

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1382 (Castillo)
Version: May 13, 2026
Hearing Date: June 16, 2026
Fiscal: No
Urgency: No
AM

SUBJECT

Ethics Over Aesthetics Act

DIGEST

This bill enacts the Ethics Over Aesthetics Act, which prohibits a person from importing for profit, selling, or offering for sale in this state a transgenic pet animal that possesses a cosmetic transgenic trait, with certain exceptions. The bill makes a violation of this prohibition subject to a civil penalty of not less than \$5,000.

EXECUTIVE SUMMARY

California has a history of enacting legislation to protect animal welfare. An article published in Wired last year detailed how a new startup company was aiming to make genetically engineered “glow-in-the-dark rabbits, hypoallergenic cats and dogs, and possibly, one day, actual unicorns.”¹ This bill seeks to continue California’s tradition of protecting animal welfare by banning the import and sale in this state of a transgenic pet animal that possesses a cosmetic transgenic trait. The bill contains exceptions for where the transgenic trait is for the benefit of the health of the animal or enhances the animals’ interaction with humans, such as promoting hypoallergenic traits. The author and sponsor argue that the bill will ensure that California remains a protector of animal welfare and a leader in responsible science. The supporters of the bill also argue that it will help to ensure that the animal overpopulation crisis in this state is not exacerbated.

This bill is sponsored by Social Compassion in Legislation and supported by numerous animal welfare organizations. No timely opposition was received by the Committee. This bill passed the Senate Business, Professions and Economic Development Committee on a vote of 6 to 0.

¹ Emily Mullin, Wired, *Your Next Pet Could Be a Glowing Rabbit*, (Feb. 19, 2025), available at <https://www.wired.com/story/your-next-pet-could-be-a-glowing-rabbit-los-angeles-project-gene-editing-crispr/>.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Polanco-Lockyer Pet Breeder Warranty Act, which regulates the sale of dogs by dog breeders. (Health & Saf. Code §§ 122045 et seq.)
- 2) Requires, pursuant to the Polanco-Lockyer Pet Breeder Warranty Act, every dog breeder to deliver to each purchaser of a dog a specified written disclosure and record of veterinary treatment. (Health & Saf. Code §§122050.)
- 3) Prohibits a dog breeder from knowingly selling a dog that is diseased, ill or has a condition, which requires hospitalization or nonelective surgical procedures. (Health & Saf. Code § 122060.)
- 4) Authorizes a person who purchased a dog from a breeder regulated by 1) that dies within 15 days of purchase to seek, through a civil action if necessary, a refund from the breeder and entitles the prevailing party to attorney costs and fees. (Health & Saf. Code §§ 122070 & 122090.)
- 5) Establishes the Polanco-Lockyer-Farr Pet Protection Act, which regulates the sale of dogs and cats by pet dealers. (Health & Saf. Code §§ 122125 *et seq.*)
- 6) Prohibits an online pet retailer, as defined, from offering, brokering, making a referral for, or otherwise facilitating a loan or other financing option for the adoption or sale of a dog, cat, or rabbit. (Health & Saf. Code § 122191.)
- 7) Prohibits pet dealers from selling a dog unless it has been examined by a California-licensed veterinarian, and requires that the dealer quarantine any sick or diseased animal separate from the healthy animals until a veterinarian determines the dog is free from infection. (Health & Saf. Code § 122210.)
- 8) Authorizes a person who purchased a dog from a seller regulated by 5) that dies within 15 days of purchase to seek, through a civil action if necessary, a refund from the breeder and entitles the prevailing party to attorney costs and fees. (Health & Saf. Code § 122160.)
- 9) Prohibits the hatchery production and stocking of transgenic species of salmonids. (Fish & Game C. § 1210.)
- 10) Prohibits the spawning, incubation, or cultivation of any transgenic fish species in the waters of the Pacific Ocean that are regulated by California. (Fish & Game C. § 15007.)

This bill:

- 1) Enacts the Ethics Over Aesthetics Act (Act), which prohibits a person from importing for profit, selling, or offering for sale in this state a transgenic pet animal that possesses a cosmetic transgenic trait.
- 2) Provides that the prohibition in 1) does not apply to a transgenic pet animal if any of the following apply:
 - a) the transgenic trait is for the sole purpose of benefiting the health of the transgenic pet animal, including, but not limited to, making the transgenic pet animal resistant to a disease or condition;
 - b) the transgenic trait is for the sole purpose of enhancing the transgenic pet animal's interaction with humans, including, but not limited to, promoting hypoallergenic traits, and does not alter the natural functions of the transgenic pet animal; or
 - c) the transgenic pet animal is of a fish species that satisfies the requirements of subdivision (b) of Section 1.92 of Title 14 of the California Code of Regulations.
- 3) Defines the following terms for purposes of the Act.
 - a) "Cosmetic transgenic trait" means a transgenic trait that alters, modifies, or engineers a transgenic pet animal's appearance or natural functions, which may include, but not be limited to, novel fur, skin, feather, or scale coloring, the removal of claws or vocal cords, or the addition or subtraction of appendages.
 - b) "Pet animal" means a dog, cat, rabbit, guinea pig, hamster, mouse, reptile, amphibian, bird, fish, or other species of animal kept for the purpose of being a household pet.
 - c) "Transgenic pet animal" means a pet animal that possesses a transgenic trait, and includes the progeny of a transgenic pet animal.
 - d) "Transgenic trait" means a trait that has been deliberately altered, modified, or engineered, through means not possible under natural conditions, by insertion of a foreign gene using genetic engineering methods, including, but not limited to, the introduction of chromosomes containing artificially transferred genetic material from any other organism or a laboratory construct, regardless of whether the original source's genetic material was altered, modified, or engineered before insertion, or whether the originally transferred genetic material was inherited through normal reproduction.
- 4) Makes a violation of this prohibition subject to a civil penalty of not less than \$5,000.
 - a) Each transgenic pet animal imported for profit, sold, or offered for sale in this state in violation of the Act is a separate violation.

