



## CALIFORNIA TO LIMIT POSSESSION OF DOGS AND CATS TO MAXIMUM OF 50

**\*\* Amended & Re-referred To Committee on July 23<sup>rd</sup> \*\***

### The Issue.

The Assembly has already passed, and the Senate is on the verge of passing, legislation that will prohibit any person from having more than 50 “unsterilized dogs and cats at any time used for the purpose of breeding or raising dogs or cats for sale as pets, or for the purpose of producing offspring from dogs or cats for sale as pets.” **Similar legislation has been introduced and defeated in states across the U.S. this year. California may be the first such state to actually enact this anti-pet, animal activist-sponsored initiative.**

### The Impact.

Assembly Bill 241 would impose this irrational ban on possession of dogs and cats irrespective of the quality of care provided the animals. Any person in possession of more than the limit permitted under the new law would be compelled to spay or neuter the excess animals or to sell, transfer, or relinquish the excess animals within 30 days.

Under AB 241, a peace officer, humane officer, or animal control officer is authorized to lawfully take possession of any animal that is “kept in violation of this” law.

### Recommended Action.

**AB 241 was amended and re-referred to the Senate Committee on Appropriations on July 23, 2009.**

It is critical that breeders, pet stores, and every other citizen of California who cares about the right to have pets contact their state Senator and every member of the Committee on Appropriations before the next hearing. Even if you don't know who your Senator is you can easily contact him or her at the touch of a button through PIJAC's [Legislative Action Center](#) (visit the Government Affairs page on PIJAC's website at [www.pijac.org](http://www.pijac.org) and click on the link). Additionally, it is important to contact members of the committee (see the committee contact list at the end of this Pet Alert). You may wish to make the following points about this bill:

- Assembly Bill 241 provides no benefit to pet animals or to the public.
- There is no correlation between the size of a breeding facility and the quality of care provided to animals in that facility.
- This bill would require the euthanasia or relinquishment of dogs and cats that are perfectly healthy and are being maintained with the best possible care in the finest facilities.
- Imposing an arbitrary limit on the number of animals one may possess does nothing to advance animal welfare; the only way to ensure humane care is to establish reasonable standards under which breeders may keep these animals, and ensure that they are effectively enforced.
- This bill will increase the incidence of defects in dogs and cats by unnecessarily limiting the diversity in breeding stock, thereby limiting the availability of blood lines for breeders.



To better understand this resolution we urge you to read the full text of AB 241 which can be found attached to the online version of this PetAlert on the “Breaking News” page of the PIJAC website ([www.pijac.org](http://www.pijac.org)). If you have additional questions, contact PIJAC’s Michael Maddox by email at [michael@pijac.org](mailto:michael@pijac.org) or by phone at 202-452-1525.

**State of California  
Senate Committee on Appropriations  
Capitol Building, Room #2206  
Sacramento, CA 95814  
916/651-4101**

<b><u>SENATOR</u></b>	<b><u>DISTRICT(S)</u></b>	<b><u>TEL. #</u></b>	<b><u>FAX</u></b>	<b><u>EMAIL</u></b>
Christine Kehoe (Ch)(D-39)	Del Mar, Lemon Grove, San Diego, Casa de Oro, La Presa, Spring Valley	916/651-4039	916/327-2188	<a href="mailto:senator.kehoe@senate.ca.gov">senator.kehoe@senate.ca.gov</a>
Dave Cox (V-Ch)(R-1)	Alpine, Amador, Calaveras, El Dorado, Lassen, Placer, Plumas, Modoc, Mono, Nevada, Sacramento, Sierra	916/651-4001	916/324-2680	<a href="mailto:senator.cox@senate.ca.gov">senator.cox@senate.ca.gov</a>
Ellen M. Corbett (D-10)	Alameda, Santa Clara	916/651-4010	916/327-2433	<a href="mailto:senator.corbett@senate.ca.gov">senator.corbett@senate.ca.gov</a>
Mark DeSaulnier (D-7)	Contra Costa	916/651-4007		<a href="mailto:senator.desaulnier@senate.ca.gov">senator.desaulnier@senate.ca.gov</a>
Jeff Denham (R-12)	San Benito, Merced, Stanislaus, Madera, Monterey	916/651-4012	916/445-0773	<a href="mailto:senator.denham@senate.ca.gov">senator.denham@senate.ca.gov</a>
Mark Leno (Ch)(D-3)	San Francisco, Marin, Sonoma	916/651-4003		<a href="mailto:senator.leno@senate.ca.gov">senator.leno@senate.ca.gov</a>
Loni Hancock (D-9)	Alameda, Albany, Berkeley, Castro Valley, Dublin, El Sobrante, Emeryville, Livermore, Oakland, Piedmont, Richmond, San Pablo	916/651-4009	916/327-1997	<a href="mailto:senator.hancock@senate.ca.gov">senator.hancock@senate.ca.gov</a>
Jenny Oropeza (D-28)	Carson, El Segundo, Hermosa Beach, Lomita, Long Beach, Los Angeles, Manhattan Beach, Redondo Beach, Torrance	916/651-4028	916/323-6056	<a href="mailto:senator.oropeza@senate.ca.gov">senator.oropeza@senate.ca.gov</a>
George C. Runner (R-17)	San Bernardino, North Ventura	916/651-4017	916/445-4662	<a href="mailto:senator.runner@senate.ca.gov">senator.runner@senate.ca.gov</a>
Mimi Walters (R-33)	Laguna Hills, Laguna Woods, Lake Forest, Mission Viejo, Villa Park, Laguna Niguel, Orange, Aliso, Viejo, Coto de Caza, Foothill Ranch	916/651-4033		<a href="mailto:senator.walters@senate.ca.gov">senator.walters@senate.ca.gov</a>
Lois Wolk (D-5)	San Joaquin, Solano, Yolo	916/651-4005		<a href="mailto:senator.wolk@senate.ca.gov">senator.wolk@senate.ca.gov</a>
Mark Wyland (V-Ch)(R-38)	Orange, San Diego	916/651-4038	916/446-7382	<a href="mailto:senator.wyland@senate.ca.gov">senator.wyland@senate.ca.gov</a>
Leland Y. Yee (D-8)	San Francisco, San Mateo	916/651-4008	916/327-2186	<a href="mailto:senator.yee@senate.ca.gov">senator.yee@senate.ca.gov</a>

