

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN ASSEMBLY APRIL 21, 2016

AMENDED IN ASSEMBLY MARCH 30, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2269

**Introduced by Assembly Member Waldron
(Principal coauthor: Assembly Member Dababneh)
(Coauthors: Assembly Members Bloom, Chang, Chávez, Daly, and
Cristina Garcia)**

February 18, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2269, as amended, 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 revise these provisions to apply them only to an animal shelter entity, as defined, where dead animals are turned over to a biological supply facility or a research ~~facility~~ *facility for specified purposes*. The bill would revise the posted statement and owner surrender forms to refer to euthanized animals. The bill would prohibit ~~a person or~~ *an animal shelter entity or other person* 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. ~~facility, animal dealer, or other person for the purpose of research, experimentation, or testing.~~ The bill would also prohibit a research facility or animal dealer ~~facility, animal dealer, or other person~~ 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, or testing~~ if that animal is transferred from, or received from, an animal shelter. ~~shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals.~~ The bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer. ~~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 SEC. 2. Section 1834.7 is added to the Civil Code, to read:
- 3 1834.7. (a) For purposes of this section:
- 4 (1) “Animal dealer” means a person who, in commerce, for
- 5 compensation or profit, delivers for transportation, or transports,
- 6 except as a carrier, or who buys, sells, or negotiates the purchase
- 7 or sale of any animal, whether alive or dead, for research, teaching,
- 8 exhibition, or biological supply.
- 9 (2) “Animal shelter entity” includes, but is not limited to, an
- 10 animal regulation agency, humane society, society for the

1 prevention of cruelty to animals, ~~rescue group~~, or other private or
2 public animal shelter.

3 (3) “Person” means an individual, partnership, firm, limited
4 liability company, joint-stock company, corporation, association,
5 trust, estate, governmental agency, or other legal entity.

6 ~~(3)~~

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

10 (b) (1) An animal shelter entity where dead animals are turned
11 over to a biological supply facility or a research facility *for*
12 *research purposes or to supply blood, tissue, or other biological*
13 *products* shall post a sign as described by this paragraph in a place
14 where it will be clearly visible to a majority of persons when
15 turning animals over to the shelter. The sign shall measure a
16 minimum of 28 x 21 cm— 11 x 8½ inches —with lettering of a
17 minimum of 3.2 cm high and 1.2 cm wide— 1¼ x ½ inch —(91
18 point) and shall state:

19 “Animals Euthanized at This Shelter May Be Used for Research
20 Purposes or to Supply Blood, Tissue, or Other Biological
21 Products”

22 (2) The statement in paragraph (1) shall also be included on
23 owner surrender forms.

24 (3) *An animal shelter or other person shall not euthanize an*
25 *animal for the purpose of transferring the carcass to a research*
26 *facility or animal dealer.*

27 (c) (1) ~~A person or~~ *An animal shelter entity or other person*
28 *that accepts animals from the public or takes in stray or unwanted*
29 *animals shall not sell, give, or otherwise transfer a living animal*
30 *to a research facility, or to an animal dealer, dealer, or other person*
31 *for the purpose of research, experimentation, or testing.*

32 (2) ~~A research facility or animal dealer facility, animal dealer,~~
33 ~~or other person shall not procure, purchase, receive, accept, or use~~
34 ~~a living animal for the purpose of medical or biological teaching,~~
35 ~~research, or study, or any other kind of experimentation, if that~~
36 ~~animal is transferred from, or received from, an animal shelter~~
37 ~~entity. research, experimentation, or testing if that animal is~~
38 ~~transferred from, or received from, an animal shelter entity or~~
39 ~~other person that accepts animals from the public or takes in stray~~
40 ~~or unwanted animals.~~

1 (d) *Nothing in this section shall prohibit a research facility from*
2 *working in collaboration with an animal shelter to investigate*
3 *problems and provide services to shelter animals.*

4 ~~(3) A person or animal shelter shall not euthanize an animal for~~
5 ~~the purpose, in whole or in part, of transferring the carcass to a~~
6 ~~research facility or animal dealer.~~

7 ~~(d) This section does not prohibit a procedure by a licensed~~
8 ~~veterinarian to correct the animal's preexisting medical condition,~~
9 ~~nor does it prohibit a procedure to spay or neuter the animal if the~~
10 ~~procedure is performed by, or under the direct supervision of, a~~
11 ~~licensed veterinarian, and if the animal is returned to the person~~
12 ~~or animal shelter entity after the procedure, unless the animal is~~
13 ~~found to be suffering from a medical condition that requires the~~
14 ~~animal's humane euthanasia to avoid imminent and prolonged~~
15 ~~pain and suffering.~~

16 (e) A violation of this section is subject to a civil penalty of one
17 thousand dollars (\$1,000) in an action to be brought by the district
18 attorney or city attorney of the county or city where the violation
19 occurred. When collected, the civil penalty shall be payable to the
20 general fund of the governmental entity that brought the action to
21 assess the penalty.

22 SEC. 3. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.