



MEMORANDUM

DATE	July 10, 2020
TO	Veterinary Medical Board
FROM	Jessica Siefertman, Executive Officer
SUBJECT	Agenda Item 8. Update, Discussion, and Possible Action on 2019-2020 Legislation

Legislation is amended, statuses are updated, and analyses are added frequently; thus, hyperlinks, identified in [blue, underlined text](#), are provided throughout this document to ensure members and the public have access to the most up-to-date information. The information below was based on legislation, statuses, and analyses (if any) publicly available on [July 9, 2020](#). Amendments since the last Board meeting are discussed in the bill summaries in *blue, italicized text*.

**A. AB [2028](#) (Aguiar-Curry, 2020) State agencies: meetings
 Amended July 8, 2020**

Status: Senate: Governmental Organization Committee
 Hearing Date: July 14, 2020¹

Analysis: [06/08/20- Assembly Floor Analysis](#)
[05/31/20- Assembly Appropriations](#)
[05/11/20- Assembly Governmental Organization](#)

Board Position: **Oppose, Unless Amended**

Summary: This bill, except for closed sessions, would require public meeting notices to include all writings or materials provided for the noticed meeting to a member of the state body by staff of that state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. The bill would *generally* require these writings and materials to be made available on the *state body's website no later than the first business day after* they are *disseminated* to members of the state body or at least 48 hours in advance of the meeting, whichever is *earlier, and to be provided immediately upon written request. If the writings or materials are provided to the members of the state body by another state body after this 48-hour deadline, the bill*

¹ This hearing date is current as of July 9, 2020. However, due to recent COVID positives, the State Legislature has closed and will not reconvene until July 27, 2020. For updated hearing information, please click on the status hyperlink above.

would require that the materials be posted on the body's website no later than the first business day following dissemination to the members, but prior to the meeting of the state body, and made available immediately upon written request. The bill would except writings or materials relating to matters to be discussed in a closed session *and state financial materials, as defined, that put the Treasurer at a competitive disadvantage in financial transactions from its requirements.* The bill would authorize a state body to post and provide additional time-sensitive materials related to certain active legislation, as specified, *and changing financial market conditions as they become available, as specified.* Upon receipt of a written request, *the bill would require that these writings or materials be provided immediately.*

Staff Comments: On July 2, 2020, the Board took an oppose, unless amended position on the bill and requested amendments to change “provided” to “prepared” by staff, make exceptions for non-ADA compliant materials, and allow removal of outdated materials and set a timeframe for removing older meeting materials in order to avoid confusion. Just as the Board’s position letter was finalized, the bill was amended on July 8, 2020.

The July 8 amendments removed the requirement to indefinitely post materials. However, the other concerns remain. In addition, the Executive Committee has identified concerns with the new language in Government Code section 11125, subdivision (c)(2)(B), applicable to documents provided to members of one state body from another state body:

(B) Any writings or materials provided to the members of the state body by another state body after the time periods described in subparagraph (A) have passed shall be posted on the body's internet website no later than the first business day, but prior to the meeting of the state body, following the dissemination of the writings and materials to the members of the state body. Upon receipt of a written request, these writings or materials shall be provided immediately. A state body that satisfies the requirements of this subparagraph may discuss these writings and materials at an otherwise properly noticed meeting.

The new language is confusing as it appears the state agency could post these materials on the first business day after dissemination of the materials to the state agency members. However, the provision includes a caveat that those materials must be posted in advance of the meeting. This provision is problematic because it would limit the Board’s ability to consider meeting materials presented to the Board during Board discussion and hamper Board efficiency to address and resolve issues critical to the management of the Board.

The Board’s position letter is attached for review.

B. SB 627 (Galqiani, 2019) Cannabis and cannabis products: medicinal use on an animal: veterinary medicine

Status: Assembly Appropriations; Pulled from 08/21/19 hearing at the request of author

Analysis: [07/05/19 – Assembly Business and Professions Committee](#)
[05/18/19 – Senate Floor Analyses](#)
[05/03/19 – Senate Appropriations Committee](#)
[05/02/19 – Senate Business, Professions, and Economic Development Committee](#)

Board Position: **Support if Amended**

Summary: SB 627, among other things, would authorize veterinarians to recommend medicinal cannabis or medicinal cannabis products for use on animal patients. It also would require the Board, on or before January 1, 2022, to adopt guidelines for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship. The Board would be required to report to the Legislature on January 1, 2021, and every six months thereafter, on the status and progress of developing the guidelines.

