practices, and proposed solutions to help meet the state’s  
15 policy goal that no adoptable or treatable animal should be  
16 euthanized if it can be adopted into a suitable home, while  
17 addressing the state mandate funding issues.

18 (b) It is the intent of the Legislature that \$10 million should be  
19 appropriated in the ~~2015–16~~ Budget Act of 2015 to fund the state  
20 block grant program established pursuant to Section 17581.8 of  
21 the Government Code. *Code, as added by this act.*

22 (c) It is further the intent of the Legislature that funds from the  
23 block grant program established pursuant to Section 17581.8 of  
24 the Government Code should be administered by the State  
25 Department of Public Health, with a portion of those funds used  
26 for the care of stray animals in shelters.

27 SEC. 2. Section 31108 of the Food and Agricultural Code is  
28 amended to read:

29 31108. (a) Except as provided in Section 17006, ~~for any local~~  
30 ~~governmental entity that receives block grant funding under Section~~  
31 ~~17581.8 of the Government Code~~, no stray dog impounded  
32 pursuant to this division shall be euthanized or otherwise disposed  
33 of until after the expiration of the required holding period, which  
34 shall be six business days, not including the day of impoundment,  
35 except as follows:

36 (1) If the public or private shelter has made the dog available  
37 for owner redemption on one weekday evening until at least 7 p.m.  
38 or one weekend day, the holding period shall be four business  
39 days, not including the day of impoundment.

1 (2) If the public or private shelter has fewer than three full-time  
2 employees or is not open during all regular weekday business  
3 hours, and if it has established a procedure to enable owners to  
4 reclaim their dogs by appointment at a mutually agreeable time  
5 when the public or private shelter would otherwise be closed, the  
6 holding period shall be four business days, not including the day  
7 of impoundment.

8 (b) (1) In addition to the prohibition against euthanasia set forth  
9 in subdivision (a), a stray dog impounded pursuant to this division  
10 shall be made available for owner redemption, adoption, or release  
11 to an animal rescue *group* or adoption organization during the  
12 required holding period, as follows:

13 (A) A stray dog with identification shall be held exclusively for  
14 owner redemption during the entire holding period.

15 (B) A stray dog without identification shall be held exclusively  
16 for owner redemption during the first 72 hours of the holding  
17 period, and then may be made available for adoption or release to  
18 an animal rescue *group* or adoption organization.

19 (C) Each member of a litter of puppies without identification,  
20 consisting of three or more stray dogs under four months of age  
21 that originated from the same location, may be made available for  
22 adoption or release to an animal rescue *group* or adoption  
23 organization at any time.

24 (2) Nothing in this section is intended to prevent an owner from  
25 reclaiming his or her dog during or after any required holding  
26 period, pursuant to applicable law, if the public or private shelter  
27 still has physical possession of the dog.

28 (c) Except as provided in Section 17006, a stray dog that is  
29 impounded pursuant to this division shall, before the euthanasia  
30 of that animal, be released to a nonprofit, as defined in Section  
31 501(c)(3) of the Internal Revenue Code, animal rescue *group* or  
32 adoption organization if requested by the *group or* organization  
33 before the scheduled euthanasia of that animal. The public or  
34 private shelter may enter into cooperative agreements with any  
35 animal rescue *group* or adoption organization. In addition to any  
36 required spay or neuter deposit, the public or private shelter, at its  
37 discretion, may assess a fee, not to exceed the standard adoption  
38 fee, for animals adopted or released.

39 (d) During the holding period required by this section and before  
40 the adoption, release to an animal rescue *group* or adoption

1 organization, or euthanasia of a dog impounded pursuant to this  
2 division, a public or private shelter shall scan the dog for a  
3 microchip that identifies the owner of that dog and shall make  
4 reasonable efforts to contact the owner and notify him or her that  
5 his or her dog is impounded and is available for redemption.

6 (e) As used in this division, a “business day” includes any day  
7 that a public or private shelter is open to the public for at least four  
8 hours, excluding state holidays.

9 (f) As used in this section, “identification” means a microchip,  
10 a readily visible license tag, as prescribed by Section 30951, a  
11 rabies vaccination tag, or other tag, tattoo, marking, or accessory  
12 that displays the identity or contact information of the owner or  
13 caretaker of the dog.

