

MEMORANDUM

DATE	September 29, 2020
TO	Veterinary Medical Board
FROM	Jessica Sieferman, Executive Officer
SUBJECT	Agenda Item 8. Update on 2019-2020 Legislation

Legislation is amended, statuses are updated, and analyses are added frequently; thus, hyperlinks, identified in [blue, underlined text](#), are provided throughout this document to ensure members and the public have access to the most up-to-date information. The information below was based on legislation, statuses, and analyses (if any) publicly available on September 29, 2020. Amendments since the last Board meeting are discussed in the bill summaries in [blue, italicized text](#).

A. AB [2028](#) (Aguiar-Curry, 2020) State agencies: meetings
[Amended August 20, 2020](#)

[Status:](#) Dead
[Analyses:](#) 08/24/20- Senate Floor Analyses
 08/20/20- Senate Appropriations
 08/18/20- Senate Appropriations
 08/13/20- Senate Governmental Organization
 06/08/20- Assembly Floor Analysis
 05/31/20- Assembly Appropriations
 05/11/20- Assembly Governmental Organization

Board Position: **Neutral** (Executive Committee, August 25, 2020)

Summary: *Existing law, the Bagley-Keene Open Meeting Act, requires that a state body provide an opportunity for members of the public to directly address the body on each agenda item. Existing law exempts from this requirement, among other things, an agenda item that has already been considered by a committee composed exclusively of members of the state body at a public meeting where members of the public were afforded an opportunity to address the committee on the item.*

This bill would delete this exception, thereby making the requirement to provide an opportunity to address the state body applicable to an agenda item for which the public had an opportunity to address it at a public meeting of a committee of the state body.

Staff Comments: This bill was significantly amended on August 20, 2020, striking out the entire portion of the bill that caused Board concern. According to the bill sponsor, California Nurses Association/National Nurses United, the remaining section addresses concerns with board members voting on issues without taking public comment (see attached letter). The situations they described in the letter do not appear to be an issue for the Board. On August 25, 2020, the Executive Committee removed the Board's opposition to this bill (attached). However, this bill was unsuccessful in making it off the Senate Floor.

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

Amended August 11, 2020

Status: Dead

Analyses: 08/16/20- Assembly Appropriations
07/05/19 – Assembly Business and Professions Committee
05/18/19 – Senate Floor Analyses
05/03/19 – Senate Appropriations Committee
05/02/19 – Senate Business, Professions, and Economic Development Committee

Board Position: **Support if Amended**

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

Staff Comments: SB 627 was amended on August 11, 2020, but it did not include any of the Board's requested amendments as previously identified [here](#). Although SB 627 was scheduled for hearing on August 20, 2020, it was ultimately held and did not make it out of the Assembly Appropriations Committee.

On Saturday, August 29, 2020, the Board received the attached letter from the bill's sponsors, Lovingly & Legally. In the letter, the sponsors explain what happened to the bill and apologized that the most recent amendments did not include the Board's requested amendments. They assured the Board that they "were vehement about the research language and were assured, on several occasions, by staff, that the recommended VMB language would be included. In the end, the language was not included, and we are just as upset as you must be."

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

Status: Dead

Analyses: 06/23/20- Senate Floor Analyses
06/18/20- Senate Appropriations

06/07/20- Senate Appropriations
05/12/20- Senate Agriculture

Board Position: **Watch**

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

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

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

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

Staff Comments: As reported at the July meeting, SB 1115 was taken off calendar. While the sponsors were hopeful it would be taken up again before the legislative session was over, they were unsuccessful. The bill was not passed by the Legislature.

D. SB [1347](#) (Galgiani, 2020) Veterinary medicine: license exceptions: limited veterinary services premises registration

Amended August 12, 2020

Status: Dead

Analyses: 08/09/20- Assembly Business And Professions
06/10/20- Senate Floor
05/17/20- Senate Business, Professions and Economic
Development

Board Position: **Neutral** (Executive Committee, August 14, 2020)

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

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

The bill would preclude these exemptions from being construed to relieve a duly authorized officer of a shelter from the obligation to convey an injured animal to a veterinarian as specified or as otherwise necessary to provide the animal with the veterinary care that the shelter is unable to perform in accordance with the exempted acts of veterinary care. The bill would exempt a person from licensure and specified requirements on licensees when engaging in specified acts of veterinary care.

Existing law also requires all premises, as defined, where veterinary medicine, dentistry, or surgery, or the various branches thereof, is being practiced registering with the Board. *This bill would require public animal shelters, shelters operated by a society for the prevention of cruelty to animals, and humane societies that offer limited veterinary services, as defined, to register with the Board as a limited veterinary premises. The bill would specify application, staffing, and operations requirements for the limited veterinary premises registration.*

Existing law requires the initial and annual fees for registration of veterinary premises to be set by the board in an amount not to exceed \$400 annually. This bill would require a limited veterinary premises to pay that fee.

Staff Comments: The August 12, 2020 amendments significantly addressed the Board's main concerns regarding appropriate oversight and adequate consumer protection mechanisms. As such, the Board's Executive Committee, on behalf of the Board, removed its opposition to SB 1347. On August 18, 2020, the bill was pulled from hearing at the author's request.

