

ASSEMBLY THIRD READING
AB 1634 (Levine)
As Amended May 15, 2007
Majority vote

BUSINESS & PROFESSIONS 7-3 APPROPRIATIONS 10-6

Ayes:	Eng, Bass, Carter,	Ayes:	Leno, Davis, DeSaulnier,
	Hayashi, Hernandez,		Huffman, Karnette,
	Price, Torrico		Krekorian, Lieu, Nava,
			Solorio, Evans
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Nays:	Emmerson, Horton, Maze	Nays:	Walters, Emmerson, La
			Malfa, Ma, Nakanishi,
			Sharon Runner

SUMMARY : Requires all cats and dogs in the state over four months old to be spayed or neutered unless the owner has been issued an intact permit, as defined, allowing the animal to remain unaltered. Specifically, this bill :

- 1)Prohibits a person from owning or possessing a cat or dog over the age of four months that has not been spayed or neutered, unless the person possesses an intact permit, as defined.
- 2)Defines an intact permit as a document that is issued annually by local jurisdictions, as described, that authorizes a person to own or possess within that locality an unaltered cat or dog that meets the requirements set forth in this bill.
- 3)Defines spay or neuter as any procedure preformed by a licensed veterinarian that permanently sterilizes an animal and makes it incapable of reproduction.
- 4)Allows an intact permit to be issued if any of the following conditions are met:
 - a) The owner demonstrates through specified means that he or she is doing business and is licensed as a breeder by the local jurisdiction;

- b) The owner sufficiently demonstrates, as determined in the discretion of the local jurisdiction, that his or her animal is a valid bred that is recognized by an approved registry or association, and that the animal complies with at least one of the following:
 - i) The animal is used to show or compete and has done so in at least one legitimate show or sporting competition, hosted by or under the approval of a recognized registry or association within the last two years, or is being trained to show or compete and is too young to have competed; or,
 - ii) The animal has earned, or if under two years old, is in the process of earning, a title from an approved purebred registry or association.
 - c) The dog is being trained, or is appropriately trained, and meets the definition of guide dog, service dog or signal dog;
 - d) The dog is trained, or is being trained for use by law enforcement agencies, and is currently used by those agencies for law enforcement or rescue; or,
 - e) The owner provides a letter from a California licensed veterinarian stating that due to age, poor health, or illness, it is unsafe to spay or neuter the animal.
- 5) Allows a person up to 75 days from the date the cat or dog reaches the age of four months to spay or neuter their animal if a letter is provided from a California licensed veterinarian indicating that due to age, poor health, or illness, it is unsafe to spay or neuter the animal at the age of four months.
- 6) Provides that if a person is found in violation of the provisions of this bill, he/she shall be subject to a civil penalty of \$500 for each animal in violation.
- 7) Allows the civil penalties imposed for violating the provisions of this bill to be waived if verification is

provided that the animal has been spayed or neutered.

- 8) Requires that if a previously permitted intact animal no longer meets the criteria for an intact permit, the animal must be spayed or neutered.
- 9) Provides that any person in possession of any document issued by a local jurisdiction that permits the owner to possess an unaltered cat or dog shall be deemed in compliance with the provisions of this bill until the document expires, or on January 1, 2009, whichever occurs first.
- 10) Provides that the fee for an intact permit shall be determined by the local jurisdiction and must be no more than what is reasonably necessary to fund the administration of that jurisdiction's intact permit program.
- 11) Requires a local jurisdiction to waive the intact permit fee for an unaltered cat or dog that meets the requirements for a service dog, as defined, and a law enforcement dog, as defined, and allows the local jurisdiction to waive all or part of the intact permit fee for an unaltered animal that is unable to be safely spayed or neutered and has the specified documentation from a veterinarian.
- 12) Provides that any civil penalties collected pursuant to the provisions of this bill shall be used for funding the administration, outreach and enforcement activities set forth therein and that all permit fees collected shall be used for funding the administration of the permit program in the local jurisdiction in which the permits are issued.
- 13) Requires, to the extent that funding is available pursuant to this bill, a local animal control agency to establish a free and low-cost spay and neuter program for low-income individuals, and requires the local animal control agency to make outreach efforts to inform qualified persons about these programs.

