

**VETERINARY MEDICAL BOARD  
INITIAL STATEMENT OF REASONS**

**Hearing Date:** The Veterinary Medical Board ('Board') has not scheduled a hearing on the proposed changes. However, a hearing will be scheduled upon request by any interested party if the request is received no later than 15 days prior to the close of the written comment period.

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

**Sections Affected:** Title 16, Division 20, California Code of Regulations (CCR) §2039.5.

**Specific Purpose of each adoption, amendment, or repeal:**

**1. Problem being addressed:**

Under Penal Code §597.1, California law states that an animal control officer or humane officer may seize an animal when reasonably necessary to protect the safety of an animal or the public, but may not administer a controlled substance on his or her own authority to subdue wild or dangerous animals without consultation and direction from a licensed veterinarian.

In an emergency situation in the field, there are times when a licensed veterinarian is not always available for consultation when immediate action is needed. Additionally, controlled substances are generally kept in a central location and must be brought into the field, causing unnecessary and dangerous delays. If an animal cannot be subdued without a controlled substance on hand, it could jeopardize the safety and well-being of the animal, as well as the public. Furthermore, without the availability of drugs in an emergency, the only option an animal control or humane officer may have is to kill a potentially dangerous animal. Therefore, it is necessary that animal control officers and humane officers should receive Board approved training by a licensed veterinarian in order to be granted independent authority to administer controlled substances in emergency situations.

The regulations proposed in this rulemaking action would establish requirements for licensed veterinarians providing Board approved training to animal control and humane officers on the administration of tranquilizers containing a controlled substance. The intent is to provide minimum training and testing requirements that comply with the requirements set forth in §597.1(a)(2)(A) of the Penal Code. Compliance with the laws and regulations governing veterinary medicine serves to protect animal patients and promotes public safety throughout California.

**Statutory Authority for Rulemaking:** Business and Professions Code (BPC) §4808, Penal Code §597.1(a)(2)(A).

## **Background and Introduction:**

In accordance with the provisions of the Administrative Procedures Act, BPC §4808 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry into effect the provisions of Chapter 11 of Division 2 of the BPC.

Penal Code §597.1(a)(2)(A) authorizes the Board to approve tranquilizer administration training for animal control officers and humane officers, to be provided by California licensed veterinarians.

### **2. Purpose, Anticipated Benefit, and Rationale for this Regulatory Action:**

#### ***Adopt Section 2039.5 of Article 4 of Division 20 of Title 16 of the CCR***

##### Purpose:

The Board is proposing to adopt CCR §2039.5 concerning the inclusion of Board approved training for animal control officers and humane officers on the administration of tranquilizers containing a controlled substance.

CCR §2039.5 was developed in order to comply with the requirements set forth in section 597.1(a)(2)(A) of the Penal Code.

##### Anticipated Benefit/Rationale:

By providing specific requirements for training, animal control officers and humane officers can be properly trained and educated on tranquilizer administration in order to be granted independent authority to administer controlled substances in emergency situations.

The proposed regulations regarding Animal Control and Humane Officer Tranquilizer Administration Training were developed through a joint effort by representatives of the California Animal Control Directors Association, State Humane Association of California, and the California Veterinary Medical Association. Each section was carefully categorized to clarify the key areas that are required to be covered during the training. The intention was for the training requirements to be comprehensive and balance the concerns for public safety with input from all constituencies.

#### ***Section 2039.5 (a) of Article 4 of Division 20 of Title 16 of the CCR***

##### Purpose:

CCR section 2039.5 (a) outlines the training requirements provided for in Penal Code section 597.1 needed for licensed veterinarians to provide controlled substances tranquilizer administration training to animal control officers and humane officers.

Anticipated Benefit/Rationale:

The Board approved Animal Control and Humane Officer Tranquilizer Administration Training outlines sections of law that must be satisfied to meet requirements of training.

***Section 2039.5 (b) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection clarifies the terms “licensee” and “agency,” which are used throughout the section. “Licensees” refer to individuals who hold a current and valid license to practice veterinary medicine, issued by the Board, who are authorized to provide tranquilizer administration training to animal control officers and humane officers. “Agency” refers to the organization or public entity employing the animal control or humane officer.

Anticipated Benefit/Rationale:

The Board approved training must be provided by a California licensed veterinarian in good standing because the Board only has jurisdiction over veterinarians licensed in California. Therefore, all veterinarians practicing in California and those animal control officers or humane officers employed to perform controlled substance tranquilization services under the California licensed veterinarian must comply with California laws and regulations.

