Veterinary Medical Board
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MEMORANDUM

DATE	July 17, 2019
TO	Veterinary Medical Board
FROM	Moneel Singh, Operations Manager
SUBJECT	**Agenda Item 10. Update, Discussion and Possible Board Action on 2019 Legislation**

The information below was based on legislation, statuses, and analyses (if any) publicly available on July 16, 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. Assembly Bill (AB) 312 (Cooley, 2019) State government: administrative regulations
Status: Failed
Analysis: Assembly Appropriations 04/01/19
Board Position: Watch and to delegate to the MDC to review regulations

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January 1, 2022, review its regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report its findings and actions taken to the Legislature and Governor, as specified.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.

B. AB 366 (Bloom, 2019) Animals: blood, blood components and biologics
Status: Failed
Analysis: None
Board Position: Oppose

This bill not withstanding 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.

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

Status: Senate Floor
Analysis: Senate Floor Analyses
Board Position: Watch

This bill would replace gendered terms with nongendered terms and make various other non-substantive 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.

D. AB 528 (Low, 2019) Controlled substances: CURES database

Status: Senate Appropriations Committee Hearing Date: 8/12/19

Analysis: Assembly Business and Professions, 4/8/19
Assembly Appropriations, 4/22/19
Assembly Floor Analysis 4/26/19
Senate Business, Professions and Economic Development, 6/29/19

Changes the required timeframe in which pharmacists are required to report dispensed prescriptions to the state's prescription drug monitoring program (PDMP) from seven days to the following business day.

This bill will allow the veterinarian to report the information required as soon as reasonable possible but not more than seven days after the date a controlled substance is dispensed.

Existing law requires a health care practitioner authorized to prescribe, order, administer, furnish, or dispense controlled substances included on Schedule II, Schedule III, or Schedule IV, and a pharmacist upon licensure, to submit an application to obtain approval to electronically access information in the CURES database.

This bill would permit a licensed physician and surgeon to submit an application to obtain approval to electronically access information in the CURES database.

Existing law requires an authorized health care practitioner to consult the CURES database to review a patient's-controlled substance history before prescribing a Schedule II, Schedule

III, or Schedule IV controlled substance to the patient for the first time and at least once every 4 months thereafter if the controlled substance remains part of the treatment of the patient.

This bill would instead require the authorized health care practitioner to consult the CURES database to review the patient's-controlled substance history at least once every 6 months after the first time the substance is prescribed.

E. AB 544 (Brough, 2019) Professions and vocations: inactive license fees and accrued and unpaid renewal fees

Status: Failed
Analysis: Assembly Appropriations, 4/29/19
Assembly Business and Professions, 5/15/2019
Board Position: Oppose

This bill would limit the maximum fee for the renewal of a license in an inactive status to no more than 50% of the renewal fee for an active license. The bill would also prohibit a board from requiring payment of accrued and unpaid renewal fees as a condition of reinstating an expired license or registration.

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

Status: Referred to Appropriations Suspense File
Analysis: Assembly Public Safety, 3/18/19
Assembly Appropriations, 4/1/19
Senate Public Safety, 6/3/19
Senate Appropriations, 6/24/19
Board Position: Support

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.

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

Status: In Committee: Hearing postponed by committee
Analysis: Assembly Business and Professions, 4/1/19
Assembly Appropriations, 4/8/19
Assembly Floor Analysis 4/17/19
Senate Business, Professions and Economic Development, 6/29/19
Board Position: Support

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.

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

Status: Failed
Analysis: Assembly Business and Professions 4/19/19
Board Position: Opposed

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.

I. AB 1553 (Fong, 2019) Animal impoundment

Status: Chaptered by Secretary of State – Chapter 7, Statutes of 2019
Analysis: Assembly Business and Professions, 4/20/19
Senate Business, Professions and Economic Development, 5/30/19
Senate Floor Analyses 6/5/19
Board Position: Support

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.

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

Status: Assembly Appropriations
Analysis: Senate Governmental Organization
Senate Appropriations, 4/8/19
Senate Floor Analyses 4/10/19

Board Position: Oppose

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.

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

Status: Assembly Appropriations
Analysis: Senate Agriculture, 3/28/19
Senate Judiciary, 4/22/19
Senate Floor Analyses 5/18/19
Assembly Judiciary
Board Position: Support

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.

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

Status: Assembly Appropriations
Analysis: Senate Business, Professions, and Economic Development 5/2/19
Senate Appropriations 5/3/19
Senate Floor Analyses 5/18/19
Assembly Business and Professions Committee 7/5/19
Board Position: Oppose

SB 627 would, among other things, authorize veterinarians to recommend medicinal cannabis or medicinal cannabis products for use on animal patients. It would also require the Board to issue guidelines on the appropriate administration and use of medicinal cannabis on an animal patient. 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. During the April 2019 meeting, the Board opposed SB 627 (Galgiani, 2019).

The Board 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 Legislation and replaced it with a 2022 deadline for adopting recommendation guidelines.

