

AMENDED IN ASSEMBLY MARCH 21, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 595

Introduced by Assembly Member Essayli

(Coauthors: Assembly Members Alanis, Wendy Carrillo, Chen, Dixon, Flora, Friedman, Gallagher, Hoover, Jackson, Lackey, Low, Mathis, Joe Patterson, Waldron, and Wallis)

(Coauthors: Senators Newman, Seyarto, and Wilk)

February 9, 2023

An act to add Section 32004 to, and to add and repeal Section 32005 of, the Food and Agricultural Code, relating to animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

AB 595, as amended, Essayli. Animal shelters: 72-hour public notice: euthanasia: study.

Existing law declares that it is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home. Existing law also declares that it is the policy of the state that no treatable animal should be euthanized. Existing law provides that a violation of the Food and Agricultural Code is a misdemeanor, unless a different penalty is expressly provided.

~~This bill~~ *bill, Bowie's Law*, would require all animal shelters, as defined, to provide public notice on their internet website at least 72 hours before euthanizing ~~an adoptable dog or cat, as defined,~~ *any animal* and include the date that ~~an adoptable dog or cat animal~~ is scheduled to be euthanized, *except* as provided. By creating new requirements regarding this public notice, the violation of which would be a crime, *and by imposing new requirements on a public animal control agency or shelter*, the bill would constitute a state-mandated local program.

The bill would also require the Department of Food and Agriculture to conduct a study on the overcrowding of California's animal shelters, the ways in which the state might address animal shelter overcrowding, and the feasibility of a statewide database of ~~adoptable dogs or cats, as specified~~. *dogs and cats that provides public notice and information at the statewide level, as specified.* The bill would require the department to, on or before January 1, 2026, submit a report on its study findings to the Legislature, as provided. The bill would repeal these study and reporting requirements on January 1, 2027.

~~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.~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. *This act shall be known, and may be cited, as*
- 2 *Bowie's Law.*
- 3 ~~SECTION 1.~~
- 4 SEC. 2. *Section 32004 is added to the Food and Agricultural*
- 5 *Code, to read:*
- 6 32004. (a) ~~All~~ *Except for an animal irremediably suffering*
- 7 *from a serious illness or severe injury pursuant to Section 17006,*
- 8 *newborn animals that need maternal care and have been*
- 9 *impounded without their mothers pursuant to Section 17006, and*
- 10 *dogs with a history of vicious or dangerous behavior documented*
- 11 *by the agency charged with enforcing state and local animal laws*

1 pursuant to subdivision (b) of Section 31108.5, an animal shelters
2 shelter shall provide public notice on their its internet website at
3 least 72 hours before euthanizing an adoptable dog or cat any
4 animal and shall include information that includes, but is not
5 limited to, the date that an adoptable dog or cat an animal is
6 scheduled to be euthanized.

7 (b) As used in this section, the following terms have the
8 following meanings: “animal shelter” means a public animal
9 control agency or shelter, society for the prevention of cruelty to
10 animals shelter, or humane society shelter.

11 (1) “Adoptable dog or cat” means a dog or cat eight weeks of
12 age or older that, at or subsequent to the time the animal is
13 impounded or otherwise taken into possession, has manifested no
14 sign of a behavioral or temperamental defect that could pose a
15 health or safety risk, and has manifested no sign of disease, injury,
16 or congenital or hereditary condition that adversely affects the
17 health of the animal or that is likely to adversely affect the animal’s
18 health in the future.

19 (2) “Animal shelter” means a public animal control agency or
20 shelter, society for the prevention of cruelty to animals shelter,
21 humane society shelter, or rescue group.

22 (3) “Rescue group” means a for-profit or not-for-profit entity
23 or a collaboration of individuals that removes dogs or cats, or both,
24 from a public animal control agency or shelter, society for the
25 prevention of cruelty to animals shelter, or humane shelter, or
26 rehomes a dog or cat, or both, that has been previously owned by
27 any person other than the original breeder.

28 SEC. 2.

29 SEC. 3. Section 32005 is added to the Food and Agricultural
30 Code, to read:

31 32005. (a) The department shall conduct a study on all of the
32 following topics:

33 (1) The overcrowding of California’s animal shelters.

34 (2) The ways in which the state might address animal shelter
35 overcrowding.

36 (3) The feasibility of a statewide database of adoptable dogs or
37 and cats that provides public notice and information at the
38 statewide level in a manner consistent with Section 32004,
39 including, but not limited to, by pursuing a public-private
40 partnership.

(b) On or before January 1, 2026, the department shall submit a report on its study findings pursuant to subdivision (a) to the Legislature in compliance with Section 9795 of the Government Code.

(c) As used in this section, ~~the following terms have the following meanings:~~ “animal shelter” means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(1) ~~“Adoptable dog or cat” means a dog or cat eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, has manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk, and has manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal’s health in the future.~~

(2) ~~“Animal shelter” means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group.~~

(3) ~~“Rescue group” means a for-profit or not-for-profit entity or a collaboration of individuals that removes dogs or cats, or both, from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter, or rehomes a dog or cat, or both, that has been previously owned by any person other than the original breeder.~~

(d) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

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

~~SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction,~~

1 *eliminates a crime or infraction, or changes the penalty for a crime*
2 *or infraction, within the meaning of Section 17556 of the*
3 *Government Code, or changes the definition of a crime within the*
4 *meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 *However, if the Commission on State Mandates determines that*
7 *this act contains other costs mandated by the state, reimbursement*
8 *to local agencies and school districts for those costs shall be made*
9 *pursuant to Part 7 (commencing with Section 17500) of Division*
10 *4 of Title 2 of the Government Code.*