Staff Comments: During the April 2019 meeting, the Board opposed this bill but acknowledged that cannabis and cannabis products may have potential health benefits to animals. However, there is still a significant need for funding for cannabis research so that veterinarians and the public are informed on the possible efficacious use of cannabis to treat animals and ensure the full protection of consumers and their animals. While other medications and dangerous drugs have been provided to animal patients without significant research, those were not previously identified as Schedule I Controlled Substances, as is cannabis.

In the [Assembly Business and Professions Committee analysis of SB 627](#), multiple policy issues and recommended amendments were identified, many mirroring the Board's concerns, including the lack of research and necessary funding for the research. In addition, one of the amendments removed the Board's reporting requirement to the Legislature and replaced it with a 2022 deadline for adopting recommendation guidelines.

During the July 9, 2019 Assembly Business and Professions Committee hearing, the author's office accepted all amendments in the Committee analysis, the Chair provided a "Do Pass" recommendation, and the bill passed out of Committee to the Assembly Appropriations Committee.

Although the Committee analysis specifically raised concerns about the lack of research and funding for said research, there were no proposed amendments in the analysis to address the concerns. Shortly after the July 9, 2019 hearing, Committee staff requested the Board's EO and legal counsel draft language that would address the concerns for the author's consideration (attached). Committee staff also forwarded the language to the Assembly Appropriations Committee for consideration.

During the last Board meeting, the Board amended its “Oppose” position to “Support if Amended” with the hopes of securing funding for necessary research. Shortly after sending its position letter, the Board was notified the author’s office pulled the bill from hearing in the Assembly Appropriations Committee. At that time, the author expressed interest in working with the Board to address the Board’s concerns.

At the Board’s January 30, 2020 meeting, the bill’s sponsor, Lovingly and Legally, updated the Board they were working to amend the bill to prohibit animal cannabis product sales at recreational cannabis facilities. The sponsor urged the Board to support this restriction for protection of the animal patients and alert the author of the Board’s position. The sponsor also is urging funding for animal medicinal cannabis research.

During the Board’s May 14, 2020 meeting, the Board discussed the August 13, 2019 amendment that allowed cannabis for animal patients to be dispensed in medical and retail dispensaries. Concerns were raised during public comment regarding this amendment and the Board ultimately decided to maintain it’s “Support if Amended” position and added a request to authorize only medicinal cannabis dispensaries to dispense cannabis products for use on animals.

C. [SB 1115](#) (Wilk, 2020) Commercial blood banks for animals: animal blood donors

Status: In Committee: Assembly Agriculture

Analysis: [06/07/20- Senate Appropriations](#)
[05/12/20- Senate Agriculture](#)

Board Position: **Watch**

Summary: This bill is similar to SB 202 (Wilk, 2019), which was vetoed by the Governor. This bill, among other things, would modify the definition of a commercial blood bank for animals to limit the definition to establishments that collect blood from “community-sourced” animals, as defined, that are brought by their owners to the commercial blood bank for animals to have their blood collected. The bill would exclude from the definition of a commercial blood bank for animals establishments that collect blood from “captive closed-colony” animals that are kept, housed, or maintained for the purpose of collecting their blood. By modifying the definition of a commercial blood bank for animals in this manner, the bill would prohibit the use of captive closed-colony animals at a commercial blood bank for animals.

The May 20, 2020 amendment made the modification of the definition of a commercial blood bank for animals operative 3 years after the date that CDFA determines that an equivalent supply of blood sold in California from captive closed-colony blood banks for animals during the years 2018-2019, inclusive, is being produced over an equivalent time period from community-sourced blood banks for animals. The bill would define “indirect supervision” to have the same meaning as in specified regulations and would make certain related changes.

The bill was amended on June 18, 2020 to increase the license application and renew fee from \$250 to \$1,000 and would also authorize the fees to be increased by the secretary in an amount not to exceed the reasonable regulatory costs in administering these provisions.

During the July 2, 2020 Board meeting, the Board decided to maintain its watch position and write a letter of concern to the author. The Board believes the CDFA should look at the quantity and type of blood products being produced rather than just the blood supply. In addition, the Board would like CDFA to evaluate whether the community blood banks are meeting the current demand for the blood and blood products. Further, the Board believes records held by CDFA should also be made available to state or local agencies with jurisdiction over any matter covered by the chapter.

The Board's letter of concern is attached for review.

D. [SB 1347](#) (Galgiani, 2020) Veterinary medicine: authorized care and registration

Status: In Committee: Assembly Business and Professions

Hearing Date: July 16, 2020²

Analysis: [06/10/20- Senate Floor](#)
[05/17/20- Senate Business, Professions and Economic Development](#)

Board Position: **Oppose, Unless Amended**

Summary: Existing law exempts a person from Board licensure when the person engages in specified acts of veterinary care for an animal, including, among other acts, administering sodium pentobarbital for the euthanasia of sick, injured, homeless, or unwanted domestic pets or animals without the presence of a veterinarian when the person is an employee of an animal control shelter and its agencies or humane society and has received proper training in the administration of sodium pentobarbital for these purposes.

