



## CALIFORNIA BILL TO BAN SWAP MEETS, FLEA MARKETS, OUTDOOR PUBLIC SALES

### ARE BIRD, REPTILE, CAT SHOWS AND CONSUMER PET SHOWS BANNED?

#### ACT NOW!

#### The Issue.

Assembly Member Lieu introduced Assembly Bill AB 1122 which, as amended, would make it a crime “to willfully sell, display, or offer for sale, or give away as part of a commercial transaction, a live animal on any street, highway, public right-of-way, commercial parking lot, or at any outdoor special sale, swap meet, flea market, parking lot sale, carnival, or boardwalk.” The bill fails to define a swap meet or flea market and could inadvertently encompass bird shows, reptile shows, cat shows, and aquarium shows.

#### The Impact.

As drafted, it could be interpreted that this bill would ban reptile shows, bird shows, fish shows, dog and cat shows, etc. that are sponsored events, normally housed within buildings and under supervision of an organization specializing in promoting and hosting of such events for such types of animals. The poor definition could also prohibit pet fairs such as the annual America’s Family Pet Expo in Orange County, pet industry trade shows, or other specialty shows that would not fall within the general perception of a swap meet or a flea market.

#### Recommended Action.

PIJAC issued a PetAlert on March 4, 2009 on AB 1122 and received no comments until yesterday when several show sponsors questioned whether or not they fell within the non-defined terms.

PIJAC recommends that everyone interested in supporting the ability of people to host, promote and participate in reptile shows, bird shows, fish shows, cat shows, dog shows, trade shows, consumer pet shows, etc. where animals are displayed and/or sold and/or funds are raised to support the organization’s goals and objectives, contact members of the California Assembly Appropriations Committee and point out the need for an exemption for such activities or clear definitions of a “swap meet” or a “flea market.”

**ACT TODAY – CALL AND EMAIL** -- AB 1122 will be heard by the Assembly Appropriations Committee tomorrow, Wednesday May 6, 2009, in Room 4202 at 9:00 a.m.

Members can be reached by contacting the members on the following page and explain why the bill needs to be amended to clearly exempt such shows and the activities associated with those events.



**State of California  
 Assembly Committee on Appropriations  
 Capitol Building, #2114  
 Sacramento, CA 95814  
 916/319-2081**

