



MEMORANDUM

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| DATE | April 17, 2019 |
| TO | Veterinary Medical Board |
| FROM | Jessica Siefertman, Executive Officer |
| SUBJECT | Agenda Item 8. Discussion and Possible Board Action on 2019 Legislative Proposals |

The information below was based on legislation, statuses, and analyses (if any) publicly available on March 29, 2019. Legislation is amended, statuses are updated, and analyses are added frequently; thus, hyperlinks are provided throughout this document to ensure members and the public have access to the most up to date information. Printed legislation will not be included in meeting packets.

A. Update on Pet Cremation Legislative Proposal

During the Board's January meeting, the Veterinary Medical Board (Board) discussed a constituent's legislative proposal submitted to the Senate Business, Professions and Economic Development Committee (Senate B&P) that would address the lack of regulation over pet cremation services.

The Board was in support of pet cremation oversight but expressed concern if the proposal made the Board responsible for regulation and oversight of pet crematories. The Board directed the Executive Officer to work with the Department of Consumer Affairs (DCA), Cemetery and Funeral Bureau (CFB), which likely would be better equipped to regulate pet cremation services as it is well versed in human cremation procedures and enforcement mechanisms, such as inspections and complaint investigations.

DCA's Legislative Affairs Office held a meeting with Board staff and CFB staff on Friday, February 15, 2019. A subsequent meeting was held on Thursday, February 21, 2019, with representatives from the Board, CFB, DCA, Senate B&P, and the Assembly Business and Professions Committee. All parties agreed that this issue requires further research and collaboration prior to proposing any legislation.

CFB testified during their March Sunset Hearing that they will continue to work with all parties to develop a solution.

B. Assembly Bill (AB) 312 (Cooley, 2019) State government: administrative regulations: review

Status: In Committee: Asm Appropriations

Hearing Date: 4/2/19

Analysis: Assembly Accountability and Administrative Review, 3/25/19

This bill would require each state agency to, on or before January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified. The bill would repeal these provisions on January 1, 2023.

C. AB 366 (Bloom, 2019) Animals: blood, blood components and biologics

Status: In Committee: Asm Agriculture

Hearing Date: 4/10/19

Analysis: None as of March 29, 2019

This bill notwithstanding any law, commencing January 1, 2022, prohibit a person from engaging in the production of canine blood and blood component products or for retail sale and distribution unless that person is licensed as a canine blood bank by the Secretary of Food and Agriculture, among other specified requirements, including the requirement that the operations are performed under the direct supervision of a licensed veterinarian or board-certified specialist.

The bill would prohibit a canine blood bank from paying a person for canine blood or blood component products and would require a canine blood bank to keep specified records.

D. AB 496 (Low, 2019). Business and professions

Status: In Committee: Assembly Business and Professions

Hearing Date: 4/2/19

Analysis: None as of March 29, 2019

This bill would replace gendered terms with nongendered terms and make various other nonsubstantive changes.

Existing law authorizes the director to audit and review, upon the director's own initiative or upon the request of a consumer or licensee, inquiries and complaints regarding, among other things, dismissals of disciplinary cases of specified licensees and requires the director to report to the Chairpersons of the Senate Business and Professions Committee and the Assembly Health Committee annually regarding any findings from such an audit or review.

This bill would instead require the director to report to the Chairpersons of the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee.

Existing law defines the term "licentiate" to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified.

This bill would instead define "licensee" to mean any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated or referred to, as specified, and would provide that any reference to licentiate be deemed to refer to licensee.

E. AB 611 (Nazarian, 2019) Sexual abuse of animals

Status: In Committee: Asm Appropriations

Hearing Date: 4/3/19

Analysis: Assembly Public Safety, 3/18/19

Existing law makes it a misdemeanor to sexually assault certain animals for the purpose of gratifying the sexual desires of a person.

This bill would repeal that provision and would instead prohibit sexual contact, as defined, with any animal. The bill would make a violation of these provisions punishable as a misdemeanor. The bill would also authorize the seizure of an animal used in the violation of this offense.

Existing law makes it a misdemeanor for persons convicted of certain animal abuse crimes to own, possess, maintain, care for, reside with, or have custody of an animal for a specified period after conviction.

This bill would add animal sexual abuse to the list of offenses which result in that prohibition.

Existing law requires a veterinarian that has reasonable cause to believe an animal under their care has been a victim of animal abuse or cruelty to promptly report the abuse or cruelty to the appropriate law enforcement authorities of the county, city, or city and county in which it occurred. Existing law makes a violation of these provisions a misdemeanor.

This bill would expand that reporting requirement to include when the veterinarian has reasonable cause to believe an animal has been a victim of sexual abuse or kept without proper care and attention, as specified.

