



California Animal Welfare Association

Promoting Excellence in Animal Care, Sheltering, and Law Enforcement since 1909

April 5, 2022

Assemblymember Santiago
State Capital
Sacramento, CA 95814

RE: AB 1881 – Dog and Cat Bill of Rights (Santiago)

Dear Assemblymember Santiago,

On behalf of the California Animal Welfare Association (CalAnimals) and the 230 shelters and animal control agencies we represent, I regretfully submit this letter of opposition to AB 1881 as currently drafted. Our organization appreciates your desire to establish a better understanding around proper caretaking of cats and dogs in CA, but there are a variety of issues that prevent us from supporting this bill.

Generally speaking, aspirational language should be presented as such and not presented as rights. The language provided in this bill is both subjective and nebulous and will result in confusion for the public as to what can and will be enforced, saddling our animal services agencies with unrealistic expectations. For example, how will a California resident interpret their dog or cat's right to be fear free or free of exploitation? If a pet owner cannot afford a \$3,000 treatment for cancer for their pet, are they violating that animal's rights? Should they not be allowed to own a pet? As an organization that values inclusivity and equity and works diligently to preserve the human-animal bond, we are very careful to evaluate potential legislation through this lens to ensure we are not penalizing those with fewer resources or different cultural values.

In addition, it is hard to clearly understand the intent behind this legislation. Stories that have circulated about mass returns of "Pandemic Pets" have been proven untrue. Animal control and private shelter data prove that intake into shelters is lower than pre-pandemic numbers. It is also unclear why you are focusing exclusively on the public and private animal shelters. According to the ASCPA, 23% of dogs and 31% of cats are acquired through a shelter or rescue. This leaves a variety of avenues for people to acquire pets with no exposure to "rights" created in this bill.

We also don't understand the intent behind a penalty provision. Since a majority of shelters in California are run by the government and are charged with the duty to enforce the law, are shelters supposed to fine themselves if they aren't posting the "Bill of Rights"?

We are hopeful that this bill can be amended to rectify our real concerns and still meet your intent. This is why we respectfully request the adoption of the attached amendments proposed by the American Kennel Club with the following additional amendments.

CALIFORNIA ANIMAL WELFARE ASSOCIATION

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1. Removal of the following:
(b) A fine shall not be assessed for a first time offense for failure to comply with this section. Each additional violation of this section occurring after 60 days from the first offense is punishable by a fine not exceeding two hundred fifty dollars (\$250).
2. Expanding 31802. (a) to include veterinary offices, pet retail stores, and any additional locations where pets are acquired in the posting/distribution requirements.

Thank you for your consideration. We look forward to working with your office on this legislation.

Sincerely,

Jill Tucker, CAWA
CEO

California Animal Welfare Association
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ASSEMBLY BILL

NO. 1881

Introduced by Assembly Member Santiago

February 08, 2022

An act to add Division 14.6 (commencing with Section 31800) to the Food and Agricultural Code, relating to animal welfare.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as introduced, Santiago. Animal welfare: Dog and Cat Bill of Rights.

Existing law makes it a crime for the owner or keeper of any animal to permit an animal to be in any enclosure without proper care and attention, or to abuse or neglect an animal, as specified.

This bill would enact the Dog and Cat Bill of Rights, and would require every public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group to post a copy of the Dog and Cat Bill of Rights. The bill would impose a civil penalty for failure to post the Dog and Cat Bill of Rights, as specified. The bill would make legislative findings and declarations in support of the Dog and Cat Bill of Rights. By imposing new duties on local public officials, the bill would create 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

DIGEST KEY

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

The Legislature finds and declares all of the following:

