



MEMORANDUM

DATE	October 7, 2022
TO	Veterinary Medical Board (Board)
FROM	Jessica Sieferman, Executive Officer
SUBJECT	Agenda Item 8. Update and Discussion on Chaptered 2021/2022 Legislation Impacting the Board, DCA, and/or the Veterinary Profession

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 Board 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 October 7, 2022.

A. Priority Legislation for Board Consideration

1. Assembly Bill [1885](#) (Kalra, Chapter 389, Statutes of 2022) Cannabis and cannabis products: animals: veterinary medicine

Board Position: SUPPORT

Status: Filed with Secretary of State September 18, 2022.

Analyses: 08/30/22- Assembly Floor Analysis

08/26/22- Senate Floor Analyses

08/13/22- Senate Floor Analyses

07/29/22- Senate Appropriations

06/17/22- Senate Business, Professions and Economic Development

05/24/22- Assembly Floor Analysis

05/02/22- Assembly Appropriations

04/16/22- Assembly Business and Professions

Summary: This bill prohibits the Board from disciplining a veterinarian solely for discussing or recommending the use of cannabis on an animal for potential therapeutic effect or health supplementation purposes. The bill expands the existing Board authority to deny, revoke, or suspend a license for recommending cannabis for use with a client while the veterinarian is employed by or has an agreement with a cannabis licensee, as specified. The bill requires the Board to adopt guidelines, by January 1, 2024, for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship and requires the Board to post the guidelines on its internet website.

In addition, this bill amends the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to revise the definitions of “cannabis products,” “cannabis concentrate,” and “edible cannabis product” to include products intended to be used for therapeutic effect, health supplementation, or consumption by, an animal. The bill excludes from the definition of “animal,” for these purposes, livestock and food animals, as specified. The bill requires that cannabis products intended for therapeutic effect or health supplementation use on, or for consumption by, an animal to conform with additional relevant standards, including but not limited to, an alternative standardized concentration established by the Department of Cannabis Control.

The bill also incorporated chaptering out amendments contained in SB 1495 that would make any statement, claim, or advertisement that a licensee or registrant is a veterinary specialist or board certified unless they are certified by a National Association of Veterinary Technicians in America-Recognized Veterinary Specialty organization.

Implementation Plan:

The MDC will begin drafting the required guidelines for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship during their January 2023 meeting. The MDC plans to present their recommendations to the Board during their October 2023 Board meeting.

In addition, Board staff will draft a legislative update to post on the Board’s website, social media outlets, and send to licensees and stakeholders.

2. Senate Bill (SB) [731](#) (Durazo, Chapter 814, Statutes of 2022) Criminal records: relief

Board Position: OPPOSE UNLESS AMENDED

Status: Filed with Secretary of State September 29, 2022.

Analyses: 07/28/22- Senate Floor Analyses

06/24/22- Assembly Floor Analysis

09/10/21- Senate Floor Analyses

09/02/21- Assembly Floor Analysis

08/31/21- Assembly Floor Analysis

08/16/21- Assembly Appropriations

06/28/21- Assembly Public Safety

05/25/21- Senate Floor Analyses

05/20/21- Senate Appropriations

04/30/21- Senate Appropriations

04/08/21- Senate Public Safety

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 DOJ, 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, commencing July 1, 2023, generally makes 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, commencing July 1, 2023, additionally makes this conviction record relief available for a defendant convicted, on or after January 1, 2005, 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 and a period of four years has elapsed during which the defendant was not convicted of a new offense, except as specified.

Staff Comments: Due to the bill's weakening of the consumer protection mechanisms integral to the Board's enforcement processes and the bill's undermining of the Board's legislative mandate of consumer protection, the Board opposed SB 731, unless it was amended to exempt the Board from the proposed provisions in this bill.

In addition to the Board, the California Board of Psychology, Dental Hygiene Board of California, and the Physician Assistant Board opposed the bill. Once the bill was enrolled, the Board sent a veto request letter to the Governor. Unfortunately, the Governor signed the bill on September 29, 2022.

There is no implementation plan for this bill, as it only limits the amount of information DOJ provides to the Board.

