

ASSEMBLY BILL

No. 1856

Introduced by Assembly Member Vincent

February 13, 1998

An act to amend Sections 30503 and 31751 of, to add Sections 30503.5 and 31751.1 to, and to repeal Section 31751.5 of, the Food and Agricultural Code, relating to dogs and cats.

LEGISLATIVE COUNSEL'S DIGEST

AB 1856, as introduced, Vincent. Dogs and cats: overpopulation: spaying and neutering.

(1) Existing law prohibits each public pound, society for the prevention of cruelty to animals shelter, and humane shelter from selling or giving away any dog or cat that has not been spayed or neutered, unless a deposit for spaying or neutering the dog has been tendered, as prescribed.

This bill would apply that prohibition also to breeders, pet shops, and individuals. The bill would delete the provisions governing the payment of a deposit.

The bill would require any person who intends to purchase, sell, or own a dog or cat that has not been spayed or neutered to register as a breeder with the city or county agency charged with the duty of animal control and to pay the organization charged with maintaining the list of licensed breeders a registration fee of \$100.

The bill would make related changes.

Because, under existing law, a violation of any provision of the bill would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime.

(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 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. (a) The Legislature finds and declares
2 that overpopulation of dogs and cats in California has
3 become a problem of great public concern. The
4 overpopulation causes public health problems, adversely
5 affects city and county animal control departments, and
6 results in needlessly euthanized dogs and cats.

7 (b) It is the intent of the Legislature, in enacting this
8 act, to reduce the number of unwanted dogs and cats in
9 California. In order to reduce the number of stray dogs
10 and cats on the streets, and the number euthanized in
11 shelters each year, the birth rate must be reduced.
12 Although the point may seem obvious, humans generally
13 give birth to a single offspring, while dogs and cats give
14 birth to litters. Additionally, dogs and cats reach sexual
15 maturity relatively young and their gestation periods are
16 comparatively short. The single most effective
17 prevention of overpopulation among canine and feline
18 populations is spaying and neutering.

19 (c) Current law has certain requirements for spaying
20 and neutering, but overpopulation problems still exist
21 because there are too many exemptions in current law. It
22 is the intent of the Legislature, in enacting this act, to
23 eliminate the exemptions and make it more difficult for
24 unaltered animals to roam free and reproduce.

25 SEC. 2. Section 30503 of the Food and Agricultural
26 Code is amended to read:

27 30503. ~~(a)~~ No public pound, society for the
28 prevention of cruelty to animals shelter, ~~or~~ humane
29 shelter, *breeder, pet shop, or individual* shall sell or give



1 away any dog that has not been spayed or neutered;
2 ~~unless a deposit for spaying or neutering the dog has been~~
3 ~~tendered to the pound or shelter. The deposit shall be in~~
4 ~~the amount determined by the pound or shelter to be~~
5 ~~comparable to the lowest fee charged by veterinarians in~~
6 ~~the locale, but shall not exceed forty dollars (\$40). A~~
7 ~~veterinarian shall perform the operation. If a female dog~~
8 ~~and her puppies are sold or given away to one individual,~~
9 ~~only a single deposit shall be required. The pound or~~
10 ~~shelter may make appropriate arrangements for the~~
11 ~~spaying or neutering of the dog, or may return the deposit~~
12 ~~to the person purchasing or receiving the dog upon~~
13 ~~presentation of a written statement or receipt from the~~
14 ~~veterinarian or clinic that the dog has been spayed or~~
15 ~~neutered. The deposit may also include an amount~~
16 ~~necessary to recover any additional costs under this~~
17 ~~section.~~

18 (b) ~~Any dog over six months of age at the time it is sold~~
19 ~~or given away by the pound or shelter shall be spayed or~~
20 ~~neutered within 60 days, or the deposit shall be deemed~~
21 ~~unclaimed. Any dog six months of age or younger at the~~
22 ~~time it is sold or given away by the pound or shelter shall~~
23 ~~be spayed or neutered within six months, or the deposit~~
24 ~~shall be deemed unclaimed.~~

25 (c) ~~Any deposit not claimed under subdivision (a)~~
26 ~~shall be used only for the following purposes:~~

27 (1) ~~A public education program to prevent~~
28 ~~overpopulation of dogs and cats.~~

29 (2) ~~A program to spay or neuter dogs and cats.~~

30 (3) ~~A followup program to assure that animals sold or~~
31 ~~given away by the pound or shelter are spayed or~~
32 ~~neutered.~~

