



# MEMORANDUM

<b>DATE</b>	April 5, 2021
<b>TO</b>	Veterinary Medical Board (Board)
<b>FROM</b>	Jessica Siefertman, Executive Officer
<b>SUBJECT</b>	<b>Agenda Item 7. Update, Discussion, and Possible Action on 2021 Legislation</b>

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 [April 5, 2021](#).

**A. Assembly Bill (AB) [29](#) (Cooper, 2021) State bodies: meetings**

Status: Assembly Governmental Organization Committee; Hearing Date: 4/8/21  
Analyses:

Summary: This bill would require a state body meeting notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a 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 require those writings or materials to be made available on the state body’s internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Staff Comments: This bill is significantly similar to a prior version of AB [2028](#) (Aguilar-Curry, 2020), which died last legislative session. The Board took an Oppose, Unless Amended position, requesting amendments to change “provided” to “prepared” by staff, make exceptions for meeting materials not in compliance with Americans with Disabilities Act (ADA) requirements, and allow removal of outdated materials and set a timeframe for removing older meeting materials in order to avoid confusion.

Board staff remains concerned that this bill hinders public participation. Board staff often disseminates written public comments and materials received by the public in the days leading up to and the day of the Board meeting. If this bill were to pass as written, the Board would no longer be able to consider those written comments or materials provided by the public.

**B. [AB 54](#) (Kiley, 2021) COVID-19 emergency order violation: license revocation**

Status: Assembly Business and Professions Committee

Analyses:

Summary: This bill would prohibit DCA, a DCA board, and the Department of Alcoholic Beverage Control from revoking a license for failure to comply with any COVID-19 emergency orders, unless the department or board can prove that lack of compliance resulted in transmission of COVID-19.

**C. [AB 107](#) (Salas, 2021) Licensure: veterans and military spouses**

Status: Assembly Military and Veterans Affairs Committee

Analyses: Assembly Business and Professions Committee, 3/22/21

Summary: Existing law requires seven DCA programs, including the Board, to issue temporary licenses to military spouses and domestic partners after meeting minimum requirements. The Board is currently required to issue temporary veterinarian licenses. This bill would expand the requirement to issue temporary licenses to practice a profession or vocation to include licenses issued by any DCA board, except as provided. In effect, it would expand these temporary license requirements to all licenses, registrations, and permits issued by the Board.

The bill would require a board to issue these temporary licenses within 30 days of receiving the required documentation if the results of a criminal background check do not show grounds for denial. The bill would require, if necessary to implement the bill's provisions, a board to submit to DCA for approval draft regulations necessary to administer these provisions by June 15, 2022. The bill would exempt from these provisions a board that has a process in place by which an out-of-state licensed applicant in good standing who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States is able to receive expedited, temporary authorization to practice while meeting state-specific requirements for a period of at least one year.

This bill would require DCA to place a prominently displayed military licensure icon or hyperlink on the home page of its internet website that is linked to information about each occupational board or program for licensure or certification that it administers, along with additional information relating to the professional licensure of veterans, service members, and their spouses, as specified. The bill would require DCA to establish a specific gateway on its Military Member Resources page and hyperlinks to each board's military licensure data. The bill would require DCA to compile specified information on military, veteran, and spouse licensure into an annual report for the Legislature.

**D. AB 225 (Gray, 2021) Department of Consumer Affairs: boards: veterans: military spouses: licenses**

Status: Assembly Business and Professions Committee; Hearing Date: 4/6/21

Analyses: Assembly Business and Professions Committee, 4/2/21

Summary: Existing law requires seven DCA boards to issue temporary licenses to military spouses or domestic partners that expire 12 months after issuance; this law requires the Board to issue temporary veterinarian licenses. This bill would require those temporary veterinarian licenses to expire 30 months after issuance. The bill would require non-healing arts boards to issue a license to an applicant if the applicant is an honorably discharged veteran or military spouse or domestic partner and meets specified requirements and authorize the immediate termination of a such upon a finding that the license holder failed to meet specified requirements or provided substantively inaccurate information that would affect the person's eligibility for licensure, as provided.

**E. AB 339 (Lee, 2021) State and local government: open meetings**

Status: In Assembly, Pending Referral

Analyses:

Summary: Among other things, this bill would require all meetings, as defined, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require instructions on how to attend the meeting via call-in or internet-based service to be posted online along with the meeting agenda in an easily accessible location at least 72 hours before all regular meetings and at least 24 hours before all special meetings.

The bill would require a state body to provide the public with an opportunity to address the state body during a public meeting remotely via call-in or internet-based service, as provided, would require state bodies to provide translation services for all languages of which 5% of the population of the state body's jurisdiction are speakers, and, should there be a time limit on speaking time, would require twice as much time for public comment be given to persons commenting in another language as those commencing in English to accommodate time for translation services.