This bill would expand this exception to include officers, employees, and volunteers of a shelter and would expand the types of veterinary care that may be provided pursuant to these provisions to include, but not be limited to, the administration of preventative or prophylactic nonprescription vaccinations, pursuant to written protocols, to prevent the spread of communicable disease. The bill would require a shelter engaging in these exempted acts of veterinary care to maintain records of the care, as provided.

The bill would preclude these exemptions from being construed to relieve a duly authorized officer of a shelter from the obligation to convey an injured animal to a veterinarian as specified or as otherwise necessary to provide the animal with the veterinary care that the shelter is unable to perform in accordance with the

² This hearing date is current as of July 9, 2020. However, due to recent COVID positives, the State Legislature has closed and will not reconvene until July 27, 2020. For updated hearing information, please click on the status hyperlink above.

exempted acts of veterinary care. The bill would exempt a person from licensure and specified requirements on licensees when engaging in specified acts of veterinary care.

Existing law also requires all premises, as defined, where veterinary medicine, dentistry, or surgery, or the various branches thereof, is being practiced to register with the Board. This bill would, notwithstanding any law, exempt from the registration requirement any premises where the above-described exempted acts of veterinary care are performed, if no other veterinary medicine, dentistry, or surgery, or a branch thereof, is practiced at that premises.

Staff Comments: The Board opposed this bill during the May 14, 2020 meeting, for reasons discussed [here](#). The amendments would require shelter employees to follow written protocols by a veterinarian licensed in the state and require a veterinarian examination prior to shelter employees changing bandages or dressings and providing wound care.

However, many concerns the Board discussed remain, such as the overly broad definition of “First aid,” whether declared non-profit organizations, which may only be individuals hoarding animals, could perform the veterinary care without a license, and the lack of veterinarian oversight of the shelter facilities. Without veterinarian supervision, an RVT could not be employed at the shelter. (See BPC § 4840.) Accordingly, the lack of veterinarian supervision in the bill would result in no licensed or registered veterinary professional providing the veterinary services to shelter animals.

Further, the bill does not provide oversight authority of any state agency over the shelter facility to ensure compliance with the provisions of the bill or to maintain sanitary conditions at the facility. Accordingly, if a consumer were to file a complaint with the Board alleging their animal was harmed by an unlicensed individual who performed services outlined in this bill at an unregistered shelter, neither the Board nor other state or local agency would have jurisdiction over the complaint.

During the July 2, 2020 Board meeting, the Board approved amendments to SB 1347 proposed by the California Veterinary Medical Association (CVMA). The amendments create a limited veterinary premises registration requirement for public animal shelters, shelters operated by a society for the prevention of cruelty to animals, or humane society that offers the following limited veterinary services pursuant to protocols written by a licensee manager or California licensed veterinarian of record:

- Administering preventative or prophylactic nonprescription vaccinations;
- Administering nonprescription medications; and
- Administering medication prescribed by a California licensed veterinarian.

CVMA’s proposal would provide Board oversight, establish a limited premise registration fee, require defined training to perform the limited veterinary services,

and require the limited veterinary premises to maintain clean and sanitary conditions, written records, and client and patient confidentiality.

The Board's position letter is attached.

Attachments:

1. Board's AB 2028 Oppose, Unless Amended Position Letter
2. Board's SB 1115 Letter of Concern
3. Board's SB 1347 Oppose, Unless Amended Position Letter



July 10, 2020

Honorable Cecilia M. Aguiar-Curry
California State Assembly
State Capitol, Room 5144
Sacramento, California 95814

Re: Assembly Bill (AB) 2028 (Aguiar-Curry, 2020) – OPPOSE UNLESS AMENDED

Dear Assembly Member Aguiar-Curry:

As stated in its May 22, 2020 opposition letter, the Veterinary Medical Board (Board) strongly supports transparency and the need for public participation and oversight of state entities. The Board met on July 2, 2020, and discussed the bill, as amended on June 4, 2020. The Board appreciates the June 4 amendments, as they alleviated many of the Board's concerns. However, AB 2028 will still negatively impact the Board's ability to adequately and efficiently protect California consumers and animals. Therefore, the Board respectfully opposes AB 2028, unless amended.

The Board requests the following amendments:

1. Section 11125, subdivision (c)(1), change "provided" to "prepared" as follows:

Any notice provided pursuant to subdivision (a) shall include all writings or materials ~~provided~~ prepared for the noticed meeting to a member of the state body by the staff of that state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting. A state body may distribute or discuss writings or materials only to the extent that it has complied with the applicable requirements of this subdivision.

This change should also be reflected in the intent language of the bill in Section 1, subdivision (e). Reducing the amount of time required to post materials from 10 days to 48 hours is a significant improvement. However, the bill still would require materials provided by staff to Board members be posted 48 hours before the meeting; thus, it appears documents prepared by outside parties that are submitted to Board staff for provision to members must be posted 48 hours prior to the meeting for the materials to be considered by the Board. This would limit the Board's ability to consider written public comments and other essential information prepared by outside parties.

For example, during the Board's June 4, 2020 videoconference meeting, an attorney for a petitioner emailed to the EO the petitioner's exhibits to be entered into evidence. The EO then provided those documents to the Board members. The Board used those documents to ask additional questions of the petitioner during open session and were essential to the Board's deliberation in closed session. Although those documents were prepared by another party, Board staff provided them to the Board members. Thus, this bill would have prohibited the Board from discussing them.

2. Add an exception for non-ADA compliant materials prepared by third parties

The Board can no longer post on its website documents that are not compliant with the Americans with Disabilities Act (ADA). Many documents prepared by outside parties, including petitions with handwritten notations are not ADA compliant and would take a considerable amount of resources to make them compliant for posting. Some documents may never be made compliant due to illegible notations. Therefore, the Board would not be able to post them to its website. If this bill were to pass, the Board would not be able to discuss petitions (or any other materials) that cannot be made, or would take too many resources to make, ADA compliant.

3. Allow removal of outdated materials and set a timeframe for removing older meeting materials

The Board reviewed the June 4, 2020 amendments to the bill and expressed concern that the bill would prohibit the Board from removing any Board materials ever posted on its website. Requiring boards to maintain indefinitely all meeting materials on their websites, including meeting materials that may initially be posted but are subsequently revised or corrected, will lead to multiple versions of the same materials and cause significant confusion for consumers and practitioners. However, it appears the July 8, 2020 amendments resolve this concern.

4. Delete Government Code Section 11125, subdivision (c)(2)(B)

Although the Board did not discuss the July 8, 2020 amendments to the bill at the July 2, 2020 Board meeting, the Board's Executive Committee has identified concerns with the new language in Government Code section 11125, subdivision (c)(2)(B), applicable to documents provided to members of one state body from another state body. The new language is confusing as it appears the state agency could post these materials on the first business day after dissemination of the materials to the state agency members. However, the provision includes a caveat that those materials must be posted in advance of the meeting. This provision is problematic because it would limit the Board's ability to consider meeting materials presented to the Board during Board discussion and hamper Board efficiency to address and resolve issues critical to the management of the Board.

For example, during the Board's October 9-11, 2019 meeting, the Board discussed raising the regulatory fees to the statutory caps. As part of that discussion, the Board requested the Department of Consumer Affairs' Budget Office prepare additional calculations for Board consideration during a later portion of the meeting. The Budget Office prepared written materials with the new calculations and submitted them to staff, who then provided the materials to the Board members during the meeting. If this bill were to pass as written, the Board would not be able to consider those materials, because they were not posted 48 hours prior to the meeting. Having to delay Board discussion to the next meeting on emergency fee regulations because Budget Office documents were not posted 48 hours before the meeting would negatively impact Board efficiency and necessary action to address significant budget shortfalls.

To resolve these issues, the Board's Executive Committee recommends the bill be amended to delete Government Code section 11125, subdivision (c)(2)(B). If the bill is amended as discussed in item 1 above, to remove and replace "provided" with

“prepared,” there would be no need to carve out a special provision for the posting of state agency materials submitted to another state agency.

As previously stated, the Board strongly believes in transparency and public participation. The Board makes every reasonable effort to post materials as soon as they are available, but without the amendments described above, AB 2028 ultimately may exclude public participation. For these reasons, the Board opposes AB 2028 unless it is amended.

Sincerely,

Signature on File

Jaymie Noland, DVM, President
Veterinary Medical Board

Signature on File

Kathy Bowler, Vice-President
Veterinary Medical Board



July 10, 2020

The Honorable Scott Wilk
California State Senate
State Capitol, Room 3063
Sacramento, California 95814

Re: Senate Bill (SB) 1115 (Wilk, 2020) – Letter of Concern

Dear Senator Wilk:

Thank you for working with all stakeholders in the development of SB 1115. The Veterinary Medical Board (Board) regulates the largest population of veterinarians and registered veterinary technicians in the nation. Its mission is to protect consumers and animals by regulating licensees, promoting professional standards, and diligently enforcing the Veterinary Medicine Practice Act. Public protection is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public is paramount.

The Board is carefully watching the progress of SB 1115 and has not taken a position on the bill at this time. However, during the Board's July 2, 2020 Board meeting, the following concerns were raised:

- Sec 2, Section 9205, subdivision (b)(1):

Subdivision (a) shall become inoperative three years after the date that the department determines that an equivalent supply of blood sold in California from captive closed-colony blood banks for animals during the years 2018 to 2019, inclusive, is being produced over an equivalent time period from community-sourced blood banks for animals.

The Board believes the California Department of Food and Agriculture (CDFA) should also determine that equivalent blood products are also being produced. In addition, the CDFA should also evaluate whether the community-sourced blood banks are meeting the demand for blood and blood products to ensure availability of blood and blood products in California and whether the California consumer will be burdened by exorbitant additional costs (compared to 2018-19) to obtain blood and blood products prior to phasing out closed colonies.

- Sec 12, Section 9269, subdivision (d):

Records held by the department relating to this chapter shall be accessible to law enforcement officers with jurisdiction over any matter covered by this chapter.

The Board believes these records should also be accessible to "state or local agencies" that have jurisdiction. This amendment would ensure the Board or relevant local agency have access to CDFA's records for the purpose of investigating violations within their enforcement authority.

SB 1115 (Wilk, 2020) – Oppose
July 10, 2020
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Thank you for your consideration of these amendments.

Sincerely,

Signature on File

Jaymie Noland, DVM, President
Veterinary Medical Board

Signature on File

Kathy Bowler, Vice-President
Veterinary Medical Board



July 9, 2020

The Honorable Cathleen Galgiani
California State Senate
State Capitol, Room 5097
Sacramento, California 95814

Re: Senate Bill (SB) 1347 (Galgiani, 2020) – OPPOSE UNLESS AMENDED

Dear Senator Galgiani:

As stated in our May 22, 2020 letter, the Veterinary Medical Board (Board) appreciates your concern for California’s most vulnerable animal patients being held in animal shelters. The Board shares the same goal in protecting these animals. In addition, the Board appreciates the most recent amendments requiring shelter employees to follow written protocols by a veterinarian licensed in the state and requiring a veterinarian examination prior to shelter employees changing bandages or dressings and providing wound care. However, the Board remains concerned SB 1347 is too undefined and may result in significant harm to these animal patients. Therefore, the Board respectfully opposes this bill, unless amended, for the following reasons:

As SB 1347 is currently written, no agency, local or state, would have authority to enforce the provisions of this bill, which will place shelter animals in danger. The bill also would remove all requirements for veterinarian oversight to ensure safe and sanitary facility conditions. Existing law requires any facility, including animal shelters, to be registered with the Board if veterinary medicine, veterinary dentistry, veterinary surgery, or the various branches thereof is being practiced at the facility. (BPC § 4853.) Veterinary medicine is defined to include diagnosing or prescribing a drug, medicine, appliance, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal, except when administered under the direct or indirect supervision of a licensed veterinarian. (BPC § 4826, subd. (c).)

Beginning in 2015, the Board began discussion with shelter stakeholders, including the State Humane Association of California and the California Animal Control Director’s Association, and the California Veterinary Medical Association (CVMA) to address the difficulty the shelters reported in finding a licensed veterinarian to act as the licensee manager of the facility where veterinary medicine was practiced. On April 17, 2019, the Board adopted minimum standards for animal shelters to reduce the facility requirements otherwise required to be performed. At the time the Board approved those proposed regulations, the shelter stakeholders supported those proposed regulations.

According to the Senate Business, Professions and Economic Development Committee analysis, the California Animal Welfare Association (CalAnimals) is the sponsor of your bill. In the past year, CalAnimals (previously named the State Humane Association of California), under new lobbying efforts, has decided they do not want to follow the shelter minimum standards they previously supported and have launched their own campaign to

remove agency oversight into their practices. SB 1347 appears to reflect those efforts by exempting animal shelters from the Veterinary Medicine Practice Act, removing the existing requirements for a managing veterinarian to oversee the veterinary care provided to the shelter animals, and allowing untrained individuals to perform veterinary medical care without veterinarian supervision. The Board is unable to protect animals in shelters from inadequate veterinary care if there is no license holder that can be disciplined, and SB 1347 does not provide for any other agency oversight.

Under the exemptions in SB 1347, if a consumer were to file a complaint with the Board alleging their animal was harmed by an unlicensed individual who performed services outlined in this bill at an unregistered shelter, the Board would have no jurisdiction over the complaint. In addition, the bill does not provide oversight authority of any state agency over the shelter facility to ensure compliance with the provisions of the bill or to maintain sanitary conditions at the facility. While proponents of the bill may argue the local government agencies would have proper jurisdiction, the provisions of this bill are contained with the Board's Practice Act, which only the Board enforces.

In addition, the Board previously identified concerns regarding the overly broad definition of "first aid" and the lack of described training and documentation of such training, which may place animals in grave danger. Without clear definitions, "first aid" could be interpreted to include temporary stabilization of shock through oxygen administration using endotracheal intubation, IV catheter placement, IV fluids, and drug administration for the treatment of shock. While the recent amendments to the bill would require a licensed veterinarian to examine a patient prior to unlicensed individuals changing bandages or dressings and performing similar wound care, improper wound care can be dangerous if incorrectly applied or administered and should only be practiced with an appropriate degree of supervision by a licensed professional. The bill also does not require a licensed professional to determine when/if the animal would need to be transported to a veterinarian for treatment.

During its July 2, 2020 Board meeting, the Board reviewed the attached amendments proposed by the California Veterinary Medical Association (CVMA). The amendments create a limited veterinary premises registration requirement for public animal shelters, shelters operated by a society for the prevention of cruelty to animals, or humane society that offers the following limited veterinary services pursuant to protocols written by a licensee manager or California licensed veterinarian of record:

- Administering preventative or prophylactic nonprescription vaccinations;
- Administering nonprescription medications; and
- Administering medication prescribed by a California licensed veterinarian.

CVMA's proposal would provide Board oversight, establish a limited premise registration fee, provide a definition of the training necessary to perform the limited veterinary services, and require the limited veterinary premises to maintain clean and sanitary conditions, written records, and client and patient confidentiality.

CVMA's amendments alleviate many of the Board's concerns, and the Board could implement these amendments with minor and absorbable costs. For these reasons, all focused on protecting the health and safety of shelter animals, the Board opposes SB 1347, as currently written, unless amended.

As previously stated, the Board shares your goal in protecting shelter animals. The Board would like to work with you to address the concerns raised by the sponsors while still maintaining adequate protections for shelter animals.

Sincerely,

Signature on File

Jaymie Noland, DVM, President
Veterinary Medical Board

Signature on File

Kathy Bowler, Vice-President
Veterinary Medical Board

Attachment

cc: Assembly Member Evan Low, Chair, Assembly Business and Professions Committee
Assembly Business and Professions Committee
Patrick Le, Consultant, Assembly Business and Professions Committee
Bill Lewis, Assembly Republican Caucus
Kimberly Kirchmeyer, Director, Department of Consumer Affairs
Karen Lange, Lobbyist, CalAnimals/CAWA
Val Fenstermaker, Executive Director, CVMA

SB 1347**SECTION 1.**

Section 4853 of the Business and Professions Code is amended to read:

4853. (a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

(c) Every application for registration of veterinary premises shall set forth in the application the name of the responsible licensee manager who is to act for and on behalf of the licensed premises. Substitution of the responsible licensee manager may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) This section shall not apply to a public animal shelter, shelter operated by a society for the prevention of cruelty to animals, or humane society that offers only limited veterinary services and is registered pursuant to Section 4853.2.

SEC. 2

Section 4853.2 of the Business and Professions Code is added as follows:

4853.2. *(a) Except as required under section 4853, a public animal shelter, shelter operated by a society for the prevention of cruelty to animals, or humane society that offers only-limited veterinary services-shall be registered with the board in accordance with this section.*

(b) The owner(s) or operator(s) of the public animal shelter, shelter operated by a society for the prevention of cruelty to animals, or humane society shall submit a limited veterinary premises registration application to the board. The application shall set forth the name of each owner or operator of the shelter, including the type of corporate entity, if applicable, the name of the shelter, the name, address, and telephone number of the shelter or humane society administrator, and the name and license number of at least one of the following:

(1) The licensee manager in accordance with subdivision (c) of section 4853.

(2) The California licensed veterinarian of record.

(c) Substitution of the licensee manager or California licensed veterinarian of record may be accomplished by application to the board if the following conditions are met:

(1) The person substituted qualifies by presenting satisfactory evidence that he or she possesses a valid, unexpired, and unrevoked license as provided by this chapter and that the license is not currently under suspension.

(2) No circumvention of the law is contemplated by the substitution.

(d) A shelter or humane society registered pursuant to this section shall be in compliance with sections 4853.1, 4853.5, 4853.6, 4854, 4855, 4856, and 4857.

(e) The licensee manager or California licensed veterinarian of record shall have a contractual relationship with the registered shelter or humane society, shall maintain a reasonable physical presence at the shelter or humane society, and shall be regularly available for consultation.

(f) The operator or administrator shall ensure the premises and all individuals providing limited veterinary services are in compliance with this section.

(g) The California licensed veterinarian of record shall not be liable for the performance and actions of shelter or humane society staff and volunteers in cases where the California licensed veterinarian of record has no supervisory authority.

(h) This section does not authorize any person, corporation, or artificial legal entity, other than a California licensed veterinarian or a veterinary corporation practicing pursuant to Article 6 (commencing with Section 4910) of this chapter and the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), to furnish to any person or animal any diagnosis, or treatment within the scope of California veterinarian licensure under this chapter. This section does not authorize any person, other than a California licensed veterinarian within the scope of his or her license, to engage directly or indirectly in the practice of veterinary medicine, veterinary surgery, veterinary dentistry, and the various branches thereof in accordance with Section 4826. This section does not regulate, govern, or affect in any manner the practice of veterinary medicine, veterinary surgery, or veterinary dentistry by any person duly licensed to engage in such practice.

(i) The board shall not renew the limited veterinary premises registration if there is no licensee manager or California licensed veterinarian of record.

(j) The board may deny, suspend, or revoke the limited veterinary premises registration on the ground of the unlicensed practice of veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches.

(k) The board may, by regulation, adopt minimum standards for the provision of limited veterinary services.

(l) As used in this section:

(1) "Proper training" means a curriculum presented by a California licensed veterinarian of at least four hours that includes the following subjects:

- (A) Overview of intake procedures and preventive medicine.*
- (B) Recognizing when an animal must be seen by a veterinarian.*
- (C) Humane animal restraint techniques and vaccination injection methods and procedures.*
- (D) Administration of nonprescription and prescribed medications.*
- (E) Documentation without diagnosing.*
- (2) "Limited veterinary services"-means:*
- (A) Administering preventative or prophylactic nonprescription vaccinations to the animal pursuant to protocols written by the licensee manager or California licensed veterinarian of record, for purposes of preventing the spread of communicable diseases, without the presence of the veterinarian when the person administering the vaccinations has received proper training in the administration of the nonprescription preventative or prophylactic vaccinations.*
- (B) Administering nonprescription medications to the animal pursuant to protocols written by a the licensee manager or California licensed veterinarian of record, for the control or eradication of apparent or anticipated internal or external parasites, including, but not limited to, fleas, ticks, or worms, without the presence of the veterinarian when the person administering the nonprescription medications has received proper training in the administration of the nonprescription medications for the control or eradication of those internal or external parasites. A person's decision to administer these medications shall not be construed to mean the person has made a diagnosis of the animal's medical condition.*
- (C) Administering medication prescribed by a California licensed veterinarian to an animal when the shelter or humane society has received written instructions from the veterinarian and has a protocol in place for the tracking and storage of dispensed drugs. As used herein, "drug" shall mean any controlled substance, as defined by Section 4021, and any dangerous drug, as defined by Section 4022. Any individual administering a controlled substance or dangerous drug to an animal shall comply with the requirements of Section 4836.1.*

SEC. 3.

Section 4905 of the Business and Professions Code is amended to read:

4905. The following fees shall be collected by the board and shall be credited to the Veterinary Medical Board Contingent Fund:

- (a) The fee for filing an application for examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).
- (b) The fee for the California state board examination shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed three hundred fifty dollars (\$350).

- (c) The fee for the Veterinary Medicine Practice Act examination shall be set by the board in an amount it determines reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed one hundred dollars (\$100).
- (d) The initial license fee shall be set by the board not to exceed five hundred dollars (\$500) except that, if the license is issued less than one year before the date on which it will expire, then the fee shall be set by the board not to exceed two hundred fifty dollars (\$250). The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.
- (e) The renewal fee shall be set by the board for each biennial renewal period in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed five hundred dollars (\$500).
- (f) The temporary license fee shall be set by the board in an amount it determines is reasonably necessary to provide sufficient funds to carry out the purpose of this chapter, not to exceed two hundred fifty dollars (\$250).
- (g) The fee for filing an application for a university license shall be one hundred twenty-five dollars (\$125), which may be revised by the board in regulation but shall not exceed three hundred fifty dollars (\$350).
- (h) The initial license fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).
- (i) The biennial renewal fee for a university license shall be two hundred ninety dollars (\$290), which may be revised by the board in regulation but shall not exceed five hundred dollars (\$500).
- (j) The delinquency fee shall be set by the board, not to exceed fifty dollars (\$50).
- (k) The fee for issuance of a duplicate license is twenty-five dollars (\$25).
- (l) Any charge made for duplication or other services shall be set at the cost of rendering the service, except as specified in subdivision (k).
- (m) The fee for failure to report a change in the mailing address is twenty-five dollars (\$25).
- (n) The initial and annual renewal fees for registration of veterinary premises *or limited veterinary premises* shall be set by the board in an amount not to exceed four hundred dollars (\$400) annually.
- (o) If the money transferred from the Veterinary Medical Board Contingent Fund to the General Fund pursuant to the Budget Act of 1991 is redeposited into the Veterinary Medical Board Contingent Fund, the fees assessed by the board shall be reduced correspondingly. However, the reduction shall not be so great as to cause the Veterinary Medical Board Contingent Fund to have a reserve of less than three months of annual authorized board expenditures. The fees set by the board shall not result in a Veterinary Medical Board Contingent Fund reserve of more than 10 months of annual authorized board expenditures.

SECTION 4

~~Section 4827 of the Business and Professions Code is added as follows:~~

~~4827. (a) Nothing in this chapter or regulations adopted pursuant thereto prohibits any person from:~~

~~(1) Practicing veterinary medicine as a bona fide owner of one's own animals. This exemption applies to the following:~~

~~(A) The owner's bona fide employees.~~

~~(B) Any person assisting the owner, provided that the practice is performed gratuitously.~~

~~(2) Lay testing of poultry by the whole blood agglutination test. For purposes of this section, "poultry" means flocks of avian species maintained for food production, including, but not limited to, chickens, turkeys, and exotic fowl.~~

~~(3) Making any determination as to the status of pregnancy, sterility, or infertility upon livestock, equine, or food animals at the time an animal is being inseminated, providing no charge is made for this determination.~~

~~(4) (A) Providing necessary and prompt veterinary care to animals lawfully deposited with or impounded by a shelter. For purposes of this paragraph, "veterinary care" means any of the following:~~

~~(i) Administering preventative or prophylactic nonprescription vaccinations to the animal pursuant to protocols written by a veterinarian licensed in this state, for the purposes of preventing the spread of communicable diseases without the presence of a veterinarian when the person has received proper training in the administration of the nonprescription preventative or prophylactic vaccinations.~~

~~(ii) Administering nonprescription medications to the animal pursuant to protocols written by a veterinarian licensed in this state, for the control or eradication of apparent or anticipated internal or external parasites, including, but not limited to, fleas, ticks, or worms, without the presence of a veterinarian when the person has received proper training in the administration of the nonprescription medications for the control or eradication of those internal or external parasites. A person's decision to administer these medications shall not be construed to mean the person has made a diagnosis of the animal's medical condition.~~

~~(iii) Administering medication prescribed by a veterinarian licensed in the state to the animal without the presence of a veterinarian when the shelter has received a written treatment plan from the licensed veterinarian and has a dispensing protocol in place for the tracking of dispensed prescribed medication.~~

~~(iv) Administering basic first aid to the animal without the presence of a veterinarian when the person has received proper training in the administration of animal first aid.~~

~~(v) Changing of bandages or dressings, and performing similar wound care, after examination by a veterinarian licensed in this state, in accordance with the directions of the veterinarian, without the presence of a veterinarian when the shelter has received a written treatment plan from the licensed veterinarian and has a wound care protocol in place for the tracking of care provided. A person's decision to change bandages or dressings or to perform similar wound care shall not be construed to mean the person has made a diagnosis of the animal's medical condition.~~

~~(vi) Administering sodium pentobarbital for euthanasia of sick, injured, homeless, or surrendered domestic pets or animals without the presence of a veterinarian when the person is an employee of an animal control shelter and its agencies or humane society and has received proper training in the administration of sodium pentobarbital for these purposes.~~

~~(B) The exemptions described in this paragraph apply only to a duly authorized officer, employee, or volunteer of the shelter.~~

~~(C) The shelter shall maintain records of the veterinary care described in this paragraph in accordance with Section 32003 of the Food and Agricultural Code.~~

~~(D) Nothing in this paragraph shall be construed to relieve a duly authorized officer of a shelter from the obligation to convey an injured animal to a veterinarian if required by Section 597.1 of the Penal Code or as otherwise necessary to provide the animal with needed veterinary care that the shelter is unable to perform in accordance with this section.~~

~~(E) For purposes of this paragraph, the following definitions apply:~~

~~(i) "First aid" means temporary treatments for purposes of stabilizing an animal so the animal can be transported to a veterinarian for treatment or so that transportation to a veterinarian is not necessary. First aid includes, but is not limited to, controlling hemorrhage with direct pressure and bandaging wounds to stop bleeding.~~

~~(ii) "Shelter" means a public animal shelter, shelter operated by a society for the prevention of cruelty to animals, or humane society.~~

~~(b) Notwithstanding any law, a premises where any activity described in subdivision (a) is performed shall not, on that basis, be required to register with the board pursuant to Section 4853 or regulations adopted pursuant to this chapter.~~

SEC. 24.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.