During the July 9, 2019 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 Executive Officer 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.

In an effort to incorporate the amendments in the language, the Board may want to consider an "oppose unless amended" position.

Veterinary Medical Board

Proposed Amendments to address animal cannabis research provisions

[These amendments are intended to address the policy concerns raised on page 5 of the Assembly Business and Professions Committee analysis and submitted for inclusion with the Assembly Business and Professions Committee amendments, which are detailed in the July 5, 2019 Committee analysis, accepted by the author at the Committee's July 9, 2019 hearing.]

Proposed Amendments:

On page 5, strike lines 23 through 28.

On page 19, between lines 26 and 27, below the Committee amendments to Section 14205 of the Food & Agriculture Code, insert:

SEC. 13 Section 11362.9 of the Health and Safety Code is amended to read:

11362.9.
(a) (1) It is the intent of the Legislature that the state commission objective scientific research by the premier research institute of the world, the University of California, regarding the efficacy and safety of administering cannabis as part of medical treatment. If the Regents of the University of California, by appropriate resolution, accept this responsibility, the University of California shall create a program, to be known as the California Cannabis Research Program. Whenever "California Marijuana Research Program" appears in any statute, regulation, or contract, or in any other code, it shall be construed to refer to the California Cannabis Research Program.

(2) The program shall develop and conduct studies intended to ascertain the general medical safety and efficacy of cannabis and, if found valuable, shall develop medical guidelines for the appropriate administration and use of cannabis. The studies may include studies to ascertain the effect of cannabis on motor skills.

(b) The program may immediately solicit proposals for research projects to be included in the cannabis studies. Program requirements to be used when evaluating responses to its solicitation for proposals, shall include, but not be limited to, all of the following:

(1) Proposals shall demonstrate the use of key personnel, including clinicians or scientists and support personnel, who are prepared to develop a program of research regarding cannabis' general medical efficacy and safety.

(2) Proposals shall contain procedures for outreach to patients with various medical conditions who may be suitable participants in research on cannabis.

(3) Proposals shall contain provisions for a patient registry.

(4) Proposals shall contain provisions for an information system that is designed to record information about possible study participants, investigators, and clinicians, and deposit and analyze data that accrues as part of clinical trials.

(5) Proposals shall contain protocols suitable for research on cannabis, addressing patients diagnosed with acquired immunodeficiency syndrome (AIDS) or human immunodeficiency virus (HIV), cancer, glaucoma, or seizures or muscle spasms associated with a chronic, debilitating condition. The proposal may also include research on other serious illnesses, provided that resources are available and medical information justifies the research.

(6) Proposals shall demonstrate the use of a specimen laboratory capable of housing plasma, urine, and other specimens necessary to study the concentration of cannabinoids in various tissues, as well as housing specimens for studies of toxic effects of cannabis.

(7) Proposals shall demonstrate the use of a laboratory capable of analyzing cannabis, provided to the program under this section, for purity and cannabinoid content and the capacity to detect contaminants.

(c) In order to ensure objectivity in evaluating proposals, the program shall use a peer review process that is modeled on the process used by the National Institutes of Health, and that guards against funding research that is biased in favor of or against particular outcomes. Peer reviewers shall be selected for their expertise in the scientific substance and methods of the proposed research, and their lack of bias or conflict of interest regarding the applicants or the topic of an approach taken in the proposed research. Peer reviewers shall judge research proposals on several criteria, foremost among which shall be both of the following:

(1) The scientific merit of the research plan, including whether the research design and experimental procedures are potentially biased for or against a particular outcome.

(2) Researchers' expertise in the scientific substance and methods of the proposed research, and their lack of bias or conflict of interest regarding the topic of, and the approach taken in, the proposed research.

(d) If the program is administered by the Regents of the University of California, any grant research proposals approved by the program shall also require review and approval by the research advisory panel.

(e) It is the intent of the Legislature that the program be established as follows:

(1) The program shall be located at one or more University of California campuses that have a core of faculty experienced in organizing multidisciplinary scientific endeavors and, in particular, strong experience in clinical trials involving psychopharmacologic agents. The campuses at which research under the auspices of the program is to take place shall accommodate the administrative offices, including the director of the program, as well as a data management unit, and facilities for storage of specimens.

(2) When awarding grants under this section, the program shall utilize principles and parameters of the other well-tested statewide research programs administered by the

University of California, modeled after programs administered by the National Institutes of Health, including peer review evaluation of the scientific merit of applications.

(3) The scientific and clinical operations of the program shall occur, partly at University of California campuses, and partly at other postsecondary institutions, that have clinicians or scientists with expertise to conduct the required studies. Criteria for selection of research locations shall include the elements listed in subdivision (b) and, additionally, shall give particular weight to the organizational plan, leadership qualities of the program director, and plans to involve investigators and patient populations from multiple sites.

