

MOCK-UP OF APRIL 9TH AMENDMENTS

The following author's amendments have been submitted to the Assembly Business and Professions Committee and will appear in print on April 9 (the first calendar day after Spring Recess).

ASSEMBLY BILL No. 1634

Introduced by Assembly Member Levine
(Principal coauthor: Senator Padilla)
(Coauthor: Assembly Member Nava)

AB 1634

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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 California Healthy Pets Act.

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4 SEC. 2. Chapter 9 (commencing with Section 122336) is added
5 to Part 6 of Division 105 of the Health and Safety Code, to read:

6
7 Chapter 9. Spay and Neuter Program for Cats and Dogs

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9 Article 1. Definitions

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11 122336. For purposes of this chapter, the following definitions
12 shall apply:

13 ~~(a) "Alter" means to spay or neuter an animal, as performed by~~
14 ~~a California licensed veterinarian.~~

15 ~~(b)(a)~~ "Intact permit" means a document issued annually by a local
16 jurisdiction or its local animal control agency if authorized to issue these permits, that
17 authorizes a person to own or possess within that locality an unaltered cat or dog and meets the
18 requirements of subdivision (a) of Section 122336.2. A dog or cat license that meets the
19 requirements of requirements of subdivision (a) of Section 122336.2 shall be considered a permit
20 for purposes of this chapter.

21 ~~(c)~~ "Local animal control agency" means the municipal or
22 county animal control agency or other entity responsible for
23 enforcing animal-related laws.

24 ~~(d)~~ "Local jurisdiction" means any city, county, or city and
25 county.

26 (d) "Spay or neuter" means any procedure, as performed by a duly licensed veterinarian,
27 that permanently sterilizes an animal and makes it incapable of reproduction.

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29 Article 2. General Provisions

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31 122336.1. (a) A person shall not own or possess within the
32 state any cat or dog over the age of four months that has not been
33 spayed or neutered, unless that person possesses an intact permit,

29 as defined in subdivision (b) of Section 122336.

1 (b) Any person who violates subdivision (a) shall be subject to
2 the following:

3 (1) Unless paragraph (2) applies, a person in violation of
4 subdivision (a) shall have his or her cat or dog spayed or neutered
5 within 30 days from the date of compliance as required under this
6 section or Article 3 (commencing with Section 122336.2),
7 whichever is applicable.

8 (2) If a person in violation of subdivision (a) provides a letter
9 from a California licensed veterinarian indicating that due to age,
10 poor health, or illness, it is unsafe to spay or neuter the cat or dog
11 within 30 days from the date of compliance under this section or
12 Article 3 (commencing with Section 122336.2), whichever is
13 applicable, and indicating that arrangements have been made to
14 ~~alter spay or neuter~~ the cat or dog within 75 days from that date of compliance,
15 he or she shall have his or her cat or dog spayed or neutered within
16 that 75-day period.

17 (3) Any person who violates subdivision (a) shall, for each
18 animal for which a violation has occurred, be subject to a civil
19 penalty of five hundred dollars (\$500) for each applicable period
20 of noncompliance, as set forth in paragraphs (1) and (2). This
21 penalty shall be imposed in addition to any other civil or criminal
22 penalties imposed by the local jurisdiction.

23 (c) Any fines imposed under subdivision (b) ~~shall~~ may be waived
24 by the local jurisdiction if the person in violation provides ~~proof~~ verification
25 that his or her cat or dog has been spayed or neutered, ~~by a~~
26 ~~California licensed veterinarian or provides proof that he or she~~
27 ~~has obtained an intact permit for the cat or dog.~~

(d) Any person who, on or after April 1, 2008, is in possession of an intact permit or a document that qualifies as an intact permit, as defined in subdivision (a) of Section 122336, shall be deemed in compliance with this act until the permit expires, and in any event, not later than January 1, 2009, shall be required to comply with subdivision (a), unless that person qualifies for a new intact permit pursuant to Article 3 (commencing with Section 122336.2).