- b) Authorizes an action to enforce the Act to be brought by the district attorney of the county in which the violation occurred or by the city attorney of the city in which the violation occurred.
- c) The civil penalty is to be paid to the city or county, as applicable, of the attorney that brings the action.

COMMENTS

1. Stated need for the bill

The author writes:

AB 1382 is a necessary step to ensure California remains a leader in responsible science and animal welfare by prohibiting the sale of genetically modified pets created solely for cosmetic appeal. While genomic technology has important medical and public health applications, this bill draws a clear and reasonable line to prevent its use for novelty purposes that place animals at risk. Allowing the commercialization of “designer” pets prioritizes aesthetics over animal well-being and risks exacerbating California’s already severe pet overpopulation and shelter crisis. AB 1382 expressly preserves legitimate scientific research and health-based genetic advancements, ensuring innovation can continue to thrive. This bill reflects California’s values by promoting ethical stewardship, protecting biodiversity, and preventing unnecessary harm to animals.

2. This bill seeks to ban the sale of a transgenic pet animal in the state

California has long sought to promote strong regulation of the pet breeding and sales industry. The Polanco-Lockyer Pet Breeder Warranty Act and the Polanco-Lockyer-Farr Pet Protection Act govern the sales of pet animals in California and provide for the regulations on pet dealers and pet stores in the state with the goal of promoting pet health and safety. Last year, the Legislature enacted a package of bills² to further regulate the industry in lieu of an exposé in the Los Angeles Times that illuminated holes in the current legislative scheme regulating pet sales and the breeding industry.³

This bill seeks to address a potential new animal welfare issue – transgenic pets. A transgenic animal is a genetically modified animal that has some foreign genetic material deliberately inserted into their genome to allow for new traits or capabilities, such as the ability to glow. Transgenic animals were originally created for use in medical research. Scientists often use green fluorescent protein, or GFP, in animals to

² AB 506 (Bennett, Ch. 477, Stats. 2025); AB 519 (Berman, Ch. 478, Stats. 2025); and SB 312 (Umberg, Ch. 480, Stats. 2025).

³ Alene Tchekmedyian & Melody Gutierrez, *Inside California’s brutal underground market for puppies: Neglected dogs, deceived owners, big profits*, L.A. Times, (Sept. 12, 2024), available at: <https://www.latimes.com/california/story/2024-09-12/puppy-mill-pipeline>.

make them glow to track and monitor certain biological processes.⁴ However, new startups are looking to sell transgenic pet animals. One such company is the Los Angeles Project which has “used CRISPR to add a gene to rabbit embryos so they produce green fluorescent protein” and aims to have “glowing baby bunnies” to eventually sell as pets.⁵

The bill seeks to recognize that some transgenic traits may serve a purpose and provides exceptions for transgenic traits for the sole purpose of benefiting the health of the animal and ones for the sole purpose of enhancing the transgenic pet animal’s interaction with humans (such as hypoallergenic traits). Additionally, the bill allows for certain transgenic fish to continue being sold in the state. For example, GloFish is a patented brand of fluorescent fish that were provided for sale as pets beginning in 2003. They have been sold in this state for many years. Current regulations promulgated by the Department of Fish and Game allow their sale in this state. (14 Cal. Code Reg. § 1.92).⁶ This bill allows for the continued sale of a transgenic pet animal that is a fish that meets the requirements of these regulations, therefore allowing the sale of GloFish to remain legal under the bill. The bill’s prohibitions apply only to pets and not to animals for research or other medical purposes.

The bill makes a violation of its provisions punishable by a \$5,000 civil penalty. Each pet sold is to be considered a separate violation. An enforcement action may be brought by a district attorney of the county in which the violation occurred or the city attorney of a city in in which the violation occurred.