14 ~~(g) As used in this section, an “animal rescue or adoption~~  
15 ~~organization” is a for-profit or nonprofit, as described in Section~~  
16 ~~501(e)(3) of the Internal Revenue Code, entity, or a collaboration~~  
17 ~~of individuals with at least one of its purposes being the sale or~~  
18 ~~placement of any dog that has been removed from a public animal~~  
19 ~~control agency or shelter, society for the prevention of cruelty to~~  
20 ~~animals shelter, or humane society shelter, or that has been~~  
21 ~~previously owned by any person other than the original breeder~~  
22 ~~of that dog.~~

23 SEC. 3. Section 31751.3 of the Food and Agricultural Code is  
24 amended to read:

25 31751.3. (a) ~~(1)~~ Except as otherwise provided in subdivision  
26 (b), no public animal control agency or shelter, society for the  
27 prevention of cruelty to animals shelter, humane society shelter,  
28 or animal rescue or adoption organization *group* shall sell, or give  
29 away to a new owner, any cat that has not been spayed or neutered.

30 ~~(2) For purposes of this chapter, an “animal rescue or adoption~~  
31 ~~organization” is a for-profit or not-for-profit, as described in~~  
32 ~~Section 501(e)(3) of the Internal Revenue Code, entity, or a~~  
33 ~~collaboration of individuals with at least one of its purposes being~~  
34 ~~the sale or placement of cats that have been removed from a public~~  
35 ~~animal control agency or shelter, society for the prevention of~~  
36 ~~cruelty to animals shelter, or humane society shelter, or that have~~  
37 ~~been previously owned by any person other than the original~~  
38 ~~breeder of that cat.~~

39 (b) (1) If a veterinarian licensed to practice veterinary medicine  
40 in this state certifies that a cat is too sick or injured to be spayed

1 or neutered, or that it would otherwise be detrimental to the health  
2 of the cat to be spayed or neutered, the adopter or purchaser shall  
3 pay the public animal control agency or shelter, society for the  
4 prevention of cruelty to animals shelter, humane society shelter,  
5 or animal rescue ~~or adoption organization~~ *group* a deposit of not  
6 less than forty dollars (\$40), and not more than seventy-five dollars  
7 (\$75).

8 (2) The entity shall establish the amount of the deposit at the  
9 level it determines is necessary to encourage the spaying or  
10 neutering of cats.

11 (3) The deposit shall be temporary, and shall only be retained  
12 until the cat is healthy enough to be spayed or neutered, as certified  
13 by a veterinarian licensed to practice veterinary medicine in this  
14 state.

15 (4) The cat shall be spayed or neutered within 14 business days  
16 of that certification.

17 (5) The adopter or purchaser shall obtain written proof of  
18 spaying or neutering from the veterinarian performing the  
19 operation.

20 (6) If the adopter or purchaser presents proof of spaying or  
21 neutering to the entity from which the cat was obtained within 30  
22 business days of obtaining the proof, the adopter or purchaser shall  
23 receive a full refund of the deposit.

24 (c) Public animal control agencies or shelters, society for the  
25 prevention of cruelty to animals shelters, humane society shelters,  
26 and animal rescue ~~or adoption organizations~~ *groups* may enter into  
27 cooperative agreements with each other and with veterinarians in  
28 lieu of requiring spaying and neutering deposits to carry out this  
29 section.

30 (d) Any funds from unclaimed deposits made pursuant to this  
31 section, as it read on January 1, 1999, and any funds from deposits  
32 unclaimed after January 1, 2000, may be expended only for  
33 programs to spay or neuter cats and dogs, including agreements  
34 with a society for the prevention of cruelty to animals or a humane  
35 society or licensed veterinarian, to operate a program to spay or  
36 neuter cats and dogs.

37 (e) This section only applies to a county that has a population  
38 exceeding 100,000 persons as of January 1, 2000, and to cities  
39 within that county.

1 SEC. 4. Section 31752 of the Food and Agricultural Code is  
2 amended to read:

3 31752. (a) Except as provided in Section 17006, ~~for any local~~  
4 ~~governmental entity that receives block grant funding under Section~~  
5 ~~17581.8 of the Government Code~~, no stray cat admitted to a public  
6 or private shelter shall be euthanized or otherwise disposed of until  
7 after the expiration of the required holding period, which shall be  
8 six business days, not including the day of admission, except as  
9 follows:

10 (1) If the public or private shelter has made the cat available for  
11 owner redemption on one weekday evening until at least 7 p.m.  
12 or one weekend day, the holding period shall be four business  
13 days, not including the day of admission.

