



BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES

REGULAR MEETING AGENDA
Tuesday, April 9, 2019
9:00 A.M.

LOS ANGELES CITY HALL, ROOM 1060
200 NORTH SPRING STREET
LOS ANGELES, CALIFORNIA 90012

LARRY GROSS
President

OLIVIA E. GARCÍA
Vice-President

ALISA FINSTEN
JOSE SANDOVAL
ROGER WOLFSON

Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For information please call (213) 482-9558.

Si requiere servicios de traducción, favor de hacer pedido con 24 horas de anticipo al (213) 482-9558.

I. ADMINISTRATIVE APPEALS

- Dangerous Animal Case: DA 184596 WV**
Appellant(s): Irma and Juan Altamira
West Valley Animal Services Center: Captain Lorna Esparza
Complaining Witness: Esthalia Perez

II. REGULAR COMMISSION MEETING

- PUBLIC COMMENT PERIOD** - (Comments from the public on items of public interest within the Board's subject matter jurisdiction that are not on the Agenda)

Public Comments: The Brown Act prohibits the Board and staff from responding to the speakers' comments. Some of the matters raised in public comment may appear on a future agenda.

2. NEIGHBORHOOD COUNCIL COMMENTS - (Discussion with Neighborhood Council representatives on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Animal Services Commissioners)

3. COMMISSION BUSINESS

A. Approval of Minutes for the Meeting of March 26, 2019 (Action Item; Public comment limited to one minute per speaker).

4. ORAL REPORT OF THE GENERAL MANAGER

5. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS

6. BOARD REPORTS

A. Authorize the Use of Animal Welfare Trust Funds for Utilization Enhancements of the Chameleon Animal Data Management System. (Action Item)

B. Recommendation to Support Assembly Bill No. 889 (Maienschein) – Animal Research Reporting Requirements. (Action Item)

C. Recommendation to Support Assembly Bill No. 611 (Nazarian) – Prohibition on the Sexual Abuse of Animals. (Action Item)

D. Recommendation to Support Senate Bill No. 580 (Wilk) – Animal Abuse: Probation and Treatment Requirements. (Action Item)

E. Recommendation to Support Assembly Bill No. 44 (Friedman) – Prohibition on the Sale or Distribution of Fur Products. (Action Item)

F. Recommendation to Support Assembly Bill No. 1586 (Kalra) – Prohibition of Pupils from Performing Animal Dissections. (Action Item)

G. Discussion on Department of Animal Services Staffing Levels. (Information Item).

7. ADJOURNMENT

Next Regular Meeting is scheduled for 7:00 P.M., April 23, 2019, at East Valley Animal Services Center, 14409 Vanowen Street, Van Nuys, CA 91405.

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday of each month at 9:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. Evening Meetings are held in various locations throughout the City, from 7:00 to

approximately 9:30 P.M. The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Board Agendas are available at the Department of Animal Services (Department), Administrative Division, 221 North Figueroa Street, 6th Floor, Suite 600, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2nd floor Public Bulletin Board in City Hall East, 200 North Main Street, Los Angeles, CA 90012. Internet users may also access copies of present and prior agenda items, copies of the Board Calendar, MP-3 audio files of meetings as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at <http://www.laanimalservices.com/CommissionAgendas.htm>

Three (3) members of the Board constitute a quorum for the transaction of business. Some items on the Agenda may be approved without any discussion.

The Board Secretary will announce the items to be considered by the Board. The Board will hear the presentation on the topic and gather additional information from Department Staff. Once presentations have finished, the Board President will ask if any Board Member or member of the public wishes to speak on one or more of these items. Each speaker called before the Commission will have one (1) minute to express their comments and concerns on matters placed on the agenda. (For certain agenda items, speakers will have two (2) minutes.)

PUBLIC INPUT AT BOARD MEETINGS – **Public Participation on Agenda Items.** Members of the public will have an opportunity to address the Board on agenda items after the item is called and before the Board takes action on the item, unless the opportunity for public participation on the item was previously provided to all interested members of the public at a public meeting of a Committee of the Board and the item has not substantially changed since the Committee heard the item. When speaking to an agenda item other than during Public Comment (see Public Comment below), the speaker shall limit his or her comments to the specific item under consideration (California Government Code, Section 54954.3).