<b><u>ASSEMBLYMEMBER</u></b>	<b><u>DISTRICT(S)</u></b>	<b><u>TEL. #</u></b>	<b><u>EMAIL</u></b>
Kevin De Leon (Ch)(D-45)	Angelino Heights, Highland Park, City Terrace, Chinatown, East Hollywood, Echo Park, Elysian Valley, Mt. Washington, Lincoln Heights	916/319-2045	<a href="mailto:assemblymember.deleon@assembly.ca.gov">assemblymember.deleon@assembly.ca.gov</a>
Jim Nielsen (V-Ch)(R-2)	Redding, Yuba City, Chico, Red Bluff, Anderson, Shasta Lake, Yreka, Corning, Orland, Live Oak, Willows	916/319-2002	<a href="mailto:assemblymember.nielsen@assembly.ca.gov">assemblymember.nielsen@assembly.ca.gov</a>
Tom Ammiano (D-13)	San Francisco	916/319-2013	<a href="mailto:assemblymember.ammiano@assembly.ca.gov">assemblymember.ammiano@assembly.ca.gov</a>
Charles M. Calderon (D-58)	Montebello, Pico Rivera, City of Industry, Downey, La Mirada, Whittier	916/319-2058	<a href="mailto:assemblymember.calderon@assembly.ca.gov">assemblymember.calderon@assembly.ca.gov</a>
Mike Davis (D-48)	Arlington Park, Athens, Chesterfield Square, King Estates, Koreatown, Lafayette Park, Magnolia Square, North University Park, University Park, Vermont Knolls, West Adams, West Park Terrace, Wilshire Center	916/319-2048	<a href="mailto:assemblymember.davis@assembly.ca.gov">assemblymember.davis@assembly.ca.gov</a>
Michael D. Duvall (R-72)	Anaheim, Brea, Fullerton, La Habra, Placentia, Orange, Yorba Linda	916/319-2072	<a href="mailto:assemblymember.duvall@assembly.ca.gov">assemblymember.duvall@assembly.ca.gov</a>
Felipe Fuentes (D-39)	Arleta, Lake View, Mission Hills, Pacoima, Panorama City, San Fernando, Sun Valley, Sylmar	916/319-2039	<a href="mailto:assemblymember.fuentes@assembly.ca.gov">assemblymember.fuentes@assembly.ca.gov</a>
Isadore Hall (D-52)	Compton, Paramount, Rancho Dominguez, Watts, Willowbrook, North Long Beach	916/319-2052	<a href="mailto:assemblymember.hall@assembly.ca.gov">assemblymember.hall@assembly.ca.gov</a>
Diane Harkey (R-73)	Laguna Niguel, Oceanside, San Clemente, Dana Point, San Juan Capistrano, Laguna Hills, Aliso Viejo	916/319-2073	<a href="mailto:assemblymember.harkey@assembly.ca.gov">assemblymember.harkey@assembly.ca.gov</a>
Jeff Miller (R-71)	Santa Ana, Corona, Mission Viejo, Rancho Santa Margarita, Orange, Norco, Tustin, Anaheim	916/319-2071	<a href="mailto:assemblymember.miller@assembly.ca.gov">assemblymember.miller@assembly.ca.gov</a>
John A. Perez (D-46)	Los Angeles, Huntington Park, Maywood, Vernon	916/319-2046	<a href="mailto:assemblymember.john.perez@assembly.ca.gov">assemblymember.john.perez@assembly.ca.gov</a>
Curren D. Price (D-51)	Inglewood, Hawthorne, Gardena, West Compton	916/319-2051	<a href="mailto:assemblymember.price@assembly.ca.gov">assemblymember.price@assembly.ca.gov</a>
Jose Solorio (D-69)	Santa Ana, Anaheim, Garden Grove	916/319-2069	<a href="mailto:assemblymember.solorio@assembly.ca.gov">assemblymember.solorio@assembly.ca.gov</a>
Nancy Skinner (D-14)	Richmond, San Pablo, El Sobrante, Pleasant Hill, Kensington, El Cerrito Lafayette, Moraga, Orinda, Berkeley, Emeryville, Albany, Oakland	916/319-2014	<a href="mailto:assemblymember.skinner@assembly.ca.gov">assemblymember.skinner@assembly.ca.gov</a>
Audra Strickland (R-37)	Thousand Oaks, Camarillo, Simi Valley, Moorpark, Santa Paula, Fillmore, Ojai, Agua Dulce, Acton, Castaic, Chatsworth, Canoga Park, West Hills	916/319-2037	<a href="mailto:assemblymember.strickland@assembly.ca.gov">assemblymember.strickland@assembly.ca.gov</a>
Tom Torlakson (D-11)	Antioch, Bay Point, Bayview-Montalvin, Clayton, Clyde, Concord, Crockett, El Sobrante, Hercules, Martinez, Mountain View, Pacheco, Pinole, Pittsburg, Port Costa, Rodeo, Tara Hills, Vine Hill	916/319-2011	<a href="mailto:assemblymember.torlakson@assembly.ca.gov">assemblymember.torlakson@assembly.ca.gov</a>

**2009 CA A 1122**  
**AUTHOR:** Lieu  
**VERSION:** Amended  
**VERSION DATE:** 04/23/2009

STATE OF CALIFORNIA

ASSEMBLY BILL

No. 1122

=====  
INTRODUCED BY Assembly Member Lieu  
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**AMENDED IN ASSEMBLY APRIL 23, 2009**  
**AMENDED IN ASSEMBLY APRIL 13, 2009**

FEBRUARY 27, 2009

An act to add Section 597.4 to the Penal Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 1122, as amended, Lieu. Animal abuse: sale of live animals: flea markets.

