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Code Text

FOOD AND AGRICULTURAL CODE - FAC

DIVISION 14. REGULATION AND LICENSING OF DOGS [30501 - 31683] (Division 14 enacted by Stats. 1967, Ch. 15.)

CHAPTER 1. General Provisions [30501 - 30504] (Chapter 1 enacted by Stats. 1967, Ch. 15.)

- (a) (1) Except as otherwise provided in subdivision (b), no public animal control agency or shelter, society for the prevention of **cruelty** to animals shelter, humane society shelter, or rescue group shall sell or give away to a new owner any dog that has not been spayed or neutered.
- (2) For the purposes of this section a "rescue group" is a for-profit or not-for-profit entity, or a collaboration of individuals with at least one of its purposes being the sale or placement of dogs that have been removed from a public animal control agency or shelter, society for the prevention of **cruelty** to animals shelter, or humane shelter or that have been previously owned by any person other than the original **breeder** of that dog.
- (b) (1) If a veterinarian licensed to practice veterinary medicine in this state certifies that a dog is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the dog to be spayed or neutered, the adopter or purchaser shall pay the public animal control agency or shelter, society for the prevention of **cruelty** to animals shelter, humane society shelter, or rescue group a deposit of not less than forty dollars (\$40), and not more than seventy-five dollars (\$75).
- (2) The entity shall establish the amount of the deposit at the level it determines is necessary to encourage the spaying or neutering of dogs.
- (3) The deposit shall be temporary, and shall only be retained until the dog is healthy enough to be spayed or neutered, as certified by a veterinarian licensed to practice veterinary medicine in this state.
- (4) The dog shall be spayed or neutered within 14 business days of that certification.
- (5) The adopter or purchaser shall obtain written proof of spaying or neutering from the veterinarian performing the operation.
- (6) If the adopter or purchaser presents proof of spaying or neutering to the entity from which the dog was obtained within 30 business days of obtaining the proof, the adopter or purchaser shall receive a full refund of the deposit.
- (c) Public animal control agencies or shelters, society for the prevention of **cruelty** to animals shelters, humane society shelters, and rescue groups may enter into cooperative agreements with each other and with veterinarians in lieu of requiring spaying and neutering deposits to carry out this section.
- (d) Any funds from unclaimed deposits made pursuant to this section, as it read on January 1, 1999, and any funds from deposits that are unclaimed after January 1, 2000, may be expended only for programs to spay or neuter dogs and cats, including agreements with a society for the prevention of **cruelty** to animals or a humane society or licensed veterinarian to operate a program to spay or neuter dogs and cats.
- (e) This section only applies to a county that has a population exceeding 100,000 persons as of January 1, 2000, and to cities within that county.

(Amended (as amended by Stats. 1998, Ch. 747, Sec. 2) by Stats. 2004, Ch. 253, Sec. 1. Effective January 1, 2005.)