

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: June 29, 2009  
POSITION: Oppose  
SPONSOR: California Animal Association

BILL NUMBER: AB 1122  
AUTHOR: T. Lieu

**BILL SUMMARY: Animal Abuse: Sale of Live Animals: Flea Markets**

This bill would prohibit, and make a crime of, the sale of animals on roadsides or in other outdoor venues, as specified.

**FISCAL SUMMARY**

The implementation and enforcement of the provisions of this bill by a peace officer, animal control officer or humane officer are of an extremely large scale, and could require additional resources. Additionally, it is unlikely that existing resources could be allocated specifically for verification and enforcement of the criteria for the exempted venues.

According to the CDFA, this bill may cause poultry sales to occur in an underground market, and thus potentially allow diseases to spread, go undetected, and become well entrenched in the state. Should a disease such as avian influenza be detected in California, the CDFA would be responsible for increased surveillance in domestic poultry populations. The costs associated with the increased surveillance could range from \$5,000 to \$500,000, require three positions, and require laboratory testing, depending on the type and location of the disease.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

**COMMENTS**

The Department of Finance is opposed to this bill because it has unknown costs associated with the enforcement and implementation of prohibiting the sale of live animals in specified venues, may require additional unbudgeted resources for the CDFA should a new animal disease become established in California, and may result in unintended prohibitions of certain animal sales.

Existing law prohibits offenses related animal neglect, animal abuse and the killing of animals.

The bill is intended to address concerns related to animal health and safety resulting from unregulated and irresponsible breeding practices which lead to the outdoor sale of pets. However, the scope of this bill is broad enough that it may cover behavior that it does not intend to prohibit.

This bill would prohibit a commercial transaction involving a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk. This bill would allow any peace officer, animal control officer, or humane officer, as specified, to issue notice describing the charge and penalty for the violation of the sale of live animals in specified venues.

The provisions of this bill would exclude events held by specified farmers clubs; state, district agricultural

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Analyst/Principal (0221) R. Baker	Date	Program Budget Manager Todd Jerue	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

**BILL ANALYSIS** Form DF-43 (Rev 03/95 Buff)

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association, or county fairs; livestock consignment sales; public animal control agencies or shelters; rescue groups; federally regulated stockyards; regulated live animal markets as specified; cat, dog, or bird shows as specified; and the sale of fish or shellfish as specified.

Specifically, this bill would:

- Result in an infraction not to exceed \$250 for a first violation
- Result in a misdemeanor not to exceed \$1,000 for any violation which causes or permits any animal to suffer, be injured, or become endangered
- Result in a misdemeanor not to exceed \$1,000 for a second or subsequent violation

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)			Fund Code
				(Dollars in Thousands)			
				2009-2010	2010-2011	2011-2012	
8885/Comm St Mndt	LA	No		----- No/Minor Fiscal Impact -----			0001
8570/Food & Ag	SO	No		----- See Fiscal Summary -----			0111
<u>Fund Code</u>	<u>Title</u>						
0001	General Fund						
0111	Department of Agriculture Account, Ag Fd						