Staff Comments: Although exact costs are unknown, staff is concerned about the significant impact providing these translation services would be to the Board's budget. Board staff is watching this bill closely and communicating with DCA and its boards and bureaus.

**F. AB 384 (Kalra, 2021) Cannabis and cannabis products: animals: veterinary medicine**

Status: Assembly Business and Professions Committee

Analyses:

Summary: This bill would authorize the Board to discipline a veterinarian for recommending cannabis for medicinal use with a client while the veterinarian is employed by or has an agreement with a cannabis licensee. The bill would prohibit the

Board from disciplining a licensed veterinarian who recommends the use of cannabis on an animal for potential therapeutic effect or health supplementation purposes. The bill would require the Board to adopt guidelines, on or before January 1, 2023, for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship and would require the Board to post the guidelines on its internet website.

This bill would revise the definitions of “cannabis products,” “cannabis concentrate,” and “edible cannabis product” under the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), regulated and enforced by the Bureau of Cannabis Control, to include products intended to be used for therapeutic effect or health supplementation use on, or for consumption by, an animal. The bill would define “animal” for these purposes to mean any member of the animal kingdom other than humans, including fowl, fish, and reptiles, wild or domestic, whether living or dead, but would exclude livestock and food animals, as specified.

Staff Comments: The Board took a Support, If Amended position on similar legislation, SB [627](#) (Galgiani, 2019), last session. The main concern was the 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. For SB 627, the Board proposed amendments to Health and Safety Code section 11362.9 to provide funding for animal cannabis research. SB 627 died in the Assembly Appropriations Committee. Stakeholders also raised concern that SB 627 would authorize animal cannabis products to be sold at recreational cannabis facilities, rather than requiring a veterinarian recommendation to obtain animal cannabis from a medicinal cannabis facility. Stakeholders argue that treating animal cannabis as a recreational product may harm animals because the pet owners will not be properly educated on the proper dosage and safe use of the product on their animal to treat the condition diagnosed by the veterinarian.

**G. [AB 527](#) (Wood, 2021) Controlled substances**

Status: Assembly Business and Professions Committee

Analyses:

Summary: Existing law, the California Uniform Controlled Substances Act (CUCSA), classifies controlled substances into five designated schedules, with the most restrictive limitations generally placed on controlled substances classified in Schedule I, and the least restrictive limitations generally placed on controlled substances classified in Schedule V. This bill would exempt from Schedule III specific compounds, mixtures, or preparations that contain a nonnarcotic controlled substance in combination with a derivative of barbituric acid or any salt thereof that are listed in the federal Table of Exempted Prescription Products and have been exempted pursuant to federal law or regulation. The bill would exempt from Schedule IV specific compounds, mixtures, or preparations that contain a nonnarcotic controlled substance in combination with a chlordiazepoxide or phenobarbital that are listed in the federal Table of Exempted

Prescription Products and have been exempted from scheduling under federal law or regulation.

Under the CUCSA, cannabis is placed in Schedule I. Cannabidiol and other cannabinoids are compounds contained in cannabis. The CUCSA restricts the prescription, furnishing, possession, sale, and use of controlled substances, including cannabis and synthetic cannabinoid compounds, and makes a violation of those laws a crime, except as specified. Existing law, if one of specified changes in federal law regarding the controlled substance cannabidiol occurs, deems a physician, pharmacist, or other healing arts licensee who prescribes, furnishes, or dispenses a product composed of cannabidiol, in accordance with federal law, to be in compliance with state law governing those acts and provides that, upon the effective date of one of those changes in federal law, the prescription, furnishing, dispensing, transfer, transportation, possession, or use of that product in accordance with federal law is for a legitimate medical purpose and is authorized pursuant to state law.

This bill would expand the provisions authorizing the prescription, furnishing, dispensing, transfer, transportation, possession, or use of cannabidiol products in accordance with federal law, upon the specified changes being made to federal law, to include all products with cannabinoids.

**H. [AB 553](#) (Kamlager, 2021) Pet insurance**

[Status](#): Assembly Insurance Committee; Hearing Date: 4/15/21

[Analyses](#):

Summary: Existing law generally regulates classes of insurance, including pet insurance. Under existing law, pet insurance is an individual or group insurance policy that provides coverage for veterinary expenses, which are defined as the costs associated with medical advice, diagnosis, care, or treatment provided by a veterinarian.