14)States that this bill shall not prohibit a local jurisdiction from adopting and enforcing a more restrictive spay and neuter program provided that the program allows for the temporary or permanent exemption from the spay and neuter requirements for law enforcement dogs, service dogs and animals that can not be safely altered due to age, poor health or illness.

15)Exempts from the provisions of this bill any owner of a cat or dog that is not a resident of California if the owner provides proof, as determined by the local jurisdiction, that the animal is temporarily in California for training, showing, or any other legitimate reason, as determined by the local jurisdiction.

16)Provides that the provisions of this bill shall go into effect April 1, 2008.

EXISTING LAW :

1)Establishes that it is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home and that no treatable animal, as defined, should be euthanized.

2)Allows cities and counties to enact dog breed-specific ordinances pertaining only to mandatory spay and neuter programs and breeding requirements, provided that no specific dog breed, or mixed dog breed, shall be declared potentially dangerous or vicious under those ordinances.

3)Requires counties that have a population exceeding 100,000 persons, and cities within those counties, to prohibit the sale or give away of any dog from specified animal control agencies and shelters that has not been spayed or neutered.

FISCAL EFFECT : According to the Assembly Appropriations Committee:

1)Costs: No direct state costs and any costs to local

governments would be nonreimbursable. Any additional costs to local agencies will be supported by existing local resources and by revenue from annual permits and from civil penalties.

It is assumed that enforcement of this bill's provisions will be conducted by local animal control agencies in the course of performing their existing enforcement duties, and generally on a complaint-driven basis.

2)Potential savings: To the extent conformance with this bill's requirements reduces the number of cats and dogs impounded to animal shelters, local governments could realize operational

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savings. Supporters provided information from Santa Cruz County, which implemented a similar ordinance in 1995, showing that by 2003, intake of cats and dogs into county shelters declined by 60% and the number of euthanized animals declined by 75%. Supporters also estimate that shelter operating costs related to intake of cats and dogs totaled \$250 million statewide in 2005. Thus, if a statewide spay/neuter requirement resulted in only a portion of the workload reduction reported for Santa Cruz County, there would still be significant statewide savings among local agencies. Given the assumed, complaint-driven enforcement of a spay/neuter requirement, however, it is likely that such results would take several years. In the short-term, these costs could even increase to the extent some people would surrender their animals to a shelter rather than pay for a spay/neuter procedure, which would somewhat increase shelter populations and related costs.

3)Potential state mandate savings: SB 1785 (Hayden), Chapter 752, Statutes of 1998, increases, from three to six, the number of days that public and private animal shelters were required to keep animals before they are euthanized. State reimbursable costs for this mandate currently exceed \$20 million annually. To the extent AB 1634 reduces shelter costs as described above, the state could realize a portion of the savings through reduced claims for this mandate.

4)Potential economic impacts: The American Kennel Club (AKC) indicates that, in 2006, about 160,000 competitors competed in 137 all-breed dog shows in California, including three of the 10 largest in the country, and that another 130,000 competitors participate in events such as agility, obedience, and field trials. Some of these events, such as a large, national show held recently in Long Beach, attract many competitors from outside the state. Opponents assert that enactment of this bill would have a chilling effect on attendance at these shows and a resulting economic impact on the state. (This bill was recently amended to clarify that cats and dogs of out-of-state competitors at such shows would not be subject to the spay/neuter requirements.) AKC notes that, following enactment of an ordinance in Louisville, Kentucky in part requiring all unaltered dogs to be kept on four-foot leashes and increasing licensing fees for such dogs, entries at a recent large national show in Louisville declined

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about 20% from the prior year. Given the amount of economic activity related to these shows in California, a similar dampening effect stemming from enactment of this bill would have a negative impact, at least in the short-term, on state and local revenues resulting from travel, hotel bookings, and other related expenditures, particularly those associated with out-of-state visitors. This impact cannot be quantified. On the other hand, with the expected method of enforcement of this bill, it is possible that such events could continue to go forward without any adverse impact on attendance.

It is assumed that, by and large, other expenditures related to cat and dog ownership represent discretionary spending, and to the extent this bill, over the longer term, leads to any reduction in this particular activity, the economic impact would not be significant.