Public Comment. The Board will provide an opportunity for public comment at every regular meeting of the Board. Members of the public may address the Board on any items within the subject matter jurisdiction of the Board as part of Public Comment.

Speaker Cards. Members of the public wishing to speak are to fill out one speaker card for each agenda item on which they wish to speak and present it to the Board secretary **before** the item is called.

Time Limit for Speakers. Speakers addressing the Board will be limited to one (1) minute of speaking time for each agenda item except during general public comment period which is limited to two (2) minutes per speaker. (For certain agenda items, speakers will have two (2) minutes each.). The Chairperson, with the approval of a majority of the Board, may for good cause extend any speaker's time by increments of up to one (1) minute.

Brown Act. These rules shall be interpreted in a manner that is consistent with the Ralph M. Brown Act, California Government Code Section § 54950 et seq.

STANDARDS OF CONDUCT. Speakers are expected to behave in an orderly manner and to refrain from personal attacks or use of profanity or language that may incite violence.

All persons present at Board meetings are expected to behave in an orderly manner and to refrain from disrupting the meeting, interfering with the rights of others to address the Board and/or interfering with the conduct of business by the Board.

In the event that any speaker does not comply with the foregoing requirements, or if a speaker does not address the specific item under consideration, the speaker may be ruled out of order, their speaking time forfeited and the

Chairperson may call upon the next speaker.

The Board, by majority vote, may order the removal from the meeting of any speaker or audience member continuing to behave in a disruptive manner after being warned by the Chairperson regarding their behavior. Section 403 of the California Penal Code states as follows: "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor."

VOTING AND DISPOSITION OF ITEMS – Most items require a majority vote of the entire membership of the Board (3 members). When debate on an item is completed, the Board President will instruct the Secretary to "call the roll". Every member present must vote for or against each item; abstentions are not permitted unless there is a Conflict of Interest for which the Board member is obliged to abstain from voting. The Secretary will announce the votes on each item. Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

When the Board has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the issue is again placed on the next agenda for the following meeting for the purpose of allowing the Board to again vote on the matter.

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NOTIFICATION OF ADMINISTRATIVE APPEAL HEARINGS

**To Be Held:
Tuesday, April 9, 2019, at 9:00 A.M.**

**City Hall
200 North Spring Street, 10th Floor, Room 1060
Los Angeles, CA 90012
(Entrance on Main Street)**

This serves as formal notice pursuant to Section § 53.18(q) 4 of the Los Angeles Municipal Code (LAMC) to the following parties and witnesses in the appeal(s) listed below:

- 1. Dangerous Animal Case: DA 184596 WV**
Appellant(s): Irma and Juan Altamira
West Valley Animal Services Center: Captain Lorna Esparza
Complaining Witness: Esthalia Perez

These hearings will not be rescheduled, except for good cause.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign Language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend.

For additional information, please refer to the Board's "Rules and Procedures for Appeals", or contact the Department of Animal Services at (213) 482-9558, or visit the Department's website: <http://www.laanimalservices.com/>. Written statements are to be submitted to the Commission seven days prior and, if in excess of 50 pages, seven hard copies must be provided. You may submit your statement (50 pages or less) via email to: ani.commission@lacity.org.

Para información en español, llame al (213) 482-9558.

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BOARD OF ANIMAL SERVICES COMMISSIONERS
CITY OF LOS ANGELES



MINUTES

TUESDAY, March 26, 2019 at 9:00 AM

LOS ANGELES CITY HALL, ROOM 1060
200 N. SPRING STREET
LOS ANGELES, CALIFORNIA 90012

Audio MP-3 Recording is available at www.laanimalservices.com

Larry Gross, President
Olivia E. García, Vice President
Alisa Finsten
Jose Sandoval
Roger Wolfson

Meeting called to order at 9:03 a.m. Commissioners present were García, Gross, Finsten, Sandoval and Wolfson. Also present from Los Angeles Animal Services (LAAS) was General Manager (GM) Brenda Barnette, Assistant General Manager (AGM) Tammy Watson, AGM MeLissa Webber, Board Secretary, LaTonya Dean and Assistant City Attorney (ACA) Dov Lesel.