The California licensed veterinarian providing the Board approved training is required to cover all requirements in CCR section 2039.5, as each subsection has been determined by the Board as essential to providing controlled substances tranquilizer administration training.

Animal control officers and humane officers must be employed by an Agency in order to receive Board approved controlled substances tranquilizer administration training by a California licensed veterinarian.

***Section 2039.5 (c) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection requires a minimum of four hours of training provided by a licensee, including didactic and hands-on training.

Anticipated Benefit/Rationale:

A minimum of four hours of didactic and hands-on training is required to give animal control officers and humane officers the opportunity to ask questions, experience live demonstration, and practice what they have learned in their lessons in front of a licensed veterinarian. This also provides the opportunity for the licensed veterinarian as trainer to evaluate the practice of

tranquilizer administration training and provide constructive criticism for areas needing improvement.

The type of drugs that are covered by the regulations can have serious consequences for animals if they are administered correctly. Didactic training is required to provide the animal control officer or humane officer with the information about the drugs and their uses, and hands-on training is also required in order for the animal control officer or humane officer to demonstrate their competence in using them. Four hours was deemed to be the minimum training time that would be enough to adequately cover the material.

***Section 2039.5 (d) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection outlines the required components of controlled substances tranquilizer administration training as approved by the Board.

The training components outlined in this subsection include: what information must be learned about each controlled substance authorized by the agency, schedules, classifications, and hazards of controlled substances, SDS, advantages and disadvantages of various routes and methods of administration, calculating proper dosages, overdose or adverse drug reactions, normal and abnormal signs of behavior of a tranquilized animal, proper care and transport of a tranquilized animal, and identification when an animal requires veterinary care as a result of complications due to tranquilization.

Additionally, the training components include the review of applicable state and federal laws and regulations regarding controlled substances and the level of licensee supervision established by the agency for an animal control or humane officer to administer controlled substances.

Anticipated Benefit/Rationale:

The Board anticipates that this subsection will benefit licensed veterinarians by setting clear standards and expectations of the separate and distinct areas of training that must be covered.

***Section 2039.5 (d)(1) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

The animal control officer or humane officer will be trained on the definitions, weights and measures, and use of each and every controlled substance they are authorized to use by the agency.

Anticipated Benefit/Rationale:

It is anticipated that animal control officers and humane officers receiving this training will understand that they will not be authorized to use every controlled substance, but only those authorized by the agency and of which they have received training. While many drugs have a useful and legitimate medical purpose, not all drugs are appropriate for any given situation. For the purposes of animal tranquilization, animal control officers and humane officers will only be authorized to handle and administer specific schedules of drugs. Within those schedules of drugs, the licensed veterinarian may determine that only a few specific drugs are necessary to carry out the task at hand.

Drugs may be labeled in different units of measure and it is important to understand how they relate to one another in the event that one unit of measure must be converted to different unit of measure, i.e. 1 ml = 1 cc.

***Section 2039.5 (d)(2) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection requires controlled substances tranquilizer administration training to cover the various schedules and classifications of controlled substances and any hazards associated with exposure to the substances.

Anticipated Benefit/Rationale:

The Controlled Substance Act (CSA) establishes a statutory framework through which the federal government regulates the lawful use of controlled substances for legitimate medical, scientific, research, and industrial purposes, and prevents these substances from being diverted for illegal purposes. The State legislature must create drug laws that are in compliance with the CSA. State laws may be narrower than federal drug laws, but may not override them or be in conflict with them. Knowing State and Federal laws helps animal control officers and humane officers understand how to remain in compliance with State and Federal mandates in order to avoid penalties and/or criminal prosecution.

This subsection requires a clear understanding of the different schedules of drugs that controlled substances are classified under and the schedule of drugs they are authorized to use. The CSA assigns controlled substances to one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability. The order of the schedules reflects substances that are progressively less dangerous and addictive. The penalties for drug crimes typically depend on which schedule the drug falls into. By understanding that the penalties for the improper use of controlled substances vary depending on the schedule of drugs, it emphasizes the importance of being responsible when handling controlled substances to avoid hefty fines or prison time.

It is expected that animal control and humane officers will be able to understand what drug is a “controlled substance” and how they are scheduled in Federal Law. For the safety of animals and the public, animal control and humane officers should become familiar with the CSA and how it is regulated within their profession. Being unable to identify or demonstrate this understanding can be extremely dangerous, potentially causing harm or death to the animal and threatening public safety if the drugs are not handled or administered correctly. Additionally, it is important that animal control officers and humane officers are educated on State and Federal laws in order to avoid their own penalties or criminal prosecution.