33 (4) ~~Any additional costs incurred under this section.~~

34 (d) ~~Public pounds, society for the prevention of~~
35 ~~crucly to animals shelters, and humane shelters may~~
36 ~~enter into cooperative agreements with each other and~~
37 ~~with veterinarians in carrying out this section.~~

38 SEC. 3. Section 30503.5 is added to the Food and
39 Agricultural Code, to read:



1 30503.5. Any person who intends to purchase, sell, or
2 own a dog that has not been spayed or neutered shall
3 register as a breeder with the city or county agency
4 charged with the duty of animal control. In order to
5 register as a breeder for purposes of this section, any
6 person who intends to purchase, sell, or own a dog that has
7 not been spayed or neutered shall pay the organization
8 charged with maintaining the list of licensed breeders a
9 registration fee of one hundred dollars (\$100).

10 SEC. 4. Section 31751 of the Food and Agricultural
11 Code is amended to read:

12 31751. ~~(a)~~ No public pound, society for the
13 prevention of cruelty to animals shelter, ~~or~~ humane
14 shelter, *breeder, pet shop, or individual* shall sell or give
15 away any cat that has not been spayed or neutered, ~~unless~~
16 ~~a deposit for spaying or neutering the cat has been~~
17 ~~tendered to the pound or shelter. The deposit shall be in~~
18 ~~the amount determined by the pound or shelter to be~~
19 ~~comparable to the lowest fee charged by veterinarians in~~
20 ~~the locale, but shall not exceed thirty dollars (\$30). A~~
21 ~~veterinarian shall perform the operation. If a female cat~~
22 ~~and her kittens are sold or given away to one individual,~~
23 ~~only a single deposit shall be required. The pound or~~
24 ~~shelter may make appropriate arrangements for the~~
25 ~~spaying or neutering of the cat, or may return the deposit~~
26 ~~to the person purchasing or receiving the cat upon~~
27 ~~presentation of a written statement or receipt from the~~
28 ~~veterinarian or clinic that the cat has been spayed or~~
29 ~~neutered. The deposit may also include the amount~~
30 ~~necessary to recover any additional costs under this~~
31 ~~section.~~

32 ~~(b) All cats over six months of age at the time they are~~
33 ~~sold or given away by the pound or shelter shall be spayed~~
34 ~~or neutered within 60 days, or the deposit shall be deemed~~
35 ~~unclaimed. All cats six months of age or younger at the~~
36 ~~time they are sold or given away by the pound or shelter~~
37 ~~shall be spayed or neutered within six months, or the~~
38 ~~deposit shall be deemed unclaimed.~~

39 ~~(c) Any deposits not claimed under subdivision (a)~~
40 ~~shall be used only for the following purposes:~~



1 ~~(1) A public education program to prevent~~
2 ~~overpopulation of cats and dogs.~~

3 ~~(2) A program to spay or neuter cats and dogs.~~

4 ~~(3) A followup program to assure that animals sold or~~
5 ~~given away by the pound or shelter are spayed or~~
6 ~~neutered.~~

7 ~~(4) Any additional costs incurred under this section.~~

8 ~~(d) Public pounds, society for the prevention of~~
9 ~~cruelty to animals shelters, and humane shelters may~~
10 ~~enter into cooperative agreements with each other and~~
11 ~~with veterinarians in carrying out this section.~~

12 SEC. 5. Section 31751.1 is added to the Food and
13 Agricultural Code, to read:

14 31751.1. Any person who intends to purchase, sell, or
15 own a cat that has not been spayed or neutered shall
16 register as a breeder with the city or county agency
17 charged with the duty of animal control. In order to
18 register as a breeder for purposes of this section, any
19 person who intends to purchase, sell, or own a cat that has
20 not been spayed or neutered shall pay the organization
21 charged with maintaining the list of licensed breeders a
22 registration fee of one hundred dollars (\$100).

23 SEC. 6. Section 31751.5 of the Food and Agricultural
24 Code is repealed.

25 ~~31751.5. Whenever a city or county requires cat~~
26 ~~license tags, any such tag shall be issued for one-half or less~~
27 ~~of the fee required for a cat, if a certificate is presented~~
28 ~~from a licensed veterinarian that the cat has been spayed~~
29 ~~or neutered.~~

30 SEC. 7. No reimbursement is required by this act
31 pursuant to Section 6 of Article XIII B of the California
32 Constitution because the only costs that may be incurred
33 by a local agency or school district will be incurred
34 because this act creates a new crime or infraction,
35 eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition
38 of a crime within the meaning of Section 6 of Article
39 XIII B of the California Constitution.



1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

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