Commissioner Gross opened the meeting, introduced staff and provided an overview of the meeting agenda.

I. ADMINISTRATIVE APPEALS

1. Dangerous Animal Case: DA 183558 WV

Appellant(s): Cynthia Koniow
West Valley Animal Services Center: Captain Lorna Esparza
Complaining Witness: James Valdez

The Board discussed the merits of the appeal, the evidence provided to the Hearing Examiner, and the grounds supporting the General Manager's determination. The Board found that the evidence supports the decision of the General Manager's determination.

Commissioner Gross made a motion to uphold the decision of the General Manager. **Commissioner Wolfson** seconded and the motion was approved by a vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

Public Comment:
None.

The appellant arrived at the meeting and there was a motion by **Commissioner Gross** to reconsider the administrative appeal hearing. **Commissioner Sandoval** seconded and the motion was approved by a vote of 5-0.

The Board further discussed the merits of the appeal. The Board found that the evidence supported the decision of the General Manager's determination.

Commissioner Gross made a motion to uphold the decision of the General Manager. **Commissioner Wolfson** seconded and the motion was approved by a vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

Public Comment:
None

II. REGULAR COMMISSION MEETING

1. PUBLIC COMMENT

Phyllis Daugherty spoke about a California Public Records Act request she submitted on March 6th regarding a dog named Snowball. She stated that she wanted to know about the necropsy and said that the dog was an experiment that went wrong.

2. NEIGHBORHOOD COUNCIL COMMENTS - (Discussion with Neighborhood Council representatives on Neighborhood Council Resolutions or Community Impact Statements filed with the City Clerk which relate to any agenda item listed or being considered on this agenda for the Board of Animal Services Commissioners)

Public Comment:
None.

3. COMMISSION BUSINESS

A. Approval of the Minutes for Meeting of March 12, 2019.

Public Comment:
None.

Commissioner Sandoval moved to approve the minutes of March 12, 2019. **Commissioner Finsten** seconded and the motion was approved by a unanimous vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

4. ORAL REPORT OF THE GENERAL MANAGER

GM Barnette discussed the following:

- The Department is starting to do some outreach with rabbits and such as mobile adoption events to try to educate people about rabbits.
- On St. Patrick's Day there was a hiking event for dogs from the West Valley Animal Services Center.
- The Harbor Animal Services Center hosted students from South Hills High School DogPACC, a club for animal lovers.
- The Department has some incidents with New Hope partners and staff is taking a look at the policies. Two dogs that left with New Hope partners were found across the country in bad shape and there is a pending investigation.
- Staff will try to come up with a report for the Board on the Trap-Neuter-Release (TNR) injunction.
- There will be a bill heard in Sacramento on a statewide ban of declawing cats. We were the first large city to pass a declaw ordinance for cats and GM Barnette reported she would be going to Sacramento to testify on the subject.
- The Department held a number of adoption events, including the Subaru of Sherman Oaks event which took place on Friday.

Public Comment:

Phyllis Daugherty commended the general manager for watching the transports, but suggested that she re-look at her own policy regarding the administrative staff being able to transport animals out of state.

5. COMMISSIONERS' ORAL REPORTS AND FUTURE AGENDA ITEMS

Commissioner Sandoval: Would like to get an update on his request to get a report on spay and neuter bulletin boards at the shelters. Staff was supposed to provide an inventory of what we had at each shelter.

Commissioner Finsten: Passed.

Commissioner García: Requested an update on the Capacity for Care program at South Los Angeles. Wants to see where that went or what happened with the program.

Commissioner Wolfson: Would like to see a report on the TNR injunction. He also would like the Commission to consider supporting AB 611 (Nazarian) regarding the sexual abuse of animals.

Commissioner Gross: Reported he attended an animal adoption event at Subaru of Sherman Oaks on Friday for animals from the East Valley Animal Services Center.

A representative from Councilman Ryu's Office was at the event and the Department commended Subaru for helping to pay for 300 adoptions last year.