This bill would expand the definition of veterinary expenses to include costs associated with medical advice, diagnosis, care, or treatment provided by a person working under the direction of a veterinarian. The bill would require a pet insurance policy issued, amended, or renewed on or after January 1, 2022, to provide full coverage for a sterilization surgery and the veterinary expenses associated with, or arising from, the sterilization surgery, and would prohibit an insurer from accepting or requiring an additional payment for sterilization surgery. The bill would require a notice of cancellation for a pet insurance policy issued, amended, or renewed on or after January 1, 2022, to be delivered at least 20 calendar days before the effective date of the cancellation, or at least 10 calendar days before the effective date in cases of nonpayment of premiums or fraud.

**I. [AB 646](#) (Low, 2021) Department of Consumer Affairs: boards: expunged convictions**

[Status](#): Assembly Appropriations Committee

[Analyses](#): Assembly Business and Professions Committee, 3/19/21

Summary: Existing law authorizes a DCA board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties or the business or profession for which the license was issued. Existing law requires the Medical Board of California (MBC) to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions, and requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a DCA board that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

**J. [AB 1026](#) (Smith, 2021) Business licenses: veterans**

Status: Assembly Business and Professions Committee

Analyses:

Summary: This bill would require DCA and any DCA board to grant a 50% fee reduction for an initial license to an applicant who provides satisfactory evidence, as defined, the applicant has served as an active duty member of the United States Armed Forces or the California National Guard and was honorably discharged. This bill would authorize a board to adopt regulations necessary to administer these provisions.

**K. [AB 1236](#) (Ting, 2021) Healing arts: licensees: data collection**

Status: Assembly Business and Professions Committee

Analyses:

Summary: This bill would require all boards that oversee healing arts licensees to collect at the time of electronic application for a license and license renewal, or at least biennially, specified demographic information and to post the information on the internet websites that they each maintain. This bill would, commencing July 1, 2022, require each board, or DCA on its behalf, to provide the information annually to the Office of Statewide Health Planning and Development. The bill would require these boards to maintain the confidentiality of the information they receive from licensees and to only release information in aggregate form, as specified.

**L. [AB 1386](#) (Cunningham, 2021) License fees: military partners and spouses**

Status: Assembly Business and Professions Committee

Analyses:



Summary: Existing law requires a board to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and provides evidence that they are married to or in a domestic partnership or other legal union with an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders. This bill would prohibit a board from charging an initial or original license fee to an applicant who meets these expedited licensing requirements.

**M. [AB 1282](#) (Bloom, 2021) Veterinary medicine: blood banks for animals**

Status: Assembly Business and Professions Committee

Analyses:

Summary: This bill would add to the actions that constitute the practice of veterinary medicine the collection of blood from an animal for the purpose of transferring or selling that blood and blood component products, as defined, to a licensed veterinarian for use at a registered premise, except in certain circumstances. This bill would permit a registered veterinary technician or veterinary assistant to collect blood from an animal for the purpose of transferring or selling the blood and blood component products to a licensed veterinarian at a registered premise, under the direct or indirect supervision of a licensed veterinarian, as specified.

This bill would establish, within the Veterinary Medicine Practice Act, new procedures governing community blood banks for animals and would impose new requirements on veterinarians engaged in the production of animal blood and blood component products. The bill would define a “community blood bank” as a commercial blood bank for animals that produces animal blood or blood component products solely from community-sourced animals whose owners voluntarily consent to the donation.

The bill would require each veterinarian who is licensed in California and engages in the production of animal blood or blood component products to meet specified conditions, including using methods of production that are consistent with current standards of care and practice for the field of veterinary transfusion medicine and obtaining informed written consent of the owner of the animal blood donor. The bill would prohibit a veterinarian or a community blood bank operating under these provisions from providing payment to a person who provides an animal for the purpose of donating that animal’s blood and blood component products for use in their practice and for retail sale and distribution.

The bill would authorize the Board to establish a community blood bank registration fee and an appropriate renewal fee to be paid by community blood banks to cover the costs associated with oversight and inspection of the premises. The bill would prohibit the fees from exceeding the reasonable regulatory costs of administering, implementing, and enforcing these provisions. The bill would require a community blood bank operating under the above-described provisions to comply with specified blood and blood component product registration requirements imposed under existing Food and Agricultural Code provisions. The bill would require a community blood bank to submit a quarterly report to the Department of Food and Agriculture (CDFA) every three months

that includes, among other information, the number of donations and total volume of blood collected in milliliters from community-sourced animals during that quarter, by species of animal. The bill would define other related terms, for purposes of carrying out these provisions, including “captive closed colony” and “community sourced.”