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Article 3. Permits

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31 122336.2. (a) A local jurisdiction shall issue an intact permit,
32 as defined in subdivision ~~(b)~~ (a) of Section 122336, if ~~all~~ any of the
33 following conditions ~~are~~ is met:

34 ~~(1) The cat or dog is registered as a purebred with a pedigree~~
35 ~~with any of the following organizations:~~

36 ~~(A) The American Kennel Club.~~

37 ~~(B) The United Kennel Club.~~

38 ~~(C) The American Dog Breeders Association.~~

39 ~~(D) The International Cat Association.~~

~~1 (E) A recognized registry approved by the local animal control
2 agency.~~

(1) The owner demonstrates, by providing a copy of his or her business license and federal and state tax number, or by other means, as determined by the local entity authorized to issue permits, that he or she is doing business and is licensed as a breeder by the local jurisdiction or its authorized local animal control agency.

(2) The owner sufficiently demonstrates, as determined in the discretion of the local entity authorized to issue intact permits, all of the following:

(A) His or her cat or dog is used to show or compete and has competed in at least one legitimate show or sporting competition within the last two years.

(B) His or her cat or dog is a valid breed that is recognized by an approved registry.

(C) The cat or dog has earned, or if under two years old, is in the process of earning, a conformation, obedience, agility, carting, herding, protection, rally, sporting, working, or other title from an approved purebred registry or association.

~~3 (2) (3) The dog is appropriately trained and meets the definition of
4 guide dog, service dog, or signal dog, as set forth in subdivisions
5 (d), (e), and (f) of Section 365.5 of the Penal Code.~~

~~6 (3) (4) The dog is~~ The dog is trained, or is documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities.

~~9 (4) (5) The owner of a cat or dog provides a letter to the local
10 jurisdiction from a California licensed veterinarian stating that due
11 to age, poor health, or illness, it is unsafe to spay or neuter the cat
12 or dog. This letter shall include the veterinarian's license number
13 and shall be provided, upon request, to the local animal control
14 agency.~~ and shall, if this information is available, include the date by which the dog or cat may be safely spayed or neutered.

15 (b) An unaltered cat or dog for which an intact permit was issued
16 who ceases to meet the requirements of subdivision (a) is subject
17 to the spay and neuter requirements set forth in Section 122336.1.

18 (c) ~~(1)~~ The amount of the fee for an intact permit shall be
19 determined by the local jurisdiction, and shall be no more than
20 what is reasonably necessary to fund the administration of that
21 jurisdiction's intact permit program.

(2) If necessary, by May 15, 2008, a local jurisdiction may adopt a permit differential fee for any dog or cat that is not spayed or neutered, and for which there has been issued an intact permit, or a document that qualifies as an intact permit under subdivision (a) of Section 122336, prior to the enactment of the chapter.

(d) Nothing in this section shall prohibit a local jurisdiction from adopting or enforcing a more restrictive spay or neuter program pursuant to Section 122331, provided that the program allows for a cat or dog to be temporarily or permanently exempted from a spay or neuter requirement for the reasons set forth in paragraph (4) of subdivision (a).

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Article 4. Funding

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25 122336.3. (a) To the extent that funding is available pursuant
26 to this chapter, a local animal control agency shall establish a free
27 and low-cost spay and neuter program for low-income individuals.
28 The agency shall undertake outreach efforts to inform qualified
29 persons about these programs.

30 (b) All ~~fines~~ “civil penalties” collected pursuant to paragraph (3) of subdivision
31 (b) of Section 122336.1 shall be used for funding ~~free and low cost~~
32 ~~spay and neuter programs and outreach efforts in the jurisdiction~~
33 ~~where the violation occurred, and for the enforcement activities~~ the enforcement activities
34 set forth in Article 5 (commencing with Section 122336.4).

(c) All permit fees collected pursuant to subdivision (c) of Section 122336.2, shall be used
for funding the administration of the permit program in the local jurisdiction in which the permits
are issued.

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Article 5. Enforcement

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38 122336.4. A local animal control agency shall be responsible

39 for enforcing and administering this chapter.

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1 SEC. 3. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 a local agency or school district has the authority to levy service
4 charges, fees, or assessments sufficient to pay for the program or
5 level of service mandated by this act, within the meaning of Section
6 17556 of the Government Code.

SEC. 4. This act shall become operative on April 1, 2008.

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