

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 27, 2011
POSITION: Oppose
SPONSOR: Social Compassion in Legislation

BILL NUMBER: SB 702
AUTHOR: T. Lieu

BILL SUMMARY: Dog and Cat Licensing: Microchip Implants

This bill would prohibit any public animal control agency or shelter (or other animal shelters or rescue group, as specified) from releasing, selling, or giving away a dog or cat that has not been microchipped (with one exception, as provided).

FISCAL SUMMARY

This bill would provide that 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. However, to the extent the bill results in public control agencies and shelters having to track animals that have been conditionally released/sold/adopted, to follow-up with owners, and to report violations to local authorities, there could be reimbursable costs if local agencies incur at least \$1,000. If local agencies and shelters are not expected to take on these responsibilities, enforcement would be difficult. To the extent that the requirements of this bill generate an increase in abandoned or surrendered dogs and cats (from owners not wanting to pay for microchipping services), this bill would increase ongoing costs for the Animal Adoption mandate beginning in 2012-13 if the one year suspension of the mandate (which requires local entities to retain impounded animals for up to six days) is not extended.

This bill is also unnecessary, as pet owners that want to implant microchips (for identification purposes) in their dog or cat can already do so. Further, it is our understanding that some shelters and control agencies may already require microchipping as a condition of release or adoption.

COMMENTS

The Department of Finance is opposed to this bill because (under certain circumstances) it could result in a reimbursable state mandate of unknown General Fund cost and also could increase Animal Adoption mandate costs beginning in 2012-13 (if suspension is not extended). It is also unnecessary. Current law does not prohibit owners from implanting microchips in their pets. Nor does it prevent local agencies and shelters from requiring microchipping as a condition of release or as part of the adoption process.

Finance notes that, in order for microchips to be effective in helping to return animals to their owners, pet owners must keep their contact information current with the microchip's manufacturer. There is no guarantee that owners will do so. Additionally, alternative methods of identification exist, including (but not limited to) external microchip tags and collar tags.

Existing law:

- Requires dogs that are at least four months of age be licensed and wear a collar that has an identification or license tag attached. A dog that is found running at large without a tag can be seized and impounded by any peace officer.

(Continued)

Analyst/Principal Date Assistant Program Budget Manager Date
(0222) John Fitzpatrick Nona Martinez

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

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

T. Lieu

April 27, 2011

SB 702

COMMENTS (Cont'd)

- Imposes fines or civil penalties on the owner of a dog or cat that is impounded by a public or private shelter.
- Prohibits any public or private shelter, or rescue group, from selling or giving away a dog or cat that has not been spayed or neutered.
- Requires public and private shelters to scan a dog or cat for microchips and to identify the owner. If a microchip is detected, the shelter must make reasonable efforts to contact the owner and to provide notification that his or her pet has been impounded and can be reclaimed during the holding period, prior to adoption or euthanasia of an impounded animal.

This bill would prohibit any public/private shelters or rescue group from releasing, selling, or giving away a dog or cat that has not been microchipped (if microchipping is available on the premises). If microchipping is not available, the shelter may release the dog or cat based on the condition that the owner (or the adopter or purchaser) presents, within 30 days, proof that the dog or cat has been microchipped.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code	
	LA	(Dollars in Thousands)								
	CO	PROP	2011-2012		2012-2013		2013-2014			
	RV	98	FC	FC	FC	FC	FC	FC		
8885/Comm St Mndt	SO	No	----- See Fiscal Summary -----							0001