This bill would prohibit a person from engaging in the production of animal blood and blood component products for retail sale and distribution except in a captive closed-colony commercial blood bank for animals licensed by the secretary or in accordance with the above-described provisions governing community blood banks for animals. The bill would require each community blood bank to register blood and blood component products with the secretary in accordance with existing procedures.

The bill would require CDFG to discontinue its licensing program for commercial blood banks for animals that produce canine blood and blood component products sourced from captive closed-colony dogs within 12 months of the Secretary of Food and Agriculture making a specified finding about the amount of canine blood collected and satisfying other conditions. The bill would prohibit the secretary from accepting new applications to license a commercial blood bank for animals that produce canine blood or blood component products sourced from captive closed-colony dogs. The bill would require the secretary, when licensing establishments as captive closed-colony commercial blood banks, to only license establishments that, among other conditions, keep, house, or maintain all animal donors within California state boundaries.

This bill would specify that the application for a license applies to any establishment that produces, or proposes to produce, animal blood and blood component products from a closed-colony blood bank. The bill would require the written protocol submitted with the license application to be consistent with current standards of care and practice for the field of veterinary transfusion medicine and include bloodborne pathogen testing for all dog and cat blood donors, as prescribed.

The bill would prohibit a licensed commercial blood bank for animals from discriminating against veterinarians licensed in California in the sale of animal blood or blood component products. The bill would specify that a commercial blood bank for animals that refuses to sell animal blood or blood component products to a veterinarian in circumstances in which that blood bank has an available supply may be deemed by the secretary to be in violation of this provision.

This bill would increase the application and annual license fees from \$250 to \$1,000 for each establishment proposing to produce or producing animal blood and blood component products from a closed-colony blood bank and would allow for these fees to be adjusted annually for inflation.

This bill would permit a person to offer a blood or blood component product that is in accordance with the procedures governing community blood banks for animals or imported into the state from an out-of-state community blood bank that the secretary would be required to track, administer, and enforce, in compliance with California standards. The bill would require a blood or blood component product registration application to include the name and address of the person who owns the property, establishment, institution, or business that sells the blood, and various other information



about the products for sale and the facilities. The bill would impose a registration application fee and annual renewal fee, in an unspecified amount, for an establishment proposing to offer blood or blood component products for retail sale or use in California. The bill would authorize CDFA to increase the fees in an amount that does not exceed CDFA's reasonable regulatory costs incurred to administer and enforce product safety standards.

The bill would require each licensed closed-colony blood bank to maintain an onsite record of the number of donations collected from captive animals, the volume of blood collected per donation in milliliters, any adverse events, and other specified information. The bill would further require a licensed closed-colony blood bank to submit quarterly reports to CDFA every three months including specified information. The bill would make a violation of this provision a cause for corrective action, suspension, restriction, or the nonrenewal or revocation of a license by CDFA. The bill would require proceedings to be conducted in conformity with formal administrative adjudication procedures.

This bill would provide that "identifying personal information," as defined, would be kept confidential and not subject to disclosure under the California Public Records Act. The bill, however, would allow for the disclosure of certain information so long as the data does not contain individually identifiable information and would require disclosure of information that is already in the public domain. The bill would define "identifying personal information" to mean certain information pertaining to the owner of an animal donor, as specified, including social security number, date of birth, and related information. This bill would exempt from the provisions governing commercial blood banks for animals and biologics licensed veterinarians engaged in the production of animal blood and blood component products for community blood banks for animals.

Staff Comments: In order to implement these provisions, Board inspectors and staff will need significant training from a specialist. In addition, the Board would need to hire a limited term Associate Governmental Program Analyst (AGPA) to write the necessary regulations, create the initial and renewal applications, and perform all necessary outreach. The AGPA also would be required to perform any necessary tasks to implement this bill.

Further, the bill does not specify the actual fee for the initial and renewal Board applications, and it is unknown what the costs should be. It also is unknown how many community blood banks, independent of a veterinary clinic, will open in California. Therefore, the Board will likely need to hire a third party to perform a fee audit and determine appropriate costs for implementing the bill. As such, Board staff estimates the following implementation costs:

- Year 1: \$175,596
- Year 2: \$144,000
- Ongoing: \$2,000

The ongoing costs assume that only a few community blood banks will operate in California outside veterinary clinics. There is no way currently to tell how many community blood banks will operate in California, and if more open, the costs would increase. While the ongoing costs are significantly less, initial implementation costs

would be absorbed by current licensees, registrants, and permit holders since the Board will not start collecting fees until it starts accepting applications.

Since blood collection would be considered the practice of veterinary medicine, all community blood banks, independent from an existing veterinary clinic, would also need to obtain a premises registration and follow existing minimum standards for a fixed facility. However, like the shelter settings, not all standards for a fixed facility may apply to a premises that is solely used for community blood banking. As such, the Board may need to create separate minimum standards regulations for those settings.