Public Comment:

Phyllis Daugherty spoke about what the injunction does on TNR. She stated it was to keep the money that had been reserved for owned animals, kept for owned animals.

6. Board Reports

- A. Acceptance of a \$25,000 Donation from VCA Charities for Disaster Relief Efforts for Animals.

Public Comment:

None.

Commissioner Wolfson moved to accept the \$25,000 donation from VCA Charities. **Commissioner Sandoval** seconded and the motion was approved by a unanimous vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

- B. Authorize the Use of Animal Welfare Trust Funds for Staff Registration and Travel Accommodations for the Humane Society of the United States Animal Care Expo 2019.

AGM Webber reported that she wanted to take a team of staff to the Animal Care Expo, which is the largest animal welfare conference in the nation, to help continue the culture of progressive animal welfare and develop animal welfare professionals among staff. **Commissioner Wolfson** noted that the Department had allocated funds for things like this such as Best Friends (conference) and this was clearly in the interest of the animals and the betterment of staff.

Public Comment:

None.

Commissioner García moved to authorize the use of Animal Welfare Trust Funds for staff registration and travel accommodations for the Humane Society of the United States Animal Care Expo 2019. **Commissioner Finsten** seconded and the motion was approved by a unanimous vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

- C. Recommendation to Support Senate Bill No. 258 (Hertzberg) – Grants for Qualified Homeless Shelters for Pets and Veterinary Services.

Commissioner Gross stated that the bill would provide grants for homeless shelters to enable homeless individuals with pets to come into the shelter and be provided veterinarian services. He also reported that the bill had unanimously passed the Human Services Committee and was headed to the Senate Appropriations Committee. **GM Barnette** added that one of the barriers to getting people in the shelters is people having to leave their pets behind which keeps a lot of people on the street. Also, the other challenge was veterinary medical care and although there are services being provided, more support was needed. **Commissioner Sandoval** thanked President Gross for bringing this item to the Board for consideration and Senator Hertzberg for the initiative and stated he fully supported the item.

Public Comment:
None.

Commissioner Sandoval moved to support Senate Bill 258. **Commissioner Wolfson** seconded and the motion was approved by a unanimous vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

- D. Recommendation to Support Assembly Bill No. 366 (Bloom) – Animal Blood, Blood Components and Biologics.

(Spoke after I.1)

Timothy Pershing, Senior Field Deputy for Assemblymember Bloom, thanked the Board for their work and noted that Assembly Bill 366 was a very solid, sensible and humane, regulatory approach to animal blood banking for dogs and cats. He further stated it was being used across the country and had been proven to be safe and economically efficient. **Mr. Pershing** stated that Assemblymember Bloom had a very strong record with working with animal welfare proponents and hoped the Board would consider supporting the bill and would urge the City to support the bill as well. **Commissioner Sandoval** asked who controlled the blood. **Mr. Pershing** responded that there were blood banks set up and ran by veterinarians and that the current banks that use the same animals could be switched over. **Commissioner Sandoval** inquired if there were such things in California and **Mr. Pershing** responded that UC Davis had a program.

GM Barnette noted that this was done in the state of Washington about 10 years ago. Instead of having the same dogs kept for blood draws, volunteer dogs could be used.

Public Comment:

Gabrielle Palmer, Rescue + Freedom Project, supported the bill and believed that community based animal blood banks could be successfully implemented.

Nately Sych, Rescue + Freedom Project, supported the bill and stated that California was a leading state for animal welfare, yet we are the only state that requires closed colony banks.

Nicoal Sheen, Rescue + Freedom Project, supported the bill and does not feel that as a leader in animal welfare California should require closed colony blood banks.

Kevin McManus, Rescue + Freedom Project, supported the bill and noted that there were a large number of veterinarians that supported the bill, including the veterinary school at UC Davis.

Phyllis Daugherty, Animals Issues Movement, stated that it sounded like a humane bill, but the liabilities were not spelled out for the bill.

Commissioner Wolfson appreciated the concerns being raised, but felt issues would be ironed out.