- 3. SB [1495](#) (Committee on Business, Professions and Economic Development, Chapter 511, Statutes of 2022) Professions and vocations Board Position: SUPPORT
Status: Filed with Secretary of State September 23, 2022.**

Analyses: 08/30/22- Assembly Floor Analysis
08/30/22- Senate Floor Analyses
08/26/22- Assembly Floor Analysis
08/19/22- Assembly Floor Analysis
08/05/22- Assembly Floor Analysis
08/01/22- Assembly Appropriations
06/24/22- Assembly Business and Professions
05/21/22- Senate Floor Analyses
05/06/22- Senate Appropriations
04/14/22- Senate Business, Professions and Economic
Development

Summary: This bill, among other things, deletes an obsolete provision in the Veterinary Medicine Practice Act relating to continuing education hours earned by attending courses sponsored or cosponsored by those entities between January 1, 2000, and January 1, 2001.

The Veterinary Medicine Practice Act authorizes the board to deny, revoke, or suspend a licensee or registrant or assess a fine if a licensee or registrant makes a statement, claim, or advertisement that they are a veterinary specialist or board certified unless they are certified by an American Veterinary Medical Association-Recognized Veterinary Specialty Organization.

This bill would add the National Association of Veterinary Technicians in America-Recognized Veterinary Specialty Organization.

Implementation Plan:

Board staff has updated CaRVTA regarding the NAVTA inclusion and the fact the bill has been chaptered. In addition, Board staff will draft a legislative update to post on the Board's website, social media outlets, and send to licensees and stakeholders.

B. Other Board-Monitored Legislation

1. AB [1604](#) (Holden, Chapter 313, Statutes of 2022) Civil service: the Upward Mobility Act of 2022

Status: Filed with Secretary of State September 13, 2022.

Analyses: 08/24/22- Assembly Floor Analysis
08/15/22- Senate Floor Analyses
08/11/22- Senate Appropriations
07/29/22- Senate Appropriations
06/24/22- Senate Governmental Organization
06/21/22- Senate Committee On Labor, Public Employment and
Retirement
05/20/22- Assembly Floor Analysis
04/04/22- Assembly Appropriations
03/14/22- Assembly Public Employment and Retirement

Summary: This bill, among other things, establishes that it is the policy of the state that the composition of state boards and commissions be broadly reflective of the general public, removing reference to ethnic minorities or women from this policy. This bill also requires, on or after January 1, 2023, all state boards and commissions consisting of one or more volunteer members or commissioners, to have at least one volunteer board member or commissioner from an underrepresented community, as defined. This bill further clarifies that new board or commission members should be replaced, under these parameters, as vacancies occur.

Implementation Plan:

Staff does not have any direct implementation plan at this time, since all Board members are appointed by the Governor, the Senate Committee on Rules or the Speaker of the Assembly.

However, the Board may want to consider updating its Administrative Procedures Manual to mirror this policy when considering MDC member appointments.

2. [SB 1237](#) (Newman, Chapter 386, Statutes of 2022) Licenses: military service

Status: Filed with Secretary of State September 17, 2022.

Analysis: 06/27/22- Assembly Military And Veterans Affairs

06/10/22- Assembly Business And Professions

05/11/22- Senate Floor Analyses

04/25/22- Senate Committee On Military And Veterans Affairs

03/31/22- Senate Business, Professions and Economic
Development

Summary: Existing law provides for the regulation of various professions and vocations by boards within DCA and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee or registrant whose license expired while the licensee or registrant was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate the licensee's or registrant's license without examination or penalty if certain requirements are met.

Existing law requires the boards described above, with certain exceptions, to waive the renewal fees, continuing education requirements, and other renewal requirements as determined by the board, if any are applicable, of any licensee or registrant who is called to active duty as a member of the United States Armed Forces or the California National Guard if certain requirements are met. Existing law, except as specified, prohibits a licensee or registrant from engaging in any activities requiring a license while a waiver is in effect.

This bill defines the phrase “called to active duty” to include active duty in the United States Armed Forces and on duty in the California National Guard, as specified.

Implementation Plan:

Staff will work with DCA to develop and disseminate any educational materials to licensees and stakeholders