

**TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS
DIVISION 20. VETERINARY MEDICAL BOARD**

FINAL STATEMENT OF REASONS

Hearing Date: The Veterinary Medical Board (Board) did not receive a request for a public hearing; therefore, a public hearing was not held.

Subject Matter of Proposed Regulations: Animal Control Officer and Humane Officer Training

Section(s) Affected: Section 2039.5, Article 4, Division 20, Title 16 of the California Code of Regulations (CCR)

Updated Information

The information contained in the original Initial Statement of Reasons is updated as follows:

Underlying Data

None.

The Board issued a 15-day Notice of Modified Text to make minor, technical changes to correct referenced sections and technical changed in certain subdivisions.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

These regulations will not have a significant adverse economic impact on businesses.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Senate Bill 1500 (Stats. 2012, ch. 598 § 1.5) amended Penal Code Section 597.1 to specify the Board approve animal control officer or humane officer training to administer tranquilizers containing a controlled substance. The adoption of CCR section 2039.5 is the only regulatory provision identified by the Board that assures uniform training and necessary protection of the health and safety of a wild, stray or abandoned animal when an animal control officer or humane officer seeks to administer tranquilizers containing a controlled substance.

Objections or Recommendations/Responses

The following recommendations and/or objections were made regarding the proposed action:

Comments Received During the August 26, 2016 through October 10, 2016 45-Day Comment Period:

The Board did not receive any written comments.

Comments Received During the March 21, 2017 through April 4, 2017 15-Day Comment Period:

Comment dated March 17, 2017 (Wildlife Health Center, University of California, Davis):

“Dependent on the species being studied, it is often necessary to immobilize the animals in order to accomplish study goals (sampling, measuring, marking, etc.). It is not possible, nor economically feasible, for a veterinarian to be at every remote location where wildlife immobilization needs to occur, or to be there throughout the time a project may be conducting capture activities.”

“I believe that veterinarians working for academic, non-profit, or governmental agencies, and conducting wildlife research under Institutional Animal Care and Use Committee (IACUC)-approved protocols, should be able to legally train and direct wildlife biologists to use controlled drugs for wildlife immobilization.”

Staff Response: The comment falls outside of the noticed comment period and is not relevant to the proposed language. Additionally, the Board does not have authority over wildlife research.

Finding of Necessity

The proposed regulation does not require licensees to submit a report.