Existing law proscribes animal abuse, as specified, including the failure to maintain and care for the premises and animals at pet shops. Existing law also generally provides that a pet store shall not sell, offer for sale, trade, or barter any dog or cat that is under 8 weeks of age, but may sell, offer for sale, trade, or barter a dog or cat over 8 weeks of age only if the animal is weaned.

This bill would provide, in addition and with specified exceptions, that it shall be a crime, punishable as specified, for any person to willfully sell, display ~~or~~ offer for sale or give away as part of a commercial transaction a live animal on any street, highway, public right-of-way, commercial parking lot, or at any outdoor special sale, swap meet, flea market, parking lot sale, carnival, or boardwalk. The bill would provide that a notice describing the charge and the penalty for a violation of this bill may be issued by a peace officer, animal control officer, or humane officer. By creating a new crime, this bill would impose 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 no reimbursement is required by this act for a specified reason.

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. Section 597.4 is added to the Penal Code, to read:

597.4. (a) It shall be unlawful for any person to willfully sell, display ~~or~~ offer for sale or give away as part of a commercial transaction a live animal on any street, highway, public right-of-way, commercial parking lot, or at any outdoor special sale, swap meet, flea market, parking lot sale, carnival, or boardwalk.

(b) (1) A person who violates this section for the first time shall be guilty of an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250).

(2) A person who violates this section for the first time and by that violation either causes or permits any animal to suffer or be injured, or causes or permits any animal to be placed in a situation in which its life or health may be endangered, shall be guilty of a misdemeanor.

(3) A person who violates this section for a second or subsequent time shall be guilty of a misdemeanor.

(c) A person who is guilty of a misdemeanor violation of this section shall be punishable by a fine not to exceed one thousand dollars (\$1,000) per violation; the court shall weigh the gravity of the violation in setting the fine.

(d) A notice describing the charge and the penalty for a violation of this section may be issued by any peace officer; animal control officer, as defined in Section 830.9; or humane officer qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(e) This section shall not apply to the following:

(1) Events held by 4-H Clubs, Junior Farmers Clubs, or Future Farmers Clubs.

(2) California Exposition and State Fair or county fairs.

(3) Stockyards with respect to which the Secretary of the United States Department of Agriculture has posted notice that the stockyards are regulated by the federal Packers and Stockyards Act (7 U.S.C. Sec. 181 et seq.).

(4) The sale of cattle on consignment at any public cattle sales market; the sale of sheep on consignment at any public sheep sales market; the sale of swine on consignment at any public swine sales market; the sale of goats on consignment at any public goat sales market; and the sale of equine on consignment at any public equine sales market.

(5) Live animal markets regulated under Section 597.3.

(6) A public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group regulated under Division 14 (commencing with Section 30501) of the Food and Agricultural Code. For purposes of this section, "rescue group" is a not-for-profit entity whose primary purpose is the placement of dogs, cats, or other animals that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter, or that have been surrendered or relinquished to the entity by the previous owner.

(f) Nothing in this section shall be construed to in any way limit or affect the application or enforcement of any other law that protects animals or the rights of consumers, including, but not limited to, the Lockyer-Polanco-Farr Pet Protection Act contained in Article 2 (commencing with Section 122125) of Chapter 5 of Part 6 of Division 105 of the Health and Safety Code, or Sections 597 and 597I of this code.

(g) Nothing in this section limits or authorizes any act or omission that violates Section 597 or 597I of this code, or any other local, state, or federal law. The procedures set forth in this section shall not apply to any civil violation of any other local, state, or federal law that protects animals or the rights of consumers, or to a violation of Section 597 or 597I of this code, which is cited or prosecuted pursuant to one or both of those sections, or to a violation of any other local, state, or federal law that is cited or prosecuted pursuant to that law.

SEC. 2. 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.