**Not Yet a PIJAC Member?**

For more than thirty-five years, the Pet Industry Joint Advisory Council (PIJAC) has ensured the prosperity of the pet industry. To learn more about PIJAC, please visit our website at [www.pijac.org](http://www.pijac.org). For further information, please send an e-mail to [Members@pijac.org](mailto:Members@pijac.org) or phone 1-800-553-PETS (1-800-553-7387).

**Our Business IS Your Business. PIJAC: Keeping You in Business.**

AMENDED IN SENATE JULY 23, 2009

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN SENATE JUNE 16, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 241**

---

---

**Introduced by Assembly Member Nava**  
(Coauthors: Senators DeSaulnier, Florez, and Strickland)

February 10, 2009

---

---

An act to add Section 597.8 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Nava. Dogs and cats: breeding for sale.

Existing law proscribes specified acts against animals and imposes criminal penalties for a violation.

This bill would make it a misdemeanor for any person to have more than a combined total of 50 *adult* unsterilized dogs and cats for breeding or raising them for sale as pets, as specified. The bill would authorize certain officers to lawfully take possession of an animal kept in violation of that provision, as specified.

Because this bill would create a new crime, it would impose a state-mandated local program.

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. This act shall be known and may be cited as the
- 2 Responsible Breeder Act of 2009.
- 3 SEC. 2. Section 597.8 is added to the Penal Code, to read:
- 4 597.8. (a) No person shall own, possess, control, or otherwise
- 5 have charge or custody of more than a combined total of 50 *adult*
- 6 unsterilized dogs and cats at any time used for the purpose of
- 7 breeding or raising dogs or cats for sale as pets, or for the purpose
- 8 of producing offspring from dogs or cats for sale as pets. Any
- 9 person that must reduce the number of *adult* unsterilized dogs or
- 10 cats in order to comply with this section shall spay or neuter the
- 11 excess animals or sell, transfer, or relinquish the excess animals
- 12 within 30 days following notification by authorities specified in
- 13 subdivision (b). If necessary, any euthanasia procedures shall be
- 14 performed by a California licensed veterinarian or a person
- 15 qualified to perform euthanasia procedures pursuant to regulations
- 16 adopted by the Veterinary Medical Board for employees of an
- 17 animal control shelter or humane society and its agencies who are
- 18 not veterinarians or registered veterinary technicians.
- 19 (b) A peace officer, humane officer, or animal control officer
- 20 may lawfully take possession of an animal kept in violation of this
- 21 section when necessary to protect the health or safety of the animal
- 22 or the health or safety of others. An officer that seizes an animal
- 23 under this subdivision shall comply with paragraphs (1) to (4),
- 24 inclusive, of subdivision (f) of Section 597.1.
- 25 (c) A person who violates this section is guilty of a
- 26 misdemeanor.
- 27 (d) This section does not apply to any of the following:
- 28 (1) A public animal control agency or shelter, society for the
- 29 prevention of cruelty to animals shelter, humane society shelter,
- 30 or rescue group. Except as specified in subdivision (e), these
- 31 entities are the same as the entities regulated under Division 14
- 32 (commencing with Section 30501) of the Food and Agriculture
- 33 Code.
- 34 (2) A veterinary facility.

1 (3) A research facility, as defined in Section 2132(e) of Title 7  
2 of the United States Code.

3 (e) For purposes of this section, “rescue group” means a  
4 not-for-profit entity whose primary purpose is the placement of  
5 dogs, cats, or other animals that have been removed from a public  
6 animal control agency or shelter, society for the prevention of  
7 cruelty to animals shelter, or humane society shelter, or that have  
8 been surrendered or relinquished to the entity by the previous  
9 owner.

10 (f) Nothing in this section shall be construed to prevent a city,  
11 county, or city and county from adopting or enforcing any local  
12 law related to dogs or cats that may contain more restrictive  
13 provisions relating to the possession of unsterilized dogs and cats  
14 than those contained in this section.

15 SEC. 3. No reimbursement is required by this act pursuant to  
16 Section 6 of Article XIII B of the California Constitution because  
17 the only costs that may be incurred by a local agency or school  
18 district will be incurred because this act creates a new crime or  
19 infraction, eliminates a crime or infraction, or changes the penalty  
20 for a crime or infraction, within the meaning of Section 17556 of  
21 the Government Code, or changes the definition of a crime within  
22 the meaning of Section 6 of Article XIII B of the California  
23 Constitution.