***Section 2039.5 (d)(3) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

All controlled substances used by the agency and reviewed during the training must be accompanied by the appropriate Safety and Data Sheet (SDS). A SDS is a document that contains information on the potential hazards (health, fire, reactivity and environmental) and how to work safely with the chemical product. It also contains information on the use, storage, handling, and emergency procedures related to the hazards of the material. It is intended to tell what the hazards of the product are, how to use the product safely, what to expect if the recommendations are not followed, what to do if accidents occur, how to recognize symptoms of overexposure, and what to do if such incidents occur. Each SDS must be reviewed with the animal control officer and/or humane officer with procedures for handling or working with that substance in a safe manner.

Anticipated Benefit/Rationale:

An SDS is accompanied by each controlled substance reviewed during training because each SDS contains, among other information, a description of the chemical/substance/drug, safety precautions, and what to do in the event of exposure. Cal/OSHA requires that businesses maintain an SDS on all chemicals that are used or stored on premises and that the SDS documents are stored in a location that all employees can access. Cal/OSHA also requires employers to conduct training sessions for their employees including where the SDS documents are stored and how to read them.

Lastly, the animal control officer and humane officer must be able to demonstrate their ability to identify the correct bottles and containers that hold the controlled substances and be aware of expiration dates. Being able to read information on the bottle or container correctly is a vital step in ensuring that the appropriate drug and dosage is used.

***Section 2039.5 (d)(4) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

CCR section 2039.5 (d)(4) provides the basic level of understanding requirements for each drug and administration route available to the animal control or humane officer and for each species

that is likely to be tranquilized in the field. Specifically, this subsection outlines the basic level of understanding requirements in the following areas: a) common drug combinations/mixtures, b) factors that may affect the choice of the controlled substances to be administered and the appropriate dosage, c) equipment available to administer the controlled substances, and advantages and disadvantages of each method, and d) drug administration and the advantages and disadvantages of each route of administration.

Anticipated Benefit/Rationale:

The proposed language require training in various areas specifically relating to tranquilizer administration in order for animal control and humane officers to assess what drug is appropriate to administer in various situations and for a variety of species. Not all animal control situations are alike and individualizing the dosage based on a variety of factors is essential to preventing a negative outcome.

*The following are the anticipated benefits of each required area:*

**A) Common drug combinations/mixtures**

Purpose:

This subsection requires the animal control or humane officer to understand the advantages and disadvantages of drug combinations.

Anticipated Benefit/Rationale:

Each drug has its own set of properties, and by combining two or more drugs, the properties, and how the drugs react with an animal, can change. Administering one drug or a combination of drugs can create varying induction times, levels of sedation, and effectiveness, which is especially important during emergency situations where an animal may need tranquilization to protect itself or the safety of the public.

This knowledge helps ensure that animal control officers and humane officers understand that there are advantages and disadvantages of various combinations which can lead to altered or enhanced effects. Administering the correct combination of drugs serves to prevent any unnecessary harm or death to the animal.

**B) Factors that may affect the choice of the controlled substances to be administered and the appropriate dosage**

Purpose:

This subsection requires an understanding of how various factors may affect the choice of drug(s) and dosage used when administering a tranquilizer.

Anticipated Benefit/Rationale:

An animal control officer or humane officer may need to use a different controlled substance and/or level of sedation based on the situation and species. Each drug has its own set of properties and each has its own expected effects. The choice of drug used when administering a tranquilizer is partially dependent on the desired effect, but there are many other factors.

A weaker dosage may be needed to simply keep an animal calm during a thunder storm, compared with a situation in which an animal is injured, must be handled gently, and a stronger dosage would likely be needed in order to prevent an animal from moving excessively and furthering the injury.

Understanding various factors in choosing the correct sedation that each situation and species may require a different drug or combination of drugs serves to prevent an animal from undergoing a level of sedation under or beyond what is necessary and serves to protect the animal from any unnecessary harm.

***C) Equipment available to administer the controlled substances, and advantages and disadvantages of each method***

Purpose:

This subsection requires the tranquilizer administration training to cover the equipment available to administer drugs and the advantages and disadvantages of each method.