Moreover, certain sections of the bill appear challenging to enforce. For example, proposed BPC section 4920.2, subdivision (c), would require veterinarians to “follow, *to the extent possible*, the latest published edition of the American Association of Blood Banks’ standards and maintain responsibility over all veterinary and technical policies and procedures that relate to the safety of staff members and donor animals.” (Emphasis added.) The phrase “to the extent possible” would provide an opportunity for non-compliance whenever the veterinarian deems certain sections not possible.

In addition, proposed BPC section 4920.6 would require community blood banks to report quarterly to CDFA. Since that requirement is in the Veterinary Medicine Practice Act, the Board would enforce that section. However, the only way for the Board to enforce the section would be for CDFA to report to the Board whether the reporting occurred. To eliminate the constant back and forth workload this bill would create, this reporting requirement may be more appropriate with placement under Food and Agricultural Code section 9212.5.

**N. [AB 1535](#) (Committee on Business and Professions, 2021) Veterinary Medical Board**

Status: Assembly Business and Professions Committee

Analyses:

Summary: The bill would remove the prohibition on a sunset review document or evaluative questionnaire under the Veterinary Medicine Practice Act and make minor, technical revisions to the executive officer statute. The bill would eliminate the state examination for veterinary technician registration.

Staff Comments: This is the Board’s Sunset legislation. Staff anticipates it changing significantly within the coming months to include the legislative proposals requested by the Board. Staff will provide updates on this bill as they become available.

**O. Legislative Proposal for Inclusion in [AB 1535](#) to Amend BPC, Division 2, Chapter 11, Article 3.5 (Commencing with Section 4860) Regarding Diversion Evaluation Committees**

Currently, the term “Diversion” is used throughout Article 3.5. According to BPC section [4860](#), the Board’s Diversion Program was created with the legislative intent for the Board to seek ways and means to identify and rehabilitate veterinarians and registered veterinary technicians with impairment due to abuse of dangerous drugs or alcohol,

affecting competency so that veterinarians and registered veterinary technicians so afflicted may be treated and returned to the practice of veterinary medicine in a manner that will not endanger the public health and safety.

Unfortunately, many negative connotations are tied to the term “Diversion.” It may be viewed as a way for licensees to divert disciplinary action when consumers have been harmed. Or, it may be viewed as someone who has a history of diverting controlled substances. However, the Board’s diversion program, through Maximus, focuses on the overall wellness of the licensees enrolled in the program. The negative connotations the term “Diversion” brings may deter licensees from taking advantage of the program. As such, Board staff recommend the Board consider approving the attached legislative approval to change all usages of “diversion” to “wellness.” Additional revisions to BPC sections 4861, subdivision (b), and 4873, that would authorize removal of a DEC member and allow the Board to increase the amount participants pay to participate in the Diversion Program were previously approved by the Board and already are included in the Board’s [2019 Sunset Review Report](#) (see New Issues Nos. 6 and 7 at pp. 82-83).

**P. Senate Bill (SB) SB [102](#) (Melendez, 2021) COVID-19 emergency order violation: license revocation**

Status: Senate Business, Professions and Economic Development Committee (SBPEDC); Hearing: 4/5/21

Analyses: SBPEDC, 3/19/21  
SBPEDC, 4/1/21

Summary: This bill would prohibit DCA, a DCA board that does not regulate healing arts licensees, and the Department of Alcoholic Beverage Control from revoking a license or imposing a fine or penalty for failure to comply with any COVID-19 state of emergency orders or COVID-19 stay-at-home orders, unless the board or department can prove that lack of compliance resulted in transmission of COVID-19. The bill would specify that the provisions do not preclude issuance of fines, penalties, or revoking a license for any action that is not related to the issuance of any COVID-19 state of emergency orders or COVID-19 stay-at-home order. The provisions of the bill would remain in effect until either the COVID-19 state of emergency is terminated or all COVID-19 stay-at-home orders are no longer in effect, whichever occurs later, but in no case would the provisions remain in effect after January 1, 2024.

**Q. SB [344](#) (Hertzberg, 2021) Homeless shelters grants: pets and veterinary services**

Status: Senate Appropriations Committee; Hearing Date: 4/5/21

Analyses: Senate Housing Committee, 3/15/21  
Senate Appropriations Committee, 4/2/21

Summary: Existing law establishes the California Emergency Solutions and Housing Program, under the administration of the Department of Housing and Community Development and requires the department to, among other things, provide rental assistance and housing relocation and stabilization services to ensure housing affordability to people who are experiencing homelessness or who are at risk of homelessness.

