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CHAPTER 887

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INTRODUCED BY Assembly Member Corbett

JANUARY 28, 2003

An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

LEGISLATIVE COUNSEL'S DIGEST

AB 202, Corbett. Birds: sale.

Existing law contains several requirements applicable to pet dealers of dogs and cats and provides that those provisions are not applicable to publicly operated pounds and humane societies.

This bill would prohibit a pet shop, as defined, from possessing unweaned birds, unless certain conditions are met. It would also prohibit a pet shop or a vendor, as defined, from selling a bird that is not weaned, and would require a pet shop or a vendor to document the weight of any hand-fed bird under one year of age, and note the weight on the sales receipt at the time of sale. This bill would provide that these provisions do not apply to publicly operated pounds and humane societies. This bill would provide that any person violating any of these provisions is subject to a civil penalty, as specified. This bill would specify that it will become operative on September 1, 2004.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 6 (commencing with Section 122320) is added to Part 6 of Division 105 of the Health and Safety Code, to read:

CHAPTER 6. SALE OF BIRDS

122320. As used in this chapter:

- (a) "Bird" means any order of Psittaciformes bird.
- (b) "Bird mart" means an event at which two or more persons offer birds for sale or exchange and where a fee is charged for the privilege of offering or displaying the birds.
- (c) "Hand-feeding" means the process by which a bird is manually fed by a human through the use of hand, spoon, or oral gavage.
- (d) "Pet shop" means a retail pet shop location primarily engaged in retailing pets, pet foods, and pet supplies, as defined by the North American Industry Classification System.
- (e) "Sale" has the same meaning as retail sale as defined in Section 6007 of the Revenue and Taxation Code.
- (f) "Time of sale" means the calendar date the retail purchaser removed the bird from the premises of the pet shop following the retail sale of that bird.
- (g) "Unweaned bird" means any bird that requires hand-feeding or animal assistance to sustain at least 90 percent of its own weight for at least two weeks.
- (h) "Vendor" means any person or entity, including, but not limited to, a broker, agent, aviary, or breeder, who sells birds directly to the retail purchaser at a bird mart or at a swap meet as defined in Section 21661 of the Business and Professions Code.
- (i) "Weaned" means a bird that does not require hand-feeding or animal assistance to sustain at least 90 percent of its own weight following the time of sale, notwithstanding any illness or injury.

122321. (a) A pet shop with five or fewer employees may not possess an unweaned bird unless the pet shop employs at least one person per pet shop location who has completed the Pet Industry Joint Advisory Council's avian certification program.

(b) A pet shop with six or more employees may not possess an unweaned bird unless the pet shop employs at least two people who have completed the Pet Industry Joint Advisory Council's avian certification program.

(c) A pet shop may not sell a bird unless the bird is weaned.

(d) A vendor may not sell a bird at a swap meet or bird mart, unless the bird is weaned.

(e) At the time of sale, a pet shop location or vendor shall document the weight of any hand-fed bird under one year of age, and note the weight on the sales receipt.

122322. (a) Any person violating any provision of this chapter shall be subject to a civil penalty of up to one thousand dollars (\$1,000) per violation. The action may be prosecuted in the name of the people of the State of California by the district attorney for the county where the violation occurred in the appropriate court or by the city attorney in the city where the violation occurred.

(b) Nothing in this chapter limits or authorizes any act or omission that violates Section 597 of the Penal Code.

(c) Nothing in this chapter shall authorize the seizure of an unweaned bird by a peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency.

122323. This chapter does not apply to publicly operated pounds and humane societies.

122324. This chapter shall become operative on September 1, 2004.