Anticipated Benefit/Rationale:

Animal control officers and humane officers must be familiar with syringes and darts used for delivery of controlled substances in order to know how to use them and to understand that each tool has a different carrying capacity. It is also important to understand the importance of maintaining sterility so as not to contaminate the syringe or dart and to minimize the chance of infection.

***D) drug administration and the advantages and disadvantages of each route of administration***

Purpose:

This subsection requires the tranquilizer administration training to include the advantages and disadvantages of each route of administration covered within the training.



Anticipated Benefit/Rationale:

The most appropriate method and route of administration when tranquilizing an animal is determined based on what is safest for the animal and officer, and the qualities of the drug. Animal control and humane officers must understand the advantages and disadvantages of each route of administration, how animals of different species may require a different method that is more appropriate, and they must understand any potential complications that come with each method and the route of drug administration. Animals of differing sizes and species may require certain methods and techniques for administering sedation. When performed correctly and appropriate to the situation, it should not result in harm or death to the animal.

***Section 2039.5 (d)(5) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection requires the tranquilizer administration training to cover how to calculate a drug dosage with the following considerations: the animal's weight, age, condition and temperament.

Anticipated Benefit/Rationale:

To be able to calculate the proper drug dosage, the animal control officer or humane officer must consider the following: the animal's weight, age, physical condition, and temperament. A variety of factors may cause drugs or combinations of drugs to react differently, potentially leading to adverse drug reactions or a drug overdose. For example, if an animal is malnourished or stressed, it will cause the drug to react differently than how it would with an animal in a healthy, relaxed state. An animal control officer must also be able to quickly determine the animal's weight, age, and condition prior to determining dosage. The proper dosage must then be adjusted based on this situation in order to safely tranquilize the animal.

It is important that animal control officers and humane officers understand the effects of the drugs and drug combinations based on a given situation in order to prevent complications due to tranquilization.

***Section 2039.5 (d)(6) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection requires training to cover signs of drug overdose or adverse drug reactions.

Anticipated Benefit:

The safety of the tranquilized animal is paramount, and there is always the potential for an animal to adversely react to the tranquilizer that has been administered. It is important to be able to recognize when an animal is showing signs of drug overdose or adverse drug reactions

to a tranquilizer in the event that emergency response care must be provided and the animal requires immediate veterinary care when complications arise.

***Section 2039.5 (d)(7) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

The proposed language covers normal and abnormal signs of behavior of an animal following the administration of a tranquilizer.

Anticipated Benefit/Rationale:

Different species of animals behave unlike one another, especially in a situation where the animal may be undergoing abnormal circumstances. Animal control officers and humane officers must be knowledgeable of what to expect after administering a tranquilizer to know if the tranquilization was performed correctly and in a manner that does not harm the animal.

By understanding what is normal or abnormal behavior in tranquilized animals, animal control officers and humane officers will be able to determine if the tranquilizer was administered correctly and that no corrections need to be made to the dosage. If an animal's health has been compromised, they will be aware of any behavioral cues that are outside of the expected outcome and recognize when to notify a veterinarian.

***Section 2039.5 (d)(8) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection requires training in the safe and proper transportation of animals that have been tranquilized.

Anticipated Benefit/Rationale:

Treatment and care of the animal must continue even after an animal has been tranquilized. Normal supportive care involves temperature control, maintaining an open airway, and protecting the eyes of the tranquilized animal. Being trained in each of these areas provides animal control officers and humane officers with the skills necessary to provide an animal with the proper care it needs while the animal is sedated.

Additionally, tranquilized animals should be transported safely, in a manner that avoids physical trauma and minimizes stress. Improper care of the animal during transportation could lead to new or worsening injuries or symptoms, which may require further and/or immediate medical attention. It is best to prevent or minimize harm as much as possible by providing protection and safety during transportation, until the animal may be seen by a licensed veterinarian.

**Section 2039.5 (d)(9) of Article 4 of Division 20 of Title 16 of the CCR**

Purpose:

This subsection requires training in the identification of signs when an animal's health has declined and requires veterinary care as a result of complications due to tranquilization.

Anticipated Benefit/Rationale:

Without a veterinarian present, animal control and humane officers are responsible for both the tranquilization of the animal and providing normal supportive care after the animal has been tranquilized. If the animal is not cared for after the tranquilization, the drugs administered may cause the health of the animal to decline or the animal may become deceased. Under tranquilization, an animal may not be able to sustain an appropriate temperature or breathe easily, and may not be able to protect its eyes from harm. An animal control officer must recognize these signs of distress and know when an animal requires veterinary care.

