

AB 519 (Berman): CLOSING THE “PUPPY BROKER” LOOPHOLE

THE ISSUE

While retail pet stores are unlawful in California, a recent *Los Angeles Times* investigative series found that the puppy mill pipeline remains alive and well through use of other long-standing and problematic channels, including online sales conducted by predatory third-party sellers.

A significant number of cats and dogs sold over the Internet through third-party sellers, or “brokers”, come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for, commonly referred to as and “puppy mills”. Documented abuses endemic to kitten mills and puppy mills include over-breeding, inbreeding, minimal to non-existent veterinary care, and lack of adequate, nutritious food, water, shelter, socialization, space, and exercise; conditions that often lead to health and behavioral issues in the animals bred in those facilities.

These brokers are operating virtual storefronts featuring hundreds of puppies cloaked in sanitized imagery available to be sold to customers in California. As with pet stores, brokers are offering puppies from large commercial breeders while California’s animal shelters and rescues are overflowing with dogs of all age and breed, and many reputable breeders are available for purchasing a specific type of puppy.

The *Times*’ investigation found that “truckloads of dogs from profit-driven mass breeders pour into California every year from the Midwest, feeding an underground market where they are resold by people claiming to be small, local home breeders.”

EXISTING LAW

California has been a long-standing leader in ensuring that animals sold in the state come from either reputable breeders or shelters/rescues, limiting a significant market for the puppy mill pipeline. In 2017, the state passed AB 485 (O’Donnell), which prohibited pet stores from selling dogs, cats, and rabbits unless they are obtained from a shelter or rescue organization. In 2020, AB 2152 was signed into law, strengthening both the law and the state’s resolve to stop the flow of animals from commercial breeders, or “puppy mills” (Cal. Health and Safety Code § 122354.5. et seq). California has also previously addressed predatory behaviors by online sellers of dogs and cats. AB 2380 (Maienschein) was signed into law in 2022, prohibiting

online pet retailers from offering consumer loans for the purchase of a dog or cat (Cal. Health and Safety Code § 122191).

THE PROPOSAL

Misleading marketing tactics, predatory financial behaviors, and a gap in regulations are allowing online brokers to take advantage of consumers and allowing puppy mills to continue to reach Californians when searching for a new companion. At a time when California shelters are overflowing with adoptable puppies, kittens, dogs and cats, protecting consumers from commercial sellers is a multi-benefit approach.

AB 519 addresses this predatory behavior by prohibiting the sale of dogs, cats, and rabbits by third-party sellers, or “brokers”. By cutting out the middle men, this bill is the next step toward eliminating the puppy mill pipeline into California for good.

Specifically, this bill accomplishes this by clearly defining what “brokers” are under California pet law, and expressly prohibiting them from selling or transferring-for-profit a dog, cat, or rabbit that was bred by another. In no way does this affect a consumer’s ability to obtain dog, cat, or rabbit directly from a breed-specific rescue organization or a shelter, or from a breeder. Rather, AB 519 closes an unregulated loophole that has opened the door to significant consumer fraud and animal negligence.

At a time when our state’s shelters are overflowing with animals waiting for adoption, it is imperative that the state continue its commitment to shutting down the puppy mill pipeline into the state.

STAFF CONTACT

Edward Franco, Consultant, Assembly Business & Professions Committee

Edward.Franco@asm.ca.gov | (916) 319-3651

SPONSOR CONTACTS

Brittany Benesi, Senior Legislative Director, Western Region, ASPCA

Brittany.Benesi@aspca.org | (916) 628-7163

Julianna Tetlow, Senior Director of Government Relations, San Diego Humane Society

JTetlow@sdhumane.org | 619-299-7012 ex.2336