Commissioner Wolfson moved to support Assembly Bill No. 366. **Commissioner Sandoval** seconded and the motion was approved by a unanimous vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

E. Recommendation to Support Assembly Bill No. 588 (Chen) – Dog Bite Reporting Requirements.

GM Barnette stated that the Department's current practice is to notify adopters of dog bite histories and usually if the dogs have a bite history, then the Department adopts them out to rescue organizations that do additional work with them before they are placed.

Public Comment:

None.

Commissioner Sandoval moved to approve Assembly Bill No. 588. **Commissioner García** seconded and the motion was approved by a unanimous vote of 5-0.

Ayes: Finsten, García, Gross, Sandoval and Wolfson

Noes: None.

Absent: None.

7. ADJOURNMENT

Meeting ended at 10:16 a.m.

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CHIEF VETERINARIAN

Report to the Board of Animal Services Commissioners

MEETING DATE: April 9, 2019

PREPARED BY: MeLissa Webber

REPORT DATE: March 7, 2019

TITLE: Assistant General Manager

**SUBJECT: AUTHORIZE THE USE OF ANIMAL WELFARE TRUST FUNDS FOR
UTILIZATION ENHANCEMENTS OF THE CHAMELEON ANIMAL DATA
MANAGEMENT SYSTEM**

BOARD ACTION RECOMMENDED:

APPROVE the use of up to \$125,000 in Animal Welfare Trust Funds (AWTF) for utilization enhancements of the Chameleon animal data management system.

BACKGROUND:

In 2000, the Department entered into a contract with HLP, Inc. for 'Chameleon,' an animal data management software system. The Chameleon software, which was acquired by Pethealth in 2018, is used to manage and track animal center data. This data is extracted and used to compile reports for use by Department staff. The reports provide metrics and detail trends relative to citations, adoptions, spay/neuter surgeries, live-save rates and other animal information. The animal data is analyzed by staff to determine how positive trends can be replicated in centers and how to deter less positive trends. The reports are also used to monitor key Department performance goals and objectives. In December 2018, through consultation with an expert Chameleon user, Joshua Frits, we discovered that Chameleon's capabilities greatly exceed our current usage.

SUMMARY:

Chameleon has been an essential tool used by the Department to manage animal data. However, there are additional features available to staff. Utilization of these additional features would allow staff to track and manage more information about the animals entering into the animal centers and other activities captured in Chameleon. Some of the proposed enhancements include more data gathering and reports for animal intake conditions, playgroups, fostering, enforcement, licensing, and mobile chameleon usage.

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SUBJECT: AUTHORIZE THE USE OF ANIMAL WELFARE TRUST FUNDS FOR
ENHANCEMENTS TO THE CHAMELEON ANIMAL DATA MANAGEMENT
SYSTEM

A few of the expanded functionalities are as follows:

Intake Conditions – This feature would allow the Department to better track the intake conditions of the animals entering into the shelter and intake users would be able to easily input the health condition of the animals (i.e., sick, injured).

Playgroup Reports – The ability to print out a report on the playgroup activity outcomes for animals would help staff better document animal behavior and assist with the placement of animals into the best permanent homes.

Foster Data - The Department's animal fostering program is an important life-saving factor and staff and the animals in the centers would benefit from gathering more information on animals that are fostered before a stray hold and those that received medical care while being fostered. Enhancements to Chameleon would allow staff access to log and track this data in addition to more information relative to the ages of animals being fostered.

Electronic Efficiencies – Increasing electronic efficiencies will allow the use of scanners for processing checks, vouchers and reading microchips, electronic entry and record reconciliation of rabies information and Chameleon memo generation.

Joshua Frits has many years of experience utilizing Chameleon in the shelter environment in both Licensing and IT roles. Josh has achieved success in identifying tasks performed by staff that can be automated or performed more efficiently by implementing advanced Chameleon features. Since 2011, Josh has helped numerous agencies such as the City of Albuquerque, Pinal County Animal Control and the City of Sacramento.


The scope of work includes the observation of work flow, the implementation of the Chameleon advanced features and training at each of the six LAAS services centers and with the Administrative Licensing Unit.