(4) The funds received by the program shall be allocated to various research studies in accordance with a scientific plan developed by the Scientific Advisory Council. As the first wave of studies is completed, it is anticipated that the program will receive requests for funding of additional studies. These requests shall be reviewed by the Scientific Advisory Council.

(5) The size, scope, and number of studies funded shall be commensurate with the amount of appropriated and available program funding.

(6) Funding shall be appropriated for both human and animal patient studies.

(f) All personnel involved in implementing approved proposals shall be authorized as required by Section 11604.

(g) Studies conducted pursuant to this section shall include the greatest amount of new scientific research possible on the medical uses of, and medical hazards associated with, cannabis *for treatment of human and animal patients*. The program shall consult with the Research Advisory Panel analogous agencies in other states, and appropriate federal agencies in an attempt to avoid duplicative research and the wasting of research dollars.

(h) The program shall make every effort to recruit qualified patients and qualified physicians *and veterinarians* from throughout the state.

(i) The cannabis studies shall employ state-of-the-art research methodologies.

(j) The program shall ensure that all cannabis used in the studies is of the appropriate medical quality and shall be obtained from the National Institute on Drug Abuse or any other federal agency designated to supply cannabis for authorized research. If these federal agencies fail to provide a supply of adequate quality and quantity within six months of the effective date of this section, the Attorney General shall provide an adequate supply pursuant to Section 11478.

(k) The program may review, approve, or incorporate studies and research by independent groups presenting scientifically valid protocols for medical research, regardless of whether the areas of study are being researched by the committee.

(l) (1) To enhance understanding of the efficacy and adverse effects of cannabis as a pharmacological agent, the program shall conduct focused controlled clinical trials on the usefulness of cannabis in patients diagnosed with AIDS or HIV, cancer, glaucoma, or seizures or muscle spasms associated with a chronic, debilitating condition. The program may add research on other serious illnesses, provided that resources are

available and medical information justifies the research. The studies shall focus on comparisons of both the efficacy and safety of methods of administering the drug to patients, including inhalational, tinctural, and oral, evaluate possible uses of cannabis as a primary or adjunctive treatment, and develop further information on optimal dosage, timing, mode of administration, and variations in the effects of different cannabinoids and varieties of cannabis.

(2) The program shall examine the safety of cannabis in patients with various medical disorders, including cannabis's interaction with other drugs, relative safety of inhalation versus oral forms, and the effects on mental function in medically ill persons.

(3) *For treatment of animal patients, the program also shall examine the safety of cannabis treatment in various animal species and breeds.*

(4) The program shall be limited to providing for objective scientific research to ascertain the efficacy and safety of cannabis as part of medical treatment, and should not be construed as encouraging or sanctioning the social or recreational use of cannabis.

(m) (1) Subject to paragraph (2), the program shall, prior to any approving proposals, seek to obtain research protocol guidelines from the National Institutes of Health and shall, if the National Institutes of Health issues research protocol guidelines, comply with those guidelines.

(2) If, after a reasonable period of time of not less than six months and not more than a year has elapsed from the date the program seeks to obtain guidelines pursuant to paragraph (1), no guidelines have been approved, the program may proceed using the research protocol guidelines it develops.

(n) In order to maximize the scope and size of the cannabis studies, the program may do any of the following:

(1) Solicit, apply for, and accept funds from foundations, private individuals, and all other funding sources that can be used to expand the scope or timeframe of the cannabis studies that are authorized under this section. The program shall not expend more than 5 percent of its General Fund allocation in efforts to obtain money from outside sources.

(2) Include within the scope of the cannabis studies other cannabis research projects that are independently funded and that meet the requirements set forth in subdivisions (a) to (c), inclusive. In no case shall the program accept any funds that are offered with any conditions other than that the funds be used to study the efficacy and safety of cannabis as part of medical treatment. Any donor shall be advised that funds given for purposes of this section will be used to study both the possible benefits and detriments of cannabis and that he or she will have no control over the use of these funds.

(o) (1) Within six months of the effective date of this section, the program shall report to the Legislature, the Governor, and the Attorney General on the progress of the cannabis studies.

(2) Thereafter, the program shall issue a report to the Legislature every six months detailing the progress of the studies. The interim reports required under this paragraph shall include, but not be limited to, data on all of the following:

(A) The names and number of diseases or conditions under study.

(B) The number of patients enrolled in each study by disease.

(C) Any scientifically valid preliminary findings.

(p) If the Regents of the University of California implement this section, the President of the University of California shall appoint a multidisciplinary Scientific Advisory Council, not to exceed 15 members, to provide policy guidance in the creation and implementation of the program. Members shall be chosen on the basis of scientific expertise. Members of the council shall serve on a voluntary basis, with reimbursement for expenses incurred in the course of their participation. The members shall be reimbursed for travel and other necessary expenses incurred in their performance of the duties of the council.

(q) No more than 10 percent of the total funds appropriated may be used for all aspects of the administration of this section.

(r) This section shall be implemented only to the extent that funding for its purposes is appropriated by the Legislature in the annual Budget Act.