- (a) ~~Dogs and cats have the right to be respected as sentient beings that experience complex feelings that are common among living animals while being unique to each individual animal.~~ Dogs and cats are sentient, meaning they are living beings capable of perceiving and responding to sensations and reacting to their environment. The legal status of pets as property protects the well-being of animals by conferring upon their owners certain legal rights and responsibilities to protect and provide proper care for the animals in their care.
- (b) With the availability of free registries, microchipping with updated contact information is a key component to reuniting dogs and cats with their ~~guardians~~ owners and keeping them out of shelters.
- (c) Local animal ~~control~~ welfare agencies in California are forced to spend ~~multimillions of~~ taxpayer dollars every year to collect, ~~control, and euthanize~~ and care for the state's unwanted ~~overpopulation of~~ dogs and cats.
- (d) Sterilizing dogs and cats is a key component to reducing the ~~state's overpopulation of~~ number of unwanted dogs and cats.
- (e) The Pet Lover's License Plate was established to provide dog and cat owners ~~or guardians~~ in California access to free or low-cost spay and neuter services in an effort to reduce the state's dog and cat overpopulation.
- (f) Lifelong care of a ~~companion animal~~ dog or cat should be a commitment to that animal for the entirety of its life.
- (g) Ownership ~~or guardianship of a companion animal~~ of a dog or cat requires an investment of time and resources. Selecting a ~~companion animal~~ dog or cat that is suited to one's home and lifestyle will lead to a more rewarding relationship between ~~guardian~~ owner and animal, while reducing relinquished or abandoned animals in our communities.
- (h) Dogs and cats ~~thrive with regular~~ are among the most diverse species of mammals on earth, and as such, the breed and needs of individual animals must be considered when ensuring proper care, enrichment, and overall well-being. ~~enrichment to maintain their physical and emotional well-being.~~
- (i) While requirements for basic physical care, such as the provision of food, water, and shelter, are set forth in most jurisdictions, as one of the largest and most progressive states in the country, California can and should strive to recognize the importance of animals' ~~mental~~ overall well-being.
- (j) Prioritizing the ~~mental and emotional~~ overall well-being of dogs and cats can increase the animal-human bond, increase ~~companion animal~~ dog and cat retention, reduce neglect and cruelty, and can contribute towards a more humane and compassionate society.

SEC. 2.

Division 14.6 (commencing with Section 31800) is added to the Food and Agricultural Code, to read:

DIVISION 14.6. Dog and Cat ~~Bill of Rights~~ Owners Care and Responsibilities Act 31800.

This division shall be known, and may be cited, as the Dog and Cat ~~Bill of Rights~~ Owners Care and Responsibilities Act.

31801.

The Dog and Cat Owners Care and Responsibilities Act Shall State as Follows:

“Dog and Cat Owners Care and Responsibilities Act”

(a) Dogs and cats ~~have the right to be~~ owners should ensure the lives of their pets are free from ~~exploitation~~, cruelty, neglect, and abuse.

~~(b) Dogs and cats have the right to a life of comfort, free of fear and anxiety.~~

~~(c)~~ Dogs and cats ~~have the right to~~ owners should provide daily mental stimulation and appropriate exercise, considering the animal's breed, age, and energy levels.

~~(d)~~ Dogs and cats ~~have the right to~~ owners should provide nutritious food, sanitary water, and shelter in an appropriate and safe environment, taking into consideration the animal's breed, age, general health, function, and training.

~~(e)~~ Dogs and cats ~~have the right to preventive and therapeutic health care.~~ Dog and cat owners should ensure their pets have regular and appropriate veterinary care.

~~(f)~~ Dogs and cats ~~have the right to~~ should be properly identified through tags, microchips, or other humane means.

~~(g)~~ Dogs and cats ~~have the right to be spayed and neutered to prevent unwanted litters.~~ Dog and cat owners should provide appropriate training, being aware of responsibilities to neighbors and the community at large.

(g) Dog and cat owners should adhere to local leash, nuisance, and other similar laws to ensure the best interest of the animal and community.

31802.

(a) Each public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group ~~shall post a copy of the Dog and Cat Bill of Rights~~ should provide a copy of these rights and responsibilities to new owners, or have a copy posted in a conspicuous place accessible to public view. Failure to do so shall be considered a violation of this division.

(b) A fine shall not be assessed for a first time offense for failure to comply with this section. Each additional violation of this section occurring after 60 days from the first offense is punishable by a fine not exceeding two hundred fifty dollars (\$250).

31803.

This division does not create or imply a private right of action for a violation of this division. It is the intent of the Legislature that the Dog and Cat ~~Bill of Rights~~ Owners Rights and Responsibilities Act set forth in Section 31801 be solely to inform potential owners of the ~~standards for basic physical care and emotional well-being of dogs and cats~~ many responsibilities that come with being a pet owner in the State of California, and does not provide for enforcement of the provisions listed. It shall not convey any actual legal rights to dogs and cats, convey legal standing to dogs and cats, or change the legal status of animals.

SEC. 3.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.