F. AB 613 (Low, 2019) Professions and vocations: regulatory fees.

Status: In Committee: Assembly Business and Professions

Hearing Date: 4/23/19

Analysis: None as of March 29, 2019

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

G. AB 1230 (Quirk) Veterinary medicine: declawing animals

Status: In Committee: Assembly Business and Professions

Hearing Date: 4/9/19

Analysis: None as of March 29, 2019

This bill would prohibit a person from performing a declawing on a cat or other animal unless the person is licensed as a veterinarian and the veterinarian is performing the declawing for a therapeutic purpose. The bill would require a veterinarian to prepare and file a written statement with the board if the veterinarian determines that a declawing is necessary for a therapeutic purpose and would make a veterinarian subject to a determination by the board to revoke the veterinarian's license if the veterinarian does not comply with that requirement within 30 days of the procedure. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

H. AB 1553 (Fong, 2019) Animal impoundment

Status: In Committee: Assembly Business and Professions

Hearing Date: 4/23/19

Analysis: None as of March 29, 2019

Existing law governs the seizure, rescue, adopting out, and euthanasia of abandoned and surrendered animals by animal control officers, law enforcement officers, animal shelters, and rescue organizations.

This bill would make technical, nonsubstantive changes to those provisions by replacing references to a “pound” with references to an animal shelter and by replacing references to destroying an animal with references to humanely euthanizing the animal.

I. Senate Bill (SB) 53 (Wilk, 2019) Open meetings

Status: In Committee: Sen. Appropriations

Hearing Date: 4/8/19

Analysis: Senate Governmental Organization, 3/8/19

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her their official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

J. SB 202 (Wilk, 2019) Animal blood donors

Status: In Committee: Sen. Agriculture

Hearing Date: 4/2/19

Analysis: Senate Agriculture, 3/28/19

This bill would modify the definition of a commercial blood bank for animals to include establishments that collect blood not only from “captive closed-colony” animals that are kept, housed, or maintained for the purpose of collecting blood, but also “community-sourced” animals, as defined, that are brought by their guardians to the commercial blood bank for animals to have their blood collected. The bill would require a commercial blood bank for animals to include, in its written protocol, blood-borne pathogen testing for all canine and feline blood donors, as provided. The bill would delete the above-described exemption from the California Public Records Act, except for personal information of guardians of community-sourced animal donors, as provided.

K. SB 627 (Galgiani, 2019) Medicinal cannabis and medicinal cannabis products: veterinary medicine

Status: In Committee: Sen Business, Professions and Economic Development

Hearing Date: Not set

Analysis: None as of March 29, 2019

This bill would repeal the provision prohibiting a licensed veterinarian from dispensing or administering cannabis or cannabis products to an animal patient, and would, instead, authorize a qualified veterinarian, as defined, to discuss the use of, and issue a recommendation for the use of, medicinal cannabis or medicinal cannabis products on an animal patient for any condition for which cannabis or cannabis products provide relief. The bill would require the recommendation to include, at a minimum, the condition for which the recommendation is issued and the name of the patient and the primary caregiver, as defined. The bill would prohibit a qualified veterinarian who makes a recommendation under these provisions from being punished, or denied any right or privilege, for having recommended medicinal cannabis or medicinal cannabis products to a patient

for medical purposes, except as provided, and would provide that a qualified veterinarian who makes a recommendation pursuant to these provisions is entitled to the same protections as a physician and surgeon under the Compassionate Use Act of 1996. The bill would prohibit a qualified veterinarian from advertising that the qualified veterinarian offers recommendations for medicinal cannabis. Because a violation of that prohibition would be a crime, the bill would impose a state-mandated local program. The bill would provide that a qualified veterinarian may, but is not required to, follow the guidelines adopted by the board when discussing cannabis within the veterinarian-client-patient relationship. The bill would make related conforming changes.

This bill would expand the purpose and intent of MAUCRSA to control and regulate those above-mentioned activities for patients with a valid veterinarian's recommendation, as defined, and would make conforming changes, including revising the definitions of "medicinal cannabis" and "medicinal cannabis product" to include cannabis and a cannabis product, respectively, intended to be sold for use on an animal patient pursuant to a veterinarian's recommendation for purposes of MAUCRSA. The bill would authorize a primary caregiver on a veterinarian's recommendation to purchase medicinal cannabis or medicinal cannabis products for use on an animal that the primary caregiver owns. The bill would prohibit adult-use cannabis products from being marketed as a veterinary product and would require medicinal cannabis or medicinal cannabis products for use on an animal to meet certain requirements. The bill would provide that information on a veterinarian's recommendation and received by a licensee is deemed medical information for purposes of the Confidentiality of Medical Information Act, and would prohibit a licensee from disclosing that information, except as specified. The bill would make related findings and declarations.