3. This bill may implicate the Dormant Commerce Clause

Section 8 of Article I of the United States Constitution grants the United States Congress the power to regulate interstate commerce. The converse proposition – that states may not usurp Congress’s express power to regulate interstate commerce – is known as the Dormant Commerce Clause – “the [Commerce] Clause also contains a further, negative command, one effectively forbidding the enforcement of certain state economic regulations even when Congress has failed to legislate on the subject.”⁷ The United States Supreme Court recently affirmed that the Dormant Commerce Clause generally does not prohibit a state from regulating commerce within its borders, even if the prohibition affects out-of-state sellers, unless the prohibition acts to discriminate against

⁴ Emily Mullin, *Wired*, *Your Next Pet Could Be a Glowing Rabbit*, (Feb. 19, 2025), available at <https://www.wired.com/story/your-next-pet-could-be-a-glowing-rabbit-los-angeles-project-gene-editing-crispr/>.

⁵ *Ibid.*

⁶ These regulations exempt a live tropical marine or freshwater animal not utilized for research purposes, human consumption or bait, maintained in a closed-system, for which the presence of the transgenic aquatic animal poses no reasonable risk to native fish, wildlife, or pets from regulation of transgenic aquatic animals in California.

⁷ *National Pork Producers Council v. Ross* (2023) 143 S.Ct. 1142, 1152 (internal quotation marks and alterations omitted).

out-of-state interests for the benefit of in-state commerce.⁸ The Court has held that “[s]tate laws that ‘regulat[e] even-handedly [across all in-state and out-of-state businesses] to effectuate a legitimate local public interest...will be upheld unless the burden imposed upon such commerce is clearly excessive in relation to the putative local benefits.’”⁹ The bill applies its provisions equally to in-state persons, pet dealers, and businesses as to out-of-state ones, and as such should not conflict with the Dormant Commerce Clause.

4. Stakeholder statements

The sponsor of the bill and a large coalition of animal welfare organizations write in support stating:

Driven by advancements in genetic modification technologies, the intentional genomic alteration of animals has become a frontier for development. While investments have been made to further this endeavor for potentially beneficial medical advancements, some companies have begun the development of genetically modified cats, dogs, and other pets with altered appearances to fulfil consumer demand for "designer" traits, despite unknown long-term health risks. These genetic modifications run the risk of prioritizing aesthetics over the well-being of the animal, as well as drive consumer demand for novelty pets when there already exists a pet overpopulation crisis.

A February 19, 2025, article published by Wired^[10] details a startup, the Los Angeles Project, created with the goal of using clustered regularly interspaced short palindromic repeats (CRISPR) and restriction enzyme mediated integration (REMI) technologies to create genetically modified animals, from glow-in-the-dark rabbits to unicorns. The company has already been experimenting on embryos from frogs, fish, hamsters, and rabbits to produce these outcomes for the express purpose of creating fantastical pets for consumer purchase.

As a state with a history of working to protect animal welfare and ensuring scientific development occurs responsibly, it is vital for California to proactively take legislative action to prevent the proliferation of designer pets at the expense of animals, as well as prevent our state’s already burdened animal shelters from taking on more unwanted animals.

⁸ *Id.* at pp. 1152-1153.

⁹ *South Dakota v. Wayfair, Inc.* (2018) 138 S.Ct. 2080, 2091.

¹⁰ Emily Mullin, Wired, *Your Next Pet Could Be a Glowing Rabbit*, (Feb. 19, 2025), available at <https://www.wired.com/story/your-next-pet-could-be-a-glowing-rabbit-los-angeles-project-gene-editing-crispr/>.

SUPPORT

Social Compassion in Legislation (sponsor)
Angel's Furry Friends Rescue
Animal Legal Defense Fund
Animal Rescue Mission
Animal Rescuers for Change
Animal Wellness Action
Berkeley Animal Rights Center
Better Together Forever
Born Again Animal Rescue and Adoption
Compassionate Bay
Concerned Citizens Animal Rescue
Doggy Business Dog Training
Earthheart
Feline Lucky Adventures
Fine Tuning Dog Training
Giantmecha Syndicate
Greater Los Angeles Animal Spay Neuter Collaborative
Hugs and Kisses Animal Fund
Jaimie Brianna's Legacy Fund
Latino Alliance for Animal Care Foundation
Leaders for Ethics, Animals, and the Planet (LEAP)
Long Beach Spay and Neuter Foundation
Los Angeles Democrats for the Protection of Animals
Los Angeles Rabbit Foundation
Michelson Center for Public Policy
NY 4 Whales
Pet Loss Support Group
Pibbles N Kibbles Animal Rescue
Plant-Based Advocates
Project Minnie
Rabbit Savior
Rabbit.org Foundation
Real Good Rescue
San Diego Companion Rabbit Society
Seeds 4 Change Now Animal Rescue
Seniors Citizens for Humane Education and Legislation
START Rescue
Students Against Animal Cruelty Club - Hueneme High School
The California Baptist Capitol Ministry
The Canine Condition
The Pet Loss Support Group
The Spayce Project

Underdog Heroes, Inc.
Women United for Animal Welfare (WUFAW)
World Animal Protection
Over 1,100 individuals

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: *See* Comment 2 above.

PRIOR VOTES

Senate Business, Professions and Economic Development Committee (Ayes 6, Noes 0)
Assembly Floor (Ayes 73, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)
Assembly Business and Professions Committee (Ayes 17, Noes 0)