14 (2) If the public or private shelter has fewer than three full-time  
15 employees or is not open during all regular weekday business  
16 hours, and if it has established a procedure to enable owners to  
17 reclaim their cats by appointment at a mutually agreeable time  
18 when the public or private shelter would otherwise be closed, the  
19 holding period shall be four business days, not including the day  
20 of admission.

21 (b) (1) In addition to the prohibition against euthanasia set forth  
22 in subdivision (a), a stray cat admitted to a public or private shelter  
23 shall be made available for owner redemption, adoption, or release  
24 to an animal rescue *group* or adoption organization during the  
25 required holding period, as follows:

26 (A) Any stray cat with identification shall be held exclusively  
27 for owner redemption during the entire holding period.

28 (B) Any stray cat without identification may be made available  
29 for adoption or release to an animal rescue *group* or adoption  
30 organization at any time.

31 (2) Nothing in this section is intended to prevent an owner from  
32 reclaiming his or her cat during or after any required holding  
33 period, pursuant to applicable law, if the public or private shelter  
34 still has physical possession of the cat.

35 (c) Except as provided in Section 17006, any stray cat that is  
36 admitted pursuant to this division shall, before the euthanasia of  
37 that animal, be released to a ~~for-profit~~ or nonprofit, as defined in  
38 Section 501(c)(3) of the Internal Revenue Code, animal rescue  
39 *group* or adoption organization if requested by the *group or*  
40 organization before the scheduled euthanasia of that animal. In



1 addition to any required spay or neuter deposit, the public or private  
2 shelter, at its discretion, may assess a fee, not to exceed the  
3 standard adoption fee, for animals adopted or released. The public  
4 or private shelter may enter into cooperative agreements with any  
5 animal rescue *group* or adoption organization, for purposes of  
6 compliance with this section.

7 (d) During the holding period required by this section and before  
8 the adoption, release to an animal rescue *group* or adoption  
9 organization, or euthanasia of a cat admitted pursuant to this  
10 division, a public or private shelter shall scan the cat for a  
11 microchip that identifies the owner of that cat and shall make  
12 reasonable efforts to contact the owner and notify him or her that  
13 his or her cat is admitted and is available for redemption.

14 (e) As used in this division, a “business day” includes any day  
15 that a public or private shelter is open to the public for at least four  
16 hours, excluding state holidays.

17 (f) As used in this section, “identification” means a microchip,  
18 a readily visible license tag, rabies vaccination tag, or other tag,  
19 tattoo, marking, or accessory that displays the identity or contact  
20 information of the owner or caretaker of the cat.

21 ~~(g) As used in this section, an “animal rescue or adoption~~  
22 ~~organization” is a for-profit or nonprofit, as described in Section~~  
23 ~~501(e)(3) of the Internal Revenue Code, entity, or a collaboration~~  
24 ~~of individuals with at least one of its purposes being the sale or~~  
25 ~~placement of any cat that has been removed from a public animal~~  
26 ~~control agency or shelter, society for the prevention of cruelty to~~  
27 ~~animals shelter, or humane society shelter, or that has been~~  
28 ~~previously owned by any person other than the original breeder~~  
29 ~~of that cat.~~

30 ~~SEC. 5. Section 31754 of the Food and Agricultural Code is~~  
31 ~~amended to read:~~

32 31754. (a) Except as provided in Section 17006, for any local  
33 governmental entity that receives block grant funding under Section  
34 17581.8 of the Government Code, any animal relinquished by the  
35 purported owner or any other person with the authority to relinquish  
36 the animal that is of a species admitted by public or private shelters  
37 may be made immediately available for adoption or release to an  
38 animal rescue or adoption organization, but if not so adopted or  
39 released, shall not be euthanized or otherwise disposed of until the

1 expiration of the holding period applicable to stray dogs in Section  
2 31108 and stray cats in Section 31752.

3 ~~(b) Nothing in this section is intended to require a public or~~  
4 ~~private shelter to admit an animal that is relinquished by the owner.~~

5 ~~SEC. 6.~~

6 *SEC. 5.* Section 17581.8 is added to the Government Code, to  
7 read:

8 17581.8. (a) Funding apportioned pursuant to this section shall  
9 constitute reimbursement pursuant to Section 6 of Article XIII B  
10 of the California Constitution for the performance of any state  
11 mandates included in the statutes and executive orders identified  
12 in subdivision (e).