This bill would require the department to develop and administer a program to award grants to qualified homeless shelters, as described, for the provision of shelter, food, and basic veterinary services for pets owned by people experiencing homelessness. The bill would authorize the department to use up to 5% of the funds appropriated in the annual Budget Act for those purposes for its costs in administering the program.

**R. [SB 547](#) (Glazer, 2021) Animals: emergency response: California Veterinary Emergency Team program**

[Status](#): Senate Education Committee; Hearing Date: 4/7/21

[Analyses](#): Senate Agriculture Committee, 3/16/21

Summary: This bill would require the University of California, Davis, School of Veterinary Medicine to develop a program called the California Veterinary Emergency Team, and would require the program to assist in the coordination and training of a network of government agencies, nongovernmental organizations, and individuals to care for household and domestic animals and livestock in emergencies, including disaster preparedness, response, recovery, and mitigation. The bill would require the program to conduct or support research on best practices for the evacuation and care of the animals in disasters.

The bill would require the university, the Secretary of Food and Agriculture, and the Director of Emergency Services to develop a memorandum of understanding for the university to consult with the secretary and the director regarding the coordination of the program's activities with the state's disaster response practices and the deployment of participants of the program's network during disasters. The bill would require these provisions to apply to the university only to the extent that the Regents of the University of California, by resolution, make any of these provisions applicable to the university. The bill would establish the California Veterinary Emergency Team Fund in the State Treasury to, upon appropriation, be used solely to support the program. The bill would specify that moneys in the fund are not to be considered offsets to any other state funds appropriated to the university.

**S. [SB 585](#) (Stern, 2021) Cats: declawing procedures: prohibition**

[Status](#): SBPEDC; Hearing Date: 4/5/21

[Analyses](#): SBPEDC, 4/1/21

Summary: This bill would prohibit a person from removing or disabling a cat's claws by performing a declawing procedure, as defined, except when a phalangectomy is performed solely for a therapeutic purpose, as specified. The bill would require a licensed veterinarian who performs a phalangectomy for a therapeutic purpose to file a written statement, which would include the purpose for performing the phalangectomy, with the Board, as specified. The bill would impose on a person that removes or disables a cat's claws by performing a declawing procedure a civil penalty of not more than \$1,000 for the first violation, \$1,500 for the second violation, and \$2,500 for the third and subsequent violations, as specified.

The bill would impose on a licensed veterinarian that fails to file the written statement a civil penalty of not more than \$200 and would provide that such conduct or performing a

declawing procedure constitutes unprofessional conduct. The bill would authorize the Attorney General, a city attorney, and a county counsel to bring an action to impose these civil penalties. The bill would require a person, upon determining a licensed veterinarian potentially performed a declawing procedure, to notify the Board of the potential violation, and would specify that a violation of this requirement is not a crime and is not subject to any civil or criminal penalty.

Staff Comments: The Board previously opposed a similar bill (AB [1230](#) Quirk, 2019) banning declaw. The Board members agreed that declawing should not be a procedure performed without consideration of the best interest of the animal patient. However, the Board believed that determination is best left to the veterinarian and the animal owner. In addition, concerns were raised that prohibiting declaw procedures would negatively affect the ability of cats to either stay in existing homes or be adopted into a new home. Concern was also raised regarding back alley procedures where animal owners will attempt to declaw the animals themselves.

SBPEDC and the author's office staff contacted Board staff multiple times to discuss technical and implementation concerns. Board staff was concerned about the unclear enforceability of the section, as the bill currently is amending the California Food and Agriculture Code. The Board does not enforce that section, and it does not issue civil penalties. It was also unclear to Board staff what the reporting requirement ultimately achieved. If this bill was enacted, it would be challenging to enforce, unless it was moved to the Veterinary Medicine Practice Act.

**T. [SB 731](#) (Durazo, 2021) Criminal records: relief**

Status: Senate Public Safety Committee; Hearing Date: 4/13/21

Analyses:

Summary: Existing law authorizes a defendant who was sentenced to a county jail for the commission of a felony and who has met specified criteria to petition to withdraw their plea of guilty or nolo contendere and enter a plea of not guilty after the completion of their sentence, as specified. Existing law requires the court to dismiss the accusations or information against the defendant and release them from all penalties and disabilities resulting from the offense, except as specified. This bill would make this relief available to a defendant who has been convicted of any felony.