LAAS is committed to improving the responsiveness, efficiency, and quality of City services. These enhancements, as well as others, would help staff better track animal data that can be accessed more efficiently and used to improve the welfare of the animals.

FISCAL IMPACT:

There is no fiscal impact to the General Fund. The cost of the enhancements to the Chameleon software system would be expended from the Animal Welfare Trust Fund (Fund 859).

Approved:


Brenda Barnette, General Manager

Report to the Board of Animal Services Commissioners
SUBJECT: AUTHORIZE THE USE OF ANIMAL WELFARE TRUST FUNDS FOR
 ENCHANCEMENTS TO THE CHAMELEON ANIMAL DATA MANAGEMENT
 SYSTEM

BOARD ACTION:

_____	Passed	Disapproved	_____
_____	Passed with noted modifications	Continued	_____
_____	Tabled	New Date	_____

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Report to the Board of Animal Services Commissioners

MEETING DATE: April 9, 2019

PREPARED BY: Brenda Barnette

REPORT DATE: April 1, 2019

TITLE: General Manager

**SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 889 (MAIENSCHIN) –
ANIMAL RESEARCH REPORTING REQUIREMENTS**

BOARD ACTION RECOMMENDED:

1. **SUPPORT** State Assembly Bill No. 889 (Maienschein) – Animal Research, also known as the California Transparency in Research Act; and
2. **AUTHORIZE** staff to transmit this recommendation to the Mayor and City Council for consideration of adoption in the form of a Resolution by the City Council with the concurrence of the Mayor.

BACKGROUND:

In February 2019, Assemblymember Brian Maienschein introduced Assembly Bill (AB 889) which would amend and add sections to the Health and Safety Code relating to animal research.

SUMMARY:

AB 889 would define 'animal' as any live vertebrate, nonhuman animal used for diagnostic purposes, education or research and would require persons seeking to use animals for these purposes to submit an application each year to the State Department of Public Health (State). Applicants would be required to provide the total number of animals kept or used during the previous year, by species, the purposes for which the animals were used during the previous year, the number of animals used for each purpose, by species, and for the previous year, the common name and the level of pain and distress the animals experienced as defined in the Code of Federal Regulations.

By August 1, 2021, AB 889 would require that the State establish and maintain a publicly, accessible database that would allow users to search the information provided in the applications

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Report to the Board of Animal Services Commissioners

SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 889 (MAIENSCHIN) –
ANIMAL RESEARCH REPORTING REQUIREMENTS

for animal research. This bill is forward progress toward improving transparency as it relates to animal research in the State of California.

FISCAL IMPACT:

The support of AB 889 does not impact the General Fund.

Approved:

Brenda Barnette
Brenda Barnette, General Manager

Attachment: AB 889

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

ASSEMBLY BILL

No. 889

Introduced by Assembly Member Maienschein

February 20, 2019

An act to amend Sections 1651, 1666, and 1669 of, to add Section 1671 to, and to repeal Section 1650 of, the Health and Safety Code, relating to animal research.

LEGISLATIVE COUNSEL'S DIGEST

AB 889, as introduced, Maienschein. Animal research.

Existing law states the policy of the Legislature that the public health and welfare depend on the humane use of animals for scientific research and education. Existing law authorizes the State Department of Public Health to prescribe rules under which approval shall be granted to persons who wish to keep or use animals for diagnostic purposes, education, or research, and to promulgate regulations governing this use. Existing law exempts certain persons from those requirements, including persons who use or keep animals for animal training and animal cosmetics, among other things. A person who violates these provisions is guilty of a misdemeanor.

This bill would delete the policy statement described above. The bill would define “animal” for purposes of these provisions as any live vertebrate nonhuman animal used for diagnostic purposes, education, or research, as specified. The bill would require persons seeking to keep or use animals for those purposes to submit an application to the department annually that includes specified information, including the total number of animals kept during the previous year and the purposes for which each animal was used. The bill would require the department to establish and maintain a publicly accessible online database of

information obtained from those applications. The bill would remove the exemption for persons who keep or use animals for animal training and animal cosmetics, among other things. By expanding the scope of a crime, this bill would impose a state-mandated program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1650 of the Health and Safety Code is
2 repealed.