COMMENTS :

1)Purpose of this bill: According to the author's office, each year almost one million unwanted and abandoned cats and dogs are born in California. Local governments spend more than

\$250 million each year to intake, care for, and ultimately kill over half of those animals. The author states that "legislation requiring spay and neutering of cats and dogs is a reasonable, proven-effective and necessary means to greatly reduce the number of unwanted animals and the practice of euthanizing healthy adoptable animals."

According to the author, "reducing the number of births of unwanted animals in the state of California will necessarily reduce the state's costs associated with caring for and euthanizing those same animals. According to the Animal Population Control Study Commission every dollar spent on spay and neuter surgeries saves taxpayers \$18.72 in future animal control costs over a ten-year period. Spaying and neutering also results in significant public health and safety benefits, particularly: in the reduction of dangers caused by roaming stray animals, the transmission of rabies and other communicable animal diseases and the occurrences of dog bites."

2)Support: According to the Southeast Area Animal Control Authority, this bill "provides a reasonable solution to

California's pet overpopulation problem by targeting the biggest contributors to pet overpopulation: irresponsible breeders. It will not, as many opponents have declared, put an end to purebred dogs and cats. Rather, it will ensure that only those people who have a legitimate reason for having an intact dog or cat - purebred or not - will be exempt from the spay/neuter requirement."

The Executive Director from the Silicon Valley Animal Control Authority writes in support that as a former employee of the Santa Cruz SPCA, he saw first hand the success local spay/neuter ordinances can have in reducing the euthanasia rate. In regards to the Santa Cruz ordinance he writes, "The ordinance allowed us to 'get tough' with backyard breeders and force them to alter their animals and thereby reduce the numbers entering our shelter. Without this ordinance, some people would have continued to irresponsibly breed unwanted

animals. Without this tool the animals would have ultimately become a euthanasia statistic."

The Coalition for Cats and Dogs in a letter of support states, "a breeding permit is no more difficult to comply with than a license or proof of rabies vaccination. If any dog or cat breeder claims to be a 'responsible' breeder, ask them to prove no puppy or kitten they have sold has ever accidentally bred, and if so how many of those offspring went on to bred, and so on. Ask the breeders if they pay income taxes on the animals they sell, ask them if they collect sales tax. Ask hunters why there are so many Labrador Retrievers and lab mixes being killed in shelters. Ask the ranchers why there are so many cattle dogs being killed in shelters."

3)Opposition: Many opponents of this bill claim that it will promote the proliferation of "puppy mills," out-of-state or country breeders, and underground breeding. Landesverband DVG America, Inc., a working dog organization, states in opposition to this bill that the provision allowing an intact permit for locally licensed breeders does not allow for California hobby breeders and others to be included. Landesverband DVG America, Inc., states "Many, who have been breeding dogs in California, don't meet these criteria that are for USDA commercial dog breeders; i.e. those who sell to brokers and from there on to pet stores. Responsible breeders who carefully select homes for one or two litters a year don't

have business licenses of this sort.

The Northern California Pug Club writes, "these regulations are targeted at responsible animal owners - those who license their pets and comply with local laws. San Mateo County found that punitive intact animal license fees actually resulted in a reduction in revenue, as fewer pet owners complied with licensing laws." The Las Flores Cat club continues, "Hobby cat and dog breeders of California are not the cause of the overpopulation problem in shelters or stray cats on the street?We believe this will have negative consequences for pet owners, breeders and local jurisdictions in the state ?[and]

will actually increase specifically the current 'unowned cat' problem that most of our shelters suffer from. More animals will be turned into shelters or left abandoned. Who will take in a pregnant cat if there is a \$500 fine for not possessing an intact permit?"

North American Police Work Dog Association (NAPWDA) states that the current exemption in this bill for law enforcement officers is inadequate. NAPWDA explains, "Most of the breeding dogs that create working police dogs are not themselves police dogs, but are bred and used in the protection dog sports where their working abilities are tested. These dogs are pet dogs under the law. Because they themselves are not police dogs they would not be eligible for an intact permit under this exemption." NAPWDA continues, "Nearly all working dogs were once somebody's pet dog. They were bought as a young pup, raised, but were rehoused as young adults. If they pass all the working and health tests, eventually they may end up with a police department. Few of these dogs come with registration papers. Because working police dogs spent their first year or two of life as somebody's pet dog, there is no way to create a bright line in the law between the future supply of police dogs and other pet dogs."

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