

AMENDED IN ASSEMBLY MARCH 28, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1138**

---

---

**Introduced by Assembly Member Maienschein**

February 17, 2017

---

---

An act to ~~amend Section 121720 of the Health and Safety Code, relating to public health.~~ *add Section 17531.2 to the Business and Professions Code, relating to the sale of pets.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1138, as amended, Maienschein. ~~Public health: dogs.~~ *Sale of cats or dogs.*

*Existing law regulates the sale of dogs and cats in this state, including provisions governing the retail sale of dogs and cats.*

*This bill would make it unlawful for specified people and entities, in specified mediums, to advertise, call attention to, or give publicity to the sale or transfer of a dog or cat for which, among other things, the advertised dog or cat is not actually available for purchase by the public, pictures or descriptions of the dog or cat are not of the dog or cat actually available for purchase, or statements about the dog or cat being advertised or offered for sale are known to be untrue or misleading. The bill would make a violation of these provisions a misdemeanor punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$2,500, or by both that imprisonment and fine.*

*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.*

~~Existing law requires a person seeking to bring a dog into this state or importing dogs into this state for the purpose of resale or change of ownership to obtain a health certificate with respect to that dog that has been completed by a licensed veterinarian and is dated within 10 days prior to the date on which the dog is brought into the state, as specified.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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

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

1     *SECTION 1. Section 17531.2 is added to the Business and*  
2     *Professions Code, to read:*

3     *17531.2. (a) It is unlawful for any person, firm, or corporation,*  
4     *in any newspaper, magazine, circular, form letter, or any open*  
5     *publication, published, distributed, or circulated in the State of*  
6     *California, including over the Internet, or on any billboard, card,*  
7     *label, or other advertising medium, or by means of any other*  
8     *advertising device, to advertise, call attention to, or give publicity*  
9     *to, the sale or transfer of a dog or cat for which any of the*  
10    *following apply:*

11    *(1) The advertised dog or cat is not actually available for*  
12    *purchase by the public at the time of the advertisement or offer.*

13    *(2) Pictures or descriptions of a dog or cat are not of the dog*  
14    *or cat actually available for purchase by the public at the time of*  
15    *the advertisement or offer.*

16    *(3) Statements about the dog or cat being advertised or offered*  
17    *for sale are known, or by exercise of reasonable care should be*  
18    *known, to be untrue or misleading.*

19    *(4) Statements about the dog or cat are made without the actual*  
20    *intent to sell or offer the exact dog or cat so advertised or offered.*

21    *(b) In addition to any other penalty provided by law, any*  
22    *violation of this section is a misdemeanor punishable by*  
23    *imprisonment in the county jail not exceeding six months, or by a*  
24    *fine not exceeding two thousand five hundred dollars (\$2,500), or*  
25    *by both that imprisonment and fine.*

1     *SEC. 2. No reimbursement is required by this act pursuant to*  
2 *Section 6 of Article XIII B of the California Constitution because*  
3 *the only costs that may be incurred by a local agency or school*  
4 *district will be incurred because this act creates a new crime or*  
5 *infraction, eliminates a crime or infraction, or changes the penalty*  
6 *for a crime or infraction, within the meaning of Section 17556 of*  
7 *the Government Code, or changes the definition of a crime within*  
8 *the meaning of Section 6 of Article XIII B of the California*  
9 *Constitution.*

10     ~~SECTION 1. Section 121720 of the Health and Safety Code~~  
11 ~~is amended to read:~~

12     ~~121720. (a) (1) A person seeking to bring a dog into this state~~  
13 ~~or importing dogs into this state for the purpose of resale or change~~  
14 ~~of ownership shall obtain a health certificate with respect to that~~  
15 ~~dog that has been completed by a licensed veterinarian and is dated~~  
16 ~~within 10 days prior to the date on which the dog is brought into~~  
17 ~~the state.~~

18     ~~(2) The person seeking to bring the dog into this state or~~  
19 ~~importing dogs into this state for the purpose of resale or change~~  
20 ~~of ownership shall submit the health certificate to the county health~~  
21 ~~department as provided in subdivision (c). The person shall submit~~  
22 ~~the health certificate to the county health department by any method~~  
23 ~~accepted by the receiving agency, including, but not limited to,~~  
24 ~~electronic transmission and facsimile.~~

25     ~~(b) Completion of a United States Department of Agriculture~~  
26 ~~Animal and Plant Health Inspection Service Form 7001, known~~  
27 ~~as the United States Interstate and International Certificate of~~  
28 ~~Health Examination for Small Animals, shall satisfy the~~  
29 ~~requirement of subdivision (a). A different form of canine health~~  
30 ~~certificate acceptable to the receiving agency shall also satisfy the~~  
31 ~~requirement of subdivision (a).~~

32     ~~(c) It shall be the responsibility of the person importing the dog~~  
33 ~~into this state for the purpose of resale or change of ownership to~~  
34 ~~send the health certificate to the county health department where~~  
35 ~~the dog is to be offered for sale or to the county of residence of~~  
36 ~~the individual purchasing or receiving a dog directly from a source~~  
37 ~~outside of California.~~

- 1     ~~(d) The receiving agency may use the information on the health~~
- 2     ~~certificate as it deems appropriate.~~

O