

**ASSEMBLY BILL**

**No. 2269**

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**Introduced by Assembly Member Waldron**

February 18, 2016

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An act to repeal and add Section 1834.7 of the Civil Code, relating to animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2269, as introduced, Waldron. Animal shelters: research animals: prohibitions.

(1) Existing law requires a pound or animal regulation department of a public or private agency where animals are turned over dead or alive to a biological supply facility or a research facility to post a statement to this effect, as specified, and requires that this statement and other information also be included on owner surrender forms.

This bill would repeal these provisions. The bill would prohibit a person or animal shelter entity that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility or animal dealer, as specified. The bill would also prohibit a research facility from procuring, purchasing, receiving, accepting, or using a living animal for the purpose of medical or biological teaching, research, or study, or any other kind of experimentation, if that animal is transferred from, or received from, an animal shelter. The bill would except from these prohibitions specified procedures performed by, or under the direct supervision of, a licensed veterinarian, subject to certain conditions. A violation of these provisions would be subject to a civil penalty of \$1,000. By creating new conditions affecting the operations of local, public animal service entities, this bill would impose a state-mandated local program.

(2) 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. Section 1834.7 of the Civil Code is repealed.  
2 1834.7.— (a) In any pound or animal regulation department of  
3 a public or private agency where animals are turned over dead or  
4 alive to a biological supply facility or a research facility, a sign  
5 (measuring a minimum of 28 x 21 cm— 11 x 8½ inches —with  
6 lettering of a minimum of 3.2 cm high and 1.2 cm wide— 1¼ x ½  
7 inch —(91 point)) stating:  
8 “Animals Turned In To This Shelter May Be Used For Research  
9 Purposes or to Supply Blood, Tissue, or Other Biological  
10 Products”  
11 shall be posted in a place where it will be clearly visible to a  
12 majority of persons when turning animals over to the shelter. This  
13 statement shall also be included on owner surrender forms. The  
14 owner surrender forms shall also include the definition of  
15 “biological supply facility” contained in subdivision (c).  
16 (b) For purposes of this section, “animal research facility”  
17 includes any laboratory, firm, association, corporation,  
18 copartnership, and educational institution.  
19 (c) For purposes of this section, “biological supply facility”  
20 includes any blood bank, laboratory, firm, association, corporation,  
21 copartnership, or educational institution that sells biological  
22 materials such as blood or animals, either alive or dead, to research  
23 facilities, educational institutions, or veterinarians.  
24 SEC. 2. Section 1834.7 is added to the Civil Code, to read:  
25 1834.7. (a) For purposes of this section:  
26 (1) “Animal dealer” means a dealer as defined by Section 2132  
27 of Title 7 of the United States Code, effective February 7, 2014.

1 (2) “Animal shelter entity” includes, but is not limited to, an  
2 animal regulation agency, humane society, society for the  
3 prevention of cruelty to animals, rescue group, or other private or  
4 public animal shelter.

5 (3) “Research facility” means a research facility as defined by  
6 Section 2132 of Title 7 of the United States Code, effective  
7 February 7, 2014.

8 (b) (1) A person or animal shelter entity that accepts animals  
9 from the public or takes in stray or unwanted animals shall not  
10 sell, give, or otherwise transfer a living animal to a research facility,  
11 or to an animal dealer if the dealer will transfer the animal to a  
12 research facility.

13 (2) A research facility shall not procure, purchase, receive,  
14 accept, or use a living animal for the purpose of medical or  
15 biological teaching, research, or study, or any other kind of  
16 experimentation, if that animal is transferred from, or received  
17 from, an animal shelter entity.

18 (c) This section does not prohibit a procedure by a licensed  
19 veterinarian to correct the animal’s preexisting medical condition,  
20 nor does it prohibit a procedure to spay or neuter the animal if the  
21 procedure is performed by, or under the direct supervision of, a  
22 licensed veterinarian, and if the animal is returned to the person  
23 or animal shelter entity after the procedure, unless the animal is  
24 found to be suffering from a medical condition that requires the  
25 animal’s humane euthanasia to avoid imminent and prolonged  
26 pain and suffering.

27 (d) A violation of this section is subject to a civil penalty of one  
28 thousand dollars (\$1,000) in an action to be brought by the district  
29 attorney or city attorney of the county or city where the violation  
30 occurred. When collected, the civil penalty shall be payable to the  
31 general fund of the governmental entity that brought the action to  
32 assess the penalty.

33 SEC. 3. If the Commission on State Mandates determines that  
34 this act contains costs mandated by the state, reimbursement to  
35 local agencies and school districts for those costs shall be made  
36 pursuant to Part 7 (commencing with Section 17500) of Division  
37 4 of Title 2 of the Government Code.

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