

AMENDED IN SENATE MAY 18, 1998

AMENDED IN SENATE MAY 6, 1998

AMENDED IN SENATE APRIL 22, 1998

**SENATE BILL**

**No. 2102**

---

---

**Introduced by Senator Rosenthal**

February 20, 1998

---

---

An act to amend Sections 122045 and 122060 of the Health and Safety Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 2102, as amended, Rosenthal. Dogs: breeding and sale.

(1) Existing law, the Polanco-Lockyer Pet Breeder Warranty Act, contains provisions regulating the breeding and sale of dogs. Existing law defines "dog breeder" and "breeder," for purposes of these provisions.

This bill would redefine these terms.

(2) Existing law provides that if a breeder violates provisions relating to the sale of ill or diseased dogs, the breeder shall be prohibited from selling dogs for specified periods of time.

This bill would increase the amount of time a breeder would be prohibited from selling dogs if the breeder violates these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 122045 of the Health and Safety  
2 Code is amended to read:

3 122045. (a) This article shall be known and may be  
4 cited as the Polanco-Lockyer Pet Breeder Warranty Act.

5 (b) Every breeder of dogs shall comply with this  
6 article. As used in this article, “dog breeder,” or  
7 “breeder” means a person, firm, partnership,  
8 corporation, or other association that has sold or  
9 transferred *for the purpose of selling* one litter of dogs, or  
10 any portion of a litter, more than once in a 36-month  
11 period that were bred and reared on the premises of the  
12 person, firm, partnership, corporation, or other  
13 association or were bred by a third party through a  
14 contractual arrangement and then returned to the  
15 breeder for the purpose of selling or transferring *for the*  
16 *purpose of selling* the dog or dogs.

17 (c) For the purposes of this article, “purchaser” means  
18 any person who purchases a dog from a breeder or who  
19 purchases a dog from an individual acting on the  
20 breeder’s behalf.

21 (d) This article shall not apply to pet dealers regulated  
22 under Article 2 (commencing with Section 122125), or to  
23 publicly operated pounds, humane societies, or privately  
24 operated rescue organizations.

25 SEC. 2. Section 122060 of the Health and Safety Code  
26 is amended to read:

27 122060. Except as provided for in paragraph (6) of  
28 subdivision (a) of Section 122050, no breeder shall  
29 knowingly sell a dog that is diseased, ill, or has a condition,  
30 any one of which that requires hospitalization or  
31 nonelective surgical procedures. In lieu of the civil  
32 penalties imposed pursuant to Section 122110, any  
33 breeder who violates this section shall be subject to a civil  
34 penalty of up to one thousand dollars (\$1,000), or shall be  
35 prohibited from selling dogs for up to six months, or both.  
36 If there is a second offense, the breeder shall be subject  
37 to a civil penalty of up to two thousand five hundred  
38 dollars (\$2,500), or a prohibition from selling dogs for up



1 to three years, or both. For a third offense, the breeder  
2 shall be subject to a civil penalty of up to five thousand  
3 dollars (\$5,000), or a prohibition from selling dogs for up  
4 to five years, or both. For a fourth and subsequent offense,  
5 the breeder shall be subject to a civil penalty of up to ten  
6 thousand dollars (\$10,000) or a prohibition from selling  
7 dogs for up to 10 years, or both. For the purpose of this  
8 section, a violation that occurred over five years prior to  
9 the most recent violation shall not be considered.

10 An action for recovery of the civil penalty and for a  
11 court order enjoining the breeder from engaging in the  
12 business of selling dogs at retail or wholesale for the  
13 period set forth in this section, may be prosecuted by the  
14 district attorney for the county in which the violation  
15 occurred, or the city attorney for the city in which the  
16 violation occurred, in the appropriate court.