13 (b) (1) A city, county, city and county, or joint powers authority  
14 may elect to receive block grant funding pursuant to this section.

15 (2) The State Department of Public Health shall administer the  
16 block grant funding program established under this section.

17 (c) (1) A city, county, city and county, or joint powers authority  
18 that elects to receive block grant funding pursuant to this section  
19 in a given fiscal year shall submit a letter requesting funding to  
20 the State Department of Public Health on or before August 30 of  
21 the fiscal year in which the funding is available.

22 (2) The State Department of Public Health shall, no later than  
23 November 30 of each fiscal year in which the funding is available,  
24 apportion block grant funding appropriated under a specified item  
25 under Section 2.00 of the annual Budget Act to a city, county, city  
26 and county, or joint powers authority that submitted a letter to the  
27 department requesting funding in that fiscal year according to the  
28 provisions of that item.

29 (3) A city, county, city and county, or joint powers authority  
30 that receives block grant funding pursuant to this section shall not  
31 be eligible to submit claims to the Controller for reimbursement  
32 pursuant to Section 17560 for any costs of any state mandates  
33 included in the statutes and executive orders identified in  
34 subdivision (e) incurred in the same fiscal year during which the  
35 city, county, city and county or joint powers authority received  
36 funding pursuant to this section.

37 (d) Block grant funding apportioned pursuant to this section is  
38 subject to annual financial and compliance audits.

39 (e) If a city, county, city and county, or joint powers authority  
40 elects to receive block grant funding under this section, any block

1 grant funds received by the city, county, city and county, or joint  
2 powers authority shall be used to fund the costs of the following  
3 programs and activities:

4 (1) Providing care and maintenance during the holding periods  
5 for impounded animals imposed under Sections 31108 and 31752  
6 of the Food and Agricultural Code.

7 (2) Providing care and maintenance for four business days from  
8 the day after impoundment, or six business days from the day after  
9 impoundment, for impounded rabbits, guinea pigs, hamsters,  
10 pot-bellied pigs, birds, lizards, snakes, turtles, or tortoises, as  
11 legally allowed as personal property, pursuant to Section 31753  
12 of the Food and Agricultural Code.

13 (3) For impounded animals held for four business days after the  
14 day of impoundment, for either of the following purposes:

15 (A) Making the animal available for owner redemption on one  
16 weekday evening until at least 7:00 pm, or one weekend day.

17 (B) For those local agencies with fewer than three full-time  
18 employees or that are not open during all regular weekday business  
19 hours, establishing a procedure to enable owners to reclaim their  
20 animals by appointment at a mutually agreeable time when the  
21 agency would otherwise be closed, pursuant to Sections 31108,  
22 31752, and 31753 of the Food and Agricultural Code.

23 (4) Verifying whether a cat is feral or tame by using a  
24 standardized protocol prescribed in subdivision (c) to Section  
25 31752.5 of the Food and Agricultural Code.

26 (5) Posting lost and found animal lists pursuant to Section 32001  
27 of the Food and Agricultural Code.

28 (6) Maintaining records on animals that are not medically treated  
29 by a veterinarian, but are either taken up, euthanized after the  
30 holding period, or impounded, pursuant to Section 32003 of the  
31 Food and Agricultural Code.

32 (7) Providing “necessary and prompt veterinary care” for  
33 abandoned animals, other than injured cats and dogs given  
34 emergency treatment, pursuant to Sections 1834 and 1846 of the  
35 Civil Code.

36 (f) A city, county, city and county, or joint powers authority  
37 that elects not to apply for block grant funding under this section  
38 shall hold a public hearing, during which time it shall make a  
39 finding regarding its decision not to apply for that funding.

1 (g) *Nothing in this section shall preclude a city, county, city*  
2 *and county, or joint powers authority from complying with any*  
3 *required holding period for an impounded animal that is in effect*  
4 *on January 1, 2015.*

5 (h) *No more than 4 percent of the block grant funds made*  
6 *available under this section to a city, county, city and county, or*  
7 *joint powers authority shall be used for administrative costs.*

8 ~~SEC. 7.~~

9 SEC. 6. If the Commission on State Mandates determines that  
10 this act contains costs mandated by the state, reimbursement to  
11 local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.