**Section 2039.5 (d)(10) of Article 4 of Division 20 of Title 16 of the CCR**

Purpose:

This subsection requires training in the review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.

Anticipated Benefit/Rationale:

It is important for animal control officers and humane officers to understand federal law, as well as state law. The Supremacy Clause is a clause within Article VI of the United States (U.S.) Constitution which dictates that federal law is the "supreme law of the land." It provides that federal law is the highest form of law in the U.S. legal system, and mandates that all state judges must follow federal law when a conflict arises between federal law and either a state constitution or state law of any state. Animal control officers will need to understand they are held to these higher order laws when pertaining to controlled substances and will be held liable for violations of these laws. Knowing these laws and regulations helps animal control officers and humane officers understand how to remain in compliance with state and federal mandates and avoid penalties and/or criminal prosecution.

***Possession / Administration***

By clearly listing each type of person authorized to possess and administer tranquilizers containing controlled substances, it prevents the controlled substances from unknowingly falling into the wrong hands. Animal control officers or humane officers could seriously injure or kill animal patients, the public, or themselves if they have not been properly trained to administer

tranquilizers containing a controlled substance. It makes clear that animal control officers or humane officers must have successfully completed the required training in order to receive authorization.

The authorization to possess and administer controlled substances shall only be granted to individuals who do not have a history of past controlled substance related criminal convictions or have not, at any time, had an application for DEA registration denied, revoked or surrendered. The controlled substances that an animal control officer or humane officer will be exposed to contain a high potential for abuse and also carry a high risk for diversion. Therefore, strict access must be granted to only those do not possess a history of controlled substance related criminal convictions and a denied, revoked, or surrendered DEA registration application status.

### ***Storage***

Schedule I drugs are too dangerous for the purposes of animal tranquilization and therefore, animal control officers and humane officers will only be authorized to handle controlled substances in Schedules II-V. Consequently, animal control officers and humane officers must understand how to properly store these drugs. Drug diversion is a prevalent issue that results in misuse of controlled substances other than their intended purpose by those not authorized to use them. Safety is the number one priority and the misuse of controlled substances can lead to permanent injury or illness, and even death. By understanding how to properly store controlled substances, it keeps the drugs safe and prevents them from being diverted.

### ***Tracking***

Every drop or pill must be accounted for in order to track scheduled drugs that have the risk of being diverted elsewhere to persons not authorized to use or possess them, and for purposes outside of the original intent. Animal control officers and humane officers must practice an in/out inventory, which manages each time a drug is checked out of the locked cabinet and every time a drug is returned back to the locked cabinet.

If there is a significant difference in the actual amount of drugs on hand versus the amount of drugs that were indicated on the log, it could be evidence of drug diversion. Per federal regulations, animal control officers and humane officers must notify the DEA and local police any time there is a significant loss. Failure to notify could be viewed as negligence or purposeful withholding of information and could result in penalties or criminal prosecution. To ensure accurate recordkeeping, corrections must be made to log entries any time there are measurement errors.

### ***Disposal***

Excess drugs must be placed in labeled containers and stored in an injection bottle, vial or ampule that is specifically used for that purpose and labeled as "Waste Controlled Substance." It is important that all drug containers are labeled in order to clearly separate them from drugs

that are still in use in order to eliminate confusion regarding the contents and their expiration date. Excess drugs cannot simply be thrown away because every drop or pill of controlled substances must be accounted for and should be disposed of properly, as not to make the drugs available to those not authorized to possess or administer them.

***Section 2039.5 (d)(11) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

CCR section 2039.5 (d)(11) includes the requirements regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency under Penal Code §597.1(a)(2) and CCR §§2032.1(a) and 2034(e) and (f).

Anticipated Benefit/Rationale:

Animal control officers and humane officers permitted to administer controlled substances must be directly or indirectly supervised by a California-licensed veterinarian. This level of supervision is determined by the supervising California-licensed veterinarian pursuant to Penal Code §597.1(a)(2) and CCR §§2032.1(a) and 2034(e) and (f).

Additionally, this section notes that each agency should clearly state within the agency's official policy the level of supervision provided to each animal control officer or humane officer permitted to administer controlled substances, or if the level of supervision will be determined on a case-by-case basis. This is important to document because once it has been documented, it becomes clear, not only to the animal control officer or humane officer and their supervisor, but also to other licensed veterinarians employed by the same animal health care facility who may be working above or alongside unlicensed staff persons who are authorized to administer controlled substances.