Attachments:

1. AB 2028 Letter from Sponsors
2. AB 2028 Executive Committee Neutral Position Letter
3. SB 627 Letter from Sponsors to the Board



A Voice for Nurses. A Vision for Health Care.



OAKLAND

155 Grand Avenue

Suite 100

Oakland CA 94612

phone: 800-504-7859

fax: 510-663-1625

SACRAMENTO

980 9th Street

Suite 700

Sacramento CA 95814

phone: 916-446-5021

fax: 916-446-3880

August 19, 2020

The Honorable Anthony J. Portantino
Senate Committee Appropriations, Chair
State Capitol, Room 2206
Sacramento, CA 95814

**RE: AB 2028 (Aguiar- Curry) – SPONSOR
Closing a Loophole in the Bagley- Keene Open Meeting Act**

Dear Senator Portantino:

The California Nurses Association/National Nurses United (CNA) representing over 100,000 union nurses statewide is pleased to sponsor Assembly Bill 2028 (Aguiar- Curry) which will close a loophole in the Bagley-Keene Open Meeting Act of 1967. (Bagley-Keene) Specifically, this bill as proposed to be amended, will allow the public to comment on an agenda item at a meeting of a state body, even if that item has been discussed previously in a committee of that state body.

Most committees of state bodies are only 2-4 members, so the entire board is often not present to hear public comment when an item is discussed at the committee level. **This usually leaves board members to vote on issues when they have not heard any public comment.** This Bagley-Keene provision is archaic and unnecessary, these rules on public participation are common best practice but are not current law. This means that at any time a state body could choose to change its practices.

The author has submitted amendments to your committee which will narrow the scope of AB 2028 to the policy described above. The previous version of this legislation was sent to the suspense file in your committee due to the high anticipated state compliance costs. With these amendments to substantially narrow the bill, we would respectfully ask that you consider passage of AB 2028, as the state costs on the amended version of the bill are minor and negligible.

For these reasons CNA respectfully requests passage of this measure when it comes before your committee.

Sincerely,

A handwritten signature in black ink that reads "Taylor Jackson". The signature is written in a cursive, flowing style.

Taylor Jackson, Legislative Advocate
California Nurses Association/ National Nurses United

CC: Senate Appropriations Committee Members
Assemblymember Aguiar- Curry



August 25, 2020

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


Re: Assembly Bill (AB) 2028 (Aguiar-Curry, 2020) – Neutral


Dear Assembly Member Aguiar-Curry:

The Veterinary Medical Board (Board) sincerely appreciates your willingness to amend AB 2028. As indicated in our previous letters, the Board strongly supports transparency and the need for public participation and oversight of state entities. The Board works diligently to post meeting materials to its website as soon as possible, with the goal of posting ten days prior to Board meetings. Regardless of the AB 2028 outcome, the Board will continue to do its best to meet this goal.

Since all of the Board's concerns have been addressed in the August 20, 2020 amendments, the Board's Executive Committee, on behalf of the Board, is removing its opposition to AB 2028.

Sincerely,


Jaymie Noland, DVM, President
Veterinary Medical Board


Kathy Bowler, Vice-President
Veterinary Medical Board



9/2/2020

Lovingly & Legally SPC



Dear President Noland and Board Members,

By now you probably know that SB 627 was held in the Assembly Appropriations Committee to die.

While we will never know exactly why this happened, we wanted to, first of all, thank you and also fill you in on some of the background in case you are interested.

While we had some differences of opinion (especially in the beginning of this project) every one of you listened thoughtfully and took the time to research the subject that, some would say, was thrust upon you.

We want to thank all of you for listening to us and eventually supporting our efforts. We believe that you understand that our intention was never "Pot for Pets" but it has always been about the health and safety of the animals.

While the Senate had no problems with the bill (unanimous, bipartisan approval), the issues developed in the Assembly Business and Professions committee.

Two minutes before the committee hearing began, we were told that if we did not accept all of the B&P's recommended amendments that the bill would die there.

The amendments were by and large a stripping away of the "safety rails" we built into the bill; not the least of which was the Adult Use amendment. A successful company hired a prominent lobbyist to ensure that this bill would not affect their sales. It is our opinion that this was the "Poison Pill". The Bureau of Cannabis Control (BCC) sent a letter to the Senator's office requesting clarification that a recommendation isn't required for the purchase of medical cannabis. This is antithetical to the core of the Compassionate Use Act. We are certain that the BCC did not like that.

As a bill passes from "Sponsor" to "Author" the mantle of responsibility and ownership shifts. While we were lucky enough to be allowed inclusion in the process,

Lovingly.Legally@Gmail.com

PO Box 775

Laytonville, Ca. 95454



9/2/2020

the Senator's staff assured us that the VMB recommended language would be included. Legislative Counsel did not include this language in the draft that was submitted to the Appropriations Committee. We apologize and want you to know that we were vehement about the inclusion of the research language and were assured, on several occasions, by staff, that the recommended VMB language would be included. In the end the language was not included and we are just as upset as you must be.

We intend to be on the front lines should this subject come up again to defend the health and safety of the animals, encourage the much-needed research, and further the Veterinary Profession.

Regards

Paul Hansbury and Susan Tibbon
Lovingly & Legally SPC
415-987-9540

Lovingly.Legally@Gmail.com

PO Box 775

Laytonville, Ca. 95454