

AMENDED IN ASSEMBLY APRIL 12, 2023

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, *Ochoa Bogh*, 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, Bowie’s Law, would require all animal shelters, as defined, to provide public notice on their internet website at least 72 hours before euthanizing any animal and include the date that an 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 dog, cat, or rabbit, except as provided. The bill would require~~

that notice to indicate that the animal is subject to euthanasia and to include information about the animal and its availability for adoption. The bill would authorize an animal shelter to provide this public notice for less than 72 hours if the animal shelter makes certain determinations. The bill would, for each instance where the animal shelter provides public notice for less than 72 hours, require the animal shelter to document the reason and to keep it on file and available for public inspection, as provided. 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 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 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.~~

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.

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

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

SECTION 1. This act shall be known, and may be cited, as Bowie's Law.

SEC. 2. Section 32004 is added to the Food and Agricultural Code, to read:

32004. (a) Except for an animal irremediably suffering from a serious illness or severe injury pursuant to Section 17006, newborn animals that need maternal care and have been impounded without their mothers pursuant to Section 17006, and dogs with a history of vicious or dangerous behavior documented by the agency charged with enforcing state and local animal laws pursuant to subdivision (b) of Section 31108.5, an animal shelter shall provide public notice on its internet website at least 72 hours before euthanizing any ~~animal dog, cat, or rabbit. That notice shall indicate that the animal is subject to euthanasia and shall include information that includes, but is not limited to, the date that an animal is scheduled to be euthanized.~~ about the animal and its availability for adoption.

(b) (1) An animal shelter may provide the public notice required by subdivision (a) for less than 72 hours if the animal shelter determines that doing so is in the best interest of the animal or the general animal population at the animal shelter.

(2) For each instance where an animal shelter provides a public notice for less than 72 hours pursuant to paragraph (1), the animal shelter shall document the reason and shall keep it on file and available for public inspection for at least three years.

~~(b)~~

(c) As used in this section, "animal shelter" means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(d) Section 9 shall not apply to this section.

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

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

(1) The overcrowding of California's animal shelters.

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

1 (3) The feasibility of a statewide database of dogs and cats that
2 provides public notice and information at the statewide level in a
3 manner consistent with Section 32004, including, but not limited
4 to, by pursuing a public-private partnership.

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

9 (c) As used in this section, “animal shelter” means a public
10 animal control agency or shelter, society for the prevention of
11 cruelty to animals shelter, or humane society shelter.

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

14 ~~SEC. 4. No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution for certain~~
16 ~~costs that may be incurred by a local agency or school district~~
17 ~~because, in that regard, this act creates a new crime or infraction,~~
18 ~~eliminates a crime or infraction, or changes the penalty for a crime~~
19 ~~or infraction, within the meaning of Section 17556 of the~~
20 ~~Government Code, or changes the definition of a crime within the~~
21 ~~meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~

23 ~~However, if the Commission on State Mandates determines that~~
24 ~~this act contains other costs mandated by the state, reimbursement~~
25 ~~to local agencies and school districts for those costs shall be made~~
26 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
27 ~~4 of Title 2 of the Government Code.~~

28 *SEC. 4. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*