***Section 2039.5 (e) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection adds the requirement for the animal control or humane officer to complete an oral or written examination provided by the California licensed veterinarian, which covers the required curriculum and includes a practical component.

Anticipated Benefit/Rationale:

By administering an exam upon completion of the curriculum, it provides the opportunity for the animal control officer or humane officer to demonstrate what he/she has learned, and provides the opportunity for the California licensed veterinarian to evaluate the knowledge and skills of the animal control officer or humane officer with respect to controlled substances and appropriately determine the minimum level of competency to administer tranquilizers.

***Section 2039.5 (f) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

After successful completion of the examination, licensees are required to award the animal control officer or humane officer with a certificate as proof to the Board that they were able to sufficiently demonstrate their understanding and skills performing tranquilizer administration. The certificate will be non-transferable and will only be valid for four (4) years after it is issued. The agency will retain a copy of the certificate for six (6) years after it is issued. This ensures the animal control officer or humane officer receives updated training every four (4) years and that the agency has record of such training.

Anticipated Benefit/Rationale:

The signed certificate of training completion may serve as proof to veterinary staff and/or the public of an animal control officer or humane officer's authority to possess and administer controlled substances for the purposes of administering tranquilizers. It was decided that the certificate will be valid for four (4) years to align with two renewal cycles, as well as because it was determined that four years was an appropriate amount of time for an animal control officer or humane officer to retain the knowledge and skills obtained through training before needing to be retrained. The agency will retain a copy of the certificate for six years to align with three renewal cycles and to retain the record after the certificate expires for auditing purposes.

***Section 2039.5 (g) of Article 4 of Division 20 of Title 16 of the CCR***

Purpose:

This subsection requires that the licensee review and discuss any controlled substance that was not addressed in the original training.

Anticipated Benefit/Rationale:

After the initial tranquilizer administration training has been completed, the licensed veterinarian may determine that a new and/or different drug is more appropriate to carry out the required task to be performed by the animal control or humane officer. It is important to continue training on each new and/or different drug they will be authorized to use, as each drug has different properties and may have different effects, especially if used in combination with other drugs.

**Business Impact**

This regulation will not have a significant adverse economic impact on businesses. By adopting CCR §2039.5, the Board is establishing requirements to licensed veterinarians to provide controlled substances tranquilizer administration training.

## **Economic Impact Assessment**

This regulatory proposal will have the following effects:

It will not create or eliminate jobs within the State of California because the proposed regulations are requirements for any animal control or humane officer seeking the authority to independently administer controlled substances to subdue an animal while out in the field.

It will not create new business or eliminate existing businesses within the State of California because the proposed regulations affect animal control and humane officers only and place no requirements or restrictions upon businesses.

It will not affect the expansion of businesses currently doing business within the State of California because the proposed regulations affect animal control and humane officers only and place no requirements or restrictions upon businesses.

This regulatory proposal benefits the health and welfare of California residents because the proposal outlines requirements to licensed veterinarians of the Board approved controlled substances tranquilizer administration training for animal control officers and humane officers. This, in turn, provides increases protection to the health and welfare to the public by ensuring the Board's requirements for training are consistent.

This regulatory proposal is specific to providing guidance to the Board members, Administrative Law Judges and public of the Boards specific recommendations for each type of violation to the Veterinary Medicine Practice Act and has no impact on worker safety.

This regulatory proposal provides requirements to licensed veterinarians of the Board's approved tranquilizer administration training and does not affect the state's environment.

## **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment.

## **Consideration of Alternatives**

Pursuant to authority vested by BPC §§4808 and 4883 and to implement, interpret or make specific §597.1 of the Penal Code and the Board considered changes to CCR §2039.5.

No reasonable alternative to the regulatory proposal is available to the Board in administering its authority to implement, interpret or make specific the Penal Code. No reasonable alternative would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set for below are the alternatives which were considered and the reasons each alternative was rejected:

1. Not adopt the regulations. This alternative was rejected because it would not grant independent authority to possess and administer controlled substances to animal control officers and humane officers. Therefore, by not adopting the regulations, it would not provide additional protection from potential harm to animals and the public during emergency situations where immediate action is needed by the animal control officer or humane officer.
2. Adopt the regulations. Penal Code §597.1(a)(2)(A) requires the Board to develop and approve a training program in the administration of tranquilizers to be provided by a licensed veterinarian. The Board has determined that this alternative is the most feasible because adopting the regulations allows the Board to remain in compliance with State mandates.