Commencing July 1, 2022, existing law requires the Department of Justice, on a monthly basis, to review the records in the statewide criminal justice databases and identify persons who are eligible for specified automatic conviction and records of arrest relief without requiring the filing of a petition or motion. Under existing law, a person is eligible for arrest record relief if they were arrested on or after January 1, 2021, and the arrest was for a misdemeanor and the charge was dismissed or criminal proceedings have not been initiated within one year after the arrest, or the arrest was for a felony punishable in the county jail and criminal proceedings have not been initiated within 3 years after the date of the arrest. Under existing law, a person is eligible for automatic conviction record relief if, on or after January 1, 2021, they were sentenced to probation, and completed it without revocation, or if they were convicted of an infraction or a misdemeanor, and other criteria are met, as specified.

This bill would generally make this arrest record relief available to a person who has been arrested for a felony, including a felony punishable in the state prison, as specified. The bill would make this conviction record relief available for a defendant convicted of a felony for which they did not complete probation without revocation if the defendant appears to have completed all terms of incarceration, probation, mandatory supervision, post release supervision, and parole.

Commencing July 1, 2022, this bill would require the Department of Justice to archive records of arrest and conviction that were granted relief under specified provisions. The bill would require the Attorney General to exclude archived records from state summary criminal history information, except as specified.

**U. [SB 772](#) (Ochoa Bogh, 2021) Professions and vocations: citations: minor violations**

[Status](#): SBPEDC; Hearing Date: 4/19/21

[Analyses](#):

Summary: Existing law authorizes the State Board of Chiropractic Examiners, the Osteopathic Medical Board of California, and any DCA board to issue a citation to a licensee, which may contain an order of abatement or an order to pay an administrative fine assessed by the board. This bill would prohibit the assessment of an administrative fine for a minor violation and would specify that a violation shall be considered minor if it meets specified conditions, including that the violation did not pose a serious health or safety threat and there is no evidence that the violation was willful.

Staff Comments: Citations with administrative fines are an important enforcement tool used to incentivize compliance. The Board's citation process is governed by BPC sections 148 and 4875.2, California Code of Regulations, title 16, section 2043, and the Administrative Procedure Act (Gov. Code, § 11400 et seq.). Appropriate action is assessed on a case-by-case basis depending on the circumstances, and in most cases, citations and fines are not issued for minor violations. Rather, most minor cases are closed with educational letters to the licensees. However, in some cases, citations with administrative fines are more appropriate given the circumstances. Board staff believes existing statutes and regulations provide ample appeal rights for licensees, and removing this important enforcement mechanism will hinder the Board's ability to provide consumer protection.

**Attachments:**

1. Legislative Proposal for Inclusion in AB 1535 to Amend BPC, Division 2, Chapter 11, Article 3.5 (Commencing with Section 4860) Regarding Diversion Evaluation Committees



VETERINARY MEDICAL BOARD  
PROPOSED LEGISLATION  
DIVERSION EVALUATION COMMITTEES

Changes to the existing statute are shown in single underline for new text and ~~single~~ ~~strikeout~~ for deleted text.

Section 4861 of the Business and Professions Code is amended to read:

4861. One or more ~~diversion~~wellness evaluation committees is hereby authorized to be established by the board. Each ~~diversion~~wellness evaluation committee shall be composed of five persons appointed by the board.

Each ~~diversion~~wellness evaluation committee shall have the following composition:

(a) Three veterinarians licensed under this chapter. The board in making its appointments shall give consideration to recommendations of veterinary associations and local veterinary societies and shall consider, among others, where appropriate, the appointment of veterinarians who have recovered from impairment or who have knowledge and expertise in the management of impairment.

(b) Two public members.

Each person appointed to a ~~diversion~~wellness evaluation committee shall have experience or knowledge in the evaluation or management of persons who are impaired due to ~~alcohol~~alcohol or drug abuse.

It shall require the majority vote of the board to appoint a person to a ~~diversion~~wellness evaluation committee. Each appointment shall be at the pleasure of the board for a term not to exceed four years. In its discretion the board may stagger the terms of the initial members appointed. The board president shall have the authority to suspend any wellness evaluation committee member pending an investigation into allegations of existing alcohol or drug addiction. If, after investigation, there is evidence of an alcohol or drug addiction relapse, the board president shall have authorized discretion to remove the member without input from the Board. [Already approved by the Board]

The board may appoint a program director and other personnel as necessary to carry out provisions of this article.

Section 4862 of the Business and Professions Code is amended to read:

4862. Each member of a ~~diversion~~wellness evaluation committee shall receive per diem and expenses as provided in Section 103.

Section 4863 of the Business and Professions Code is amended to read:

4863. Three members of a ~~diversion~~wellness evaluation committee shall constitute a quorum for the transaction of business at any meeting. Any action requires the majority vote of the ~~diversion~~wellness evaluation committee.

Section 4864 of the Business and Professions Code is amended to read:

4864. Each ~~diversion~~wellness evaluation committee shall elect from its membership a chairperson and a vice chairperson.