3 ~~1650. The public health and welfare depend on the humane~~
4 ~~use of animals for scientific advancement in the diagnosis and~~
5 ~~treatment of human and animal diseases, for education, for research~~
6 ~~in the advancement of veterinary, dental, medical and biologic~~
7 ~~sciences, for research in animal and human nutrition, and~~
8 ~~improvement and standardization of laboratory procedures of~~
9 ~~biologic products, pharmaceuticals and drugs.~~

10 SEC. 2. Section 1651 of the Health and Safety Code is amended
11 to read:

12 1651. (a) The State Department of *Public Health Services*
13 shall administer the provisions of this ~~chapter~~.

14 ~~Every chapter.~~ Every provision of this chapter shall be liberally
15 construed to protect the interests of all persons and animals
16 affected.

17 As

18 (b) As used in this chapter, ~~“person” includes:~~ the following
19 definitions apply:

20 (1) A “person” includes a laboratory, firm, association,
21 corporation, copartnership, ~~and~~ or educational institution.

22 ~~As used in this chapter,~~

23 (2) The “board” or “department” means the State Department
24 of ~~Health Services.~~ *Public Health.*

25 (3) An “animal” means a live vertebrate nonhuman animal kept
26 or used by a person for the purposes described in this chapter.

SEC. 3. Section 1666 of the Health and Safety Code is amended to read:

~~1666. No shall~~ (a) A person shall not keep or use animals for diagnostic purposes, ~~education~~ education, or research unless approved by the ~~board~~ department.

(b) A person seeking to use an animal for diagnostic purposes, education, or research shall submit an application to the department, on an annual basis, that includes all of the following information:

(1) The total number of animals kept or used during the previous year, by species.

(2) The purposes for which animals were used during the previous year, and the number of animals used for each purpose, by species.

(3) For the previous year, the common name and number of animals in each pain and distress category defined in paragraphs (5) to (8), inclusive, of Section 2.36(b) of Title 9 of the Code of Federal Regulations.

SEC. 4. Section 1669 of the Health and Safety Code is amended to read:

~~1669. This~~

1669. (a) This chapter applies to any person or facility using animals for research, testing, or training of scientists or healthcare providers, including a person or facility that is registered with the United States Department of Agriculture or has received an Animal Welfare Assurance from the National Institutes of Health.

(b) Notwithstanding subdivision (a), this chapter does not apply to ~~any veterinary a veterinarian~~ a veterinarian licensed to practice veterinary medicine in this State or to any state, or to a place of business operated by ~~such veterinary, nor to animal training, animal cosmetics and routine animal husbandry practices, nor to laboratories subject to control or regulation by the National Institutes of Health or the Federal Bureau of Animal Industry.~~ that veterinarian.

SEC. 5. Section 1671 is added to the Health and Safety Code, to read:

1671. (a) On or before August 1, 2021, the department shall establish and maintain a publicly accessible and searchable online database of information contained in applications submitted pursuant to Section 1666.

1 (b) For each application, the database shall include all of the
2 following information:

3 (1) The name of the applicant.

4 (2) The total number of animals kept or used during the previous
5 year, by species.

6 (3) The purposes for which animals were used during the
7 previous year, and the number of animals used for each purpose,
8 by species.

9 (4) For the previous year, the common name and number of
10 animals in each pain and distress category defined in paragraphs
11 (5) to (8), inclusive, of Section 2.36(b) of Title 9 of the Code of
12 Federal Regulations.

13 (c) The department shall make the information in subdivision
14 (b), and a copy of each application in its entirety, available through
15 the database within 60 days after receiving an application.

16 SEC. 6. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

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Report to the Board of Animal Services Commissioners

MEETING DATE: April 9, 2019

PREPARED BY: Brenda Barnette

REPORT DATE: April 1, 2019

TITLE: General Manager

**SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 611 (NAZARIAN) –
PROHIBITION ON THE SEXUAL ABUSE OF ANIMALS**

BOARD ACTION RECOMMENDED:

1. **SUPPORT** State Assembly Bill No. 611 (Nