

Veterinary Medical Board

Statement of Explanation for Section 100 Filing

California Code of Regulations
Title 16, Division 20, Article 4

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the California Code of Regulations (CCR), the Veterinary Medical Board (Board) hereby submits this written statement explaining why the proposed amendments of Section 2039 of Title 16 of the CCR do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Subject to the approval of the Office of Administrative Law, the Board proposes the following amendments to Section 2039 of Title 16 of the CCR:

1. Replace “California Animal Control Directors Association and the State Humane Association of California” with “California Animal Welfare Association”

The Board proposes to replace both instances of “California Animal Control Directors Association and the State Humane Association of California” with “California Animal Welfare Association” to reflect the corporate merger of those two entities and the new name of the resulting entity. (Background information and documentation supporting this merger can be found in the Board’s April 22-23, 2021 meeting materials [available at https://vmb.ca.gov/meetings/materials/20210422_23_8b_cawa_name_change.pdf – also attached] and at the California Animal Welfare Association’s website [<https://www.calanimals.org/history-and-mission>]).

These changes are without regulatory effect because they only update cross-references to an entity and do not alter the meaning of the regulation.

2. Lowercase the “c” in “Code”

In subsection (a), the Board proposes to lowercase the “c” in “Code” to conform to Section 2002, which provides “the term “code” means the Business and Professions Code.”

This change is without regulatory effect because it is purely grammatical in nature and does not alter the meaning of the regulation.

3. Add a serial comma

In subsection (a), the Board proposes to insert a comma behind “homeless” to match the use of serial commas in subsection (b).

This change is without regulatory effect because it is purely grammatical in nature and does not alter the meaning of the regulation.



MEMORANDUM

DATE	April 1, 2021
TO	Veterinary Medical Board (Board)
FROM	Jessica Sieferman, Executive Officer
SUBJECT	Agenda Item 8B. Section 2039, Article 4, Division 20, Title 16 of the CCR Regarding Sodium Pentobarbital/Euthanasia Training

Background

California Code of Regulations (CCR), title 16, section 2039 outlines training requirements for animal control shelter and humane society employees to administer sodium pentobarbital for euthanasia. The regulation references a publication and training by the California Animal Control Directors Association and the State Humane Association of California. However, in May 2018, the two associations merged to form the California Animal Welfare Association (CAWA). CAWA submitted a request for the Board to update the regulation to reflect this merger.

Board staff recommends the Board pursue a Section 100 rulemaking to reflect the updated name. Pursuant to CCR, title 1, section [100](#), the Board is authorized to add to, revise, or delete regulatory text without complying with the usual rulemaking procedure under Article 5 of the Administrative Procedure Act if the change does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Action Requested:

If the Board agrees with the attached regulatory proposal, please entertain a motion to approve the amendments to CCR, title 16, section 2039 and direct the Executive Officer to take all steps necessary to initiate the section 100 rulemaking process, make any technical or non-substantive changes to the rulemaking package, and adopt the proposed regulatory changes.

Attachments:

1. Proposed Amendments to CCR, Title 16, Section 2039
2. CAWA Support Letter, dated January 6, 2021

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

UPDATING SODIUM PENTOBARBITAL/EUTHANASIA TRAINING TO REFLECT
MERGER OF CALIFORNIA ANIMAL CONTROL DIRECTORS ASSOCIATION AND
THE STATE HUMANE ASSOCIATION OF CALIFORNIA

PROPOSED LANGUAGE

Changes to the regulatory language are shown in ~~single strikethrough~~ for deleted text and single underline for added text.

Amend Section 2039 of Article 4 of Division 20 of Title 16 of the California Code of Regulations as follows:

(a) In accordance with section 4827(d) of the Code, an employee of an animal control shelter or humane society and its agencies who is not a veterinarian or registered veterinary technician (RVT) shall be deemed to have received proper training to administer, without the presence of a veterinarian, sodium pentobarbital for euthanasia of sick, injured, homeless, or unwanted domestic pets or animals if the person has completed a curriculum of at least eight (8) hours as specified in the publication by the ~~California Animal Control Directors Association and the State Humane Association of California~~ California Animal Welfare Association entitled "Euthanasia Training Curriculum" dated October 24, 1997, that includes the following subjects:

- (1) History and reasons for euthanasia
 - (2) Humane animal restraint techniques
 - (3) Sodium pentobarbital injection methods and procedures
 - (4) Verification of death
 - (5) Safety training and stress management for personnel
 - (6) Record keeping and regulation compliance for sodium pentobarbital
- At least five (5) hours of the curriculum shall consist of hands-on training in humane animal restraint techniques and sodium pentobarbital injection procedures.

(b) The training curriculum shall be provided by a veterinarian, an RVT, or an individual who has been certified by the ~~California Animal Control Directors Association and the State Humane Association of California~~ California Animal Welfare Association to train persons in the humane use of sodium pentobarbital as specified in their publication entitled "Criteria for Certification of Animal Euthanasia Instructors in the State of California" dated September 1, 1997.



California Animal Welfare Association

Promoting Excellence in Animal Care, Sheltering, and Law Enforcement since 1909

January 6, 2021

Jessica Sieferman, Executive Officer
California Veterinary Medical Board
1747 N. Market Blvd, Ste. 230
Sacramento, CA 95834

RE: Requested changes to CCR Title 16 Section 2039

Dear Ms. Sieferman,

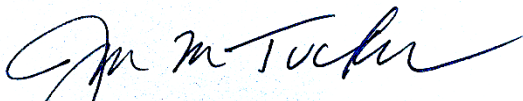
The California Animal Welfare Association (“CalAnimals”) is the result of a corporate merger that took place between the State Humane Association of California (SHAC) and the California Animal Control Director’s Association (CACDA) filed by the Secretary of State on May 7, 2018. The State Humane Association of California is the surviving entity, now doing business as the California Animal Welfare Association.

Throughout California law, there were several references to both SHAC and CACDA that have now been replaced with “California Animal Welfare Association.” For consistency, we are now requesting an update to the California Code of Regulations, Title 16, Section 2039 “Sodium Pentobarbital/Euthanasia Training. Both sections (a) and (b) refer to “California Animal Control Directors Association and the State Humane Association of California.” We would like this to be replaced with “California Animal Welfare Association.” Both documents of reference have been updated to reflect the name “California Animal Welfare Association.” No other changes were made to those documents.

We are including a copy of our filed “Agreement of Merger” with this letter.

Please don’t hesitate to contact me with any questions. I can be reached at 805-214-6200 or jill@calanimals.org. We greatly appreciate your assistance.

Best wishes,



Jill Tucker, CAWA
CEO

CALIFORNIA ANIMAL WELFARE ASSOCIATION

PO Box 249

PENN VALLEY, CA 95946

510-525-2744 * INFO@CALANIMALS.ORG * WWW.CALANIMALS.ORG

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Agreement of Merger

FILED
Secretary of State
State of California

MAY 07 2018

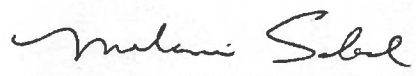
This Agreement of Merger is entered into between State Humane Association of California, a California Nonprofit Public Benefit corporation (herein "Surviving Corporation") and California Animal Control Directors Association, Inc., a California Nonprofit Public Benefit corporation (herein "Merging Corporation").

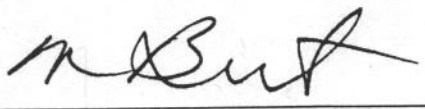
1. Merging Corporation shall be merged into Surviving Corporation.
2. Each membership of Merging Corporation shall convert into a membership of Surviving Corporation.
3. Merging Corporation shall from time to time, as and when requested by Surviving Corporation, execute and deliver all such documents and instruments and take all such action necessary or desirable to evidence or carry out this merger.
4. The effect of the merger and the effective date of the merger are as prescribed by law.

IN WITNESS WHEREOF the parties have executed this Agreement.

By: California Animal Control Directors Association, Inc.

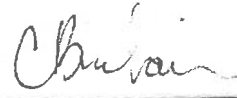
By: State Humane Association of California

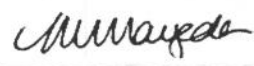




Name: Melanie Sobel
Title: President, Board of Directors
Date: March 8, 2018

Madeline Bernstein
Title: President, Board of Directors
Date: March 5, 2018





Name: Cindy Burnham
Title: Secretary, Board of Directors
Date: March 8, 2018

Marcia Mayeda
Title: Secretary, Board of Directors
Date: March 5, 2018

Certificate of Approval of Agreement of Merger

Madeline Bernstein and Marcia Mayeda certify that:

1. They are the president and the secretary, respectively, of State Humane Association of California (SHAC), a California Nonprofit Public Benefit corporation.
2. Per its Bylaws, SHAC does not have any voting members within the meaning of Section 5056 of the Corporations Code.
3. The principal terms of the Agreement of Merger in the form attached were duly approved by the board of directors and by the required vote of the Board of Directors of the corporation.
4. No other approvals are required.
5. The Attorney General of the State of California has been given notice of the merger.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: March 5, 2018



Name: Madeline Bernstein
Title: President, Board of Directors



Name: Marcia Mayeda
Title: Secretary, Board of Directors


Certificate of Approval of Agreement of Merger

Melanie Sobel and Cynthia Burnham certify that:

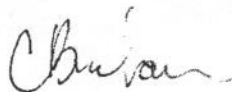
1. They are the president and the secretary, respectively, of California Animal Control Directors Association, Inc. (CACDA), a California Nonprofit Public Benefit corporation.
2. Per its Bylaws, CACDA does not have any voting members within the meaning of Section 5056 of the Corporations Code.
3. The principal terms of the Agreement of Merger in the form attached were duly approved by the board of directors and by the required vote of the Board of Directors of the corporation.
4. No other approvals are required.
5. The Attorney General of the State of California has been given notice of the merger.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: March 8, 2018



Name: Melanie Sobel
Title: President, Board of Directors



Name: Cynthia Burnham
Title: Secretary, Board of Directors