Section 4866 of the Business and Professions Code is amended to read:

4866. (a) The board shall establish criteria for the acceptance, denial, or termination of veterinarians and registered veterinary technicians in a ~~diversion~~wellness program. Only those veterinarians and registered veterinary technicians who have voluntarily requested ~~diversion~~wellness treatment and supervision by a ~~diversion~~wellness evaluation committee shall participate in a program.

(b) The board shall establish criteria for the selection of administrative physicians who shall examine veterinarians and registered veterinary technicians requesting ~~diversion~~wellness under a program. Any reports made under this article by the administrative physician shall constitute an exception to Sections 994 and 995 of the Evidence Code.

(c) The ~~diversion~~wellness program may accept no more than 100 participants who are licensees of the board.

Section 4867 of the Business and Professions Code is amended to read:

4867. The ~~diversion~~wellness evaluation committee shall inform each veterinarian and registered veterinary technician who requests participation in a program of the procedures followed in the program, of the rights and responsibilities of the veterinarian and registered veterinary technician in the program, and of the possible results of noncompliance with the program.

Section 4868 of the Business and Professions Code is amended to read:

4868. Each ~~diversion~~wellness evaluation committee shall have the following duties and responsibilities:

(a) To evaluate those veterinarians and registered veterinary technicians who request participation in the program according to the guidelines prescribed by the board and to consider the recommendation of the administrative physician on the admission of the veterinarian or registered veterinary technician to the ~~diversion~~wellness program.

(b) To review and designate those treatment facilities to which veterinarians and registered veterinary technicians in a ~~diversion~~wellness program may be referred.

(c) To receive and review information concerning veterinarians and registered veterinary technicians participating in the program.

(d) To call meetings as necessary to consider the requests of veterinarians and registered veterinary technicians to participate in a ~~diversion~~wellness program, and to consider reports regarding veterinarians and registered veterinary technicians participating in a program from an administrative physician, or from others.

(e) To consider in the case of each veterinarian and registered veterinary technician participating in a program whether he or she may with safety continue or resume the practice of veterinary medicine or the assisting in the practice of veterinary medicine.

(f) To set forth in writing for each veterinarian and registered veterinary technician participating in a program a treatment program established for each such veterinarian and registered veterinary technician with the requirements for supervision and surveillance.

(g) To hold a general meeting at least twice a year, which shall be open and public, to evaluate the program's progress, to review data as required in reports to the board, to prepare reports to be submitted to the board, and to suggest proposals for changes in the ~~diversion~~wellness program.

Section 4869 of the Business and Professions Code is amended to read:

4869. Notwithstanding the provisions of Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to public meetings, a ~~diversion~~wellness evaluation committee may convene in closed session to consider reports pertaining to any veterinarian or registered veterinary technician requesting or participating in a diversion program. A ~~diversion~~wellness evaluation committee shall only convene in closed session to the extent that it is necessary to protect the privacy of a veterinarian or registered veterinary technician.

Section 4870 of the Business and Professions Code is amended to read:

4870. Each veterinarian and registered veterinary technician who requests participation in a ~~diversion~~wellness program shall agree to cooperate with the treatment program designed by a ~~diversion~~wellness evaluation committee. Any failure to comply with the

provisions of a treatment program may result in termination of the veterinarian's or registered veterinary technician's participation in a program.

Section 4871 of the Business and Professions Code is amended to read:

4871. (a) After a ~~diversion~~wellness evaluation committee in its discretion has determined that a veterinarian or registered veterinary technician has been rehabilitated and the ~~diversion~~wellness program is completed, the ~~diversion~~wellness evaluation committee shall purge and destroy all records pertaining to the veterinarian's or registered veterinary technician's participation in a ~~diversion~~ wellness program.

(b) All board and ~~diversion~~wellness evaluation committee records and records of proceedings pertaining to the treatment of a veterinarian or registered veterinary technician in a program shall be kept confidential and are not subject to discovery or subpoena.

Section 4872 of the Business and Professions Code is amended to read:

4872. The board shall provide for the representation of any persons making reports to a ~~diversion~~wellness evaluation committee or the board under this article in any action for defamation.

Section 4873 of the Business and Professions Code is amended to read:

4873. The board shall charge each veterinarian and registered veterinary technician ~~participant who is accepted to participate in the diversion program a diversion program registration fee for the full cost of participation in the diversion wellness program. The diversion program registration fee shall be set by the board in an amount not to exceed four thousand dollars (\$4,000). In the event that the diversion program registration exceeds five hundred dollars (\$500),~~ the board may provide for quarterly ~~monthly~~ monthly payments. [Already approved by the Board]