

# THE ANIMAL COUNCIL

P.O. Box 168, Millbrae CA 94030

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May 25, 2004

Via Facsimile

Democratic Caucus Members  
California Assembly  
State Capitol  
Sacramento, CA 95814

Re: AB 2513, as amended April 29, Dogs and cats: overpopulation – **OPPOSITION**

Dear Assembly Member:

We oppose AB 2513 and urge you to not support this bill now on the Assembly Floor. Please, stop and think outside the lock-step march of partisan voting on animal bills. Consider what AB 2513 really means and why it will hurt the public in California.

The Animal Council was founded in 1991 to combat San Mateo County's proposal to prohibit cat and dog breeding, and mandating sterilization of all cats and dogs and is a California nonprofit, public benefit, tax-exempt [§501(c)(4)] corporation. Since then, we became a voice for the public interest in seeking positive, humane solutions to the challenges of animal rights activists through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries.

AB 2513, like past failed bills, is based on the factually mistaken premise that the breeding and sale of dogs and cats is a profitable business where income is unreported and untaxed, and operation totally unregulated to the direct detriment of animals and the public. Breeding and sale in California is rarely conducted on a business model where true net profit is even possible. Most sellers do report income but have sufficient offsetting expenses so there is little or no taxable income from sales. Aside from pet stores selling dogs or cats as a minor sideline to product sales, breeding and sales alone is not a viable business in an economic sense in California despite collective gross revenues from all sales. In fact, the Board of Equalization threshold that exempts occasional sales excludes most individual California sellers of dogs and cats. The compliance costs to breeder-sellers of AB 2513 would simply make an unprofitable activity less attractive, and the California public would lose much that comes with preserving diversity and quality in dog and cat populations. This includes dogs used for law enforcement, service and other special purposes, because the breeding stock is owned by individuals who bear the same or more costs and burdens as all others.

In our area, San Mateo County, San Francisco and Marin counties do not euthanize adoptable dogs and cats. Only 4 of 21 jurisdictions in San Mateo County and neither San Francisco or Marin have minimal breeding regulation. Unnecessary euthanasia was eliminated by consistent community education and services. There are proven, non-coercive programs that work.

**A California Non-Profit Public Benefit Corporation**  
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California Assembly Floor  
AB 2513, as amended May 20, Dogs and cats: overpopulation\_-  
OPPOSITION  
May 25, 2004

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The City of Los Angeles which originally enacted a breeding permit for dogs and cats in 1977, raising the permit cost from \$50 to \$100 in 2000, has never succeeded in its basic animal services programs and is a model for nothing but failure, alienation of the public and a stage for animal rights militants recently reaching the level of domestic terrorism according to the Los Angeles Police Department. To mandate a failed concept on the entire state, let alone our successful areas, begs common sense.

Also, similar bills in the California legislature have been recognized as flawed. In 1998 as a legislative aide, Assembly Member Levine worked on AB 1856 when the original version would have prohibited transfer of any unaltered dog or cat. That bill was amended to include only shelter and rescue transfers – categories documented as high-risk placements compared to low risk for sales. Other failed bills include former Senator Herschel Rosenthal's 1998 SB 2102 effort for state licensing of dog breeders, opposed by the Department of Consumer Affairs that recognized dog breeding as a largely unprofitable hobby in this state. Former Senator Jack O'Connell's SB 236 (2001) and SB 1373 (2002) also sought to force local government to enact state mandated ordinances to regulate pet sellers. These are not workable public policy. They were sought not by local government or working humane organizations, but ideologues.

And, there are hidden compliance costs in AB 2513. Existing law is in the Health and Safety Code, not the Business and Professions Code. The Lockyer-Polanco-Farr Pet Protection Act covering pet dealers was written for pet stores engaged in ongoing business. The Polanco-Lockyer Pet Breeder Warranty Act sets a threshold for those dog breeders to covered by mandatory warranty and care standards. AB 2513 modifies the Polanco-Lockyer dog breeder threshold to distinguish its Class 1 and 2 sellers of both dogs and cats and would apply to all sellers some provisions of the dealer law (Health and Safety Code Sections 122155 and 122210) that make sense only for pet stores – for example, maintaining either a central station fire alarm or sprinkler system and not being in possession of a dog that is less than 8 weeks old.

Essentially, AB 2513 creates an excise tax on the sale unaltered cats and dogs. This tax is unrelated to their value or price. The many additional, unrelated requirements and associated prohibitive costs on occasional sellers actually creates an incentive to give away (or worse) animals where there is no other need or reason. Studies show that people who purchase animals are less likely to relinquish to shelters. A public policy creating disincentives to sales will only increase relinquishments to shelters and costs to the public besides the higher costs for altered animals without which we cannot preserve a quality supply for the public.

We respectfully oppose AB 2513 and hope that you will not support it.

Very truly yours,

THE ANIMAL COUNCIL

By: \_\_\_\_\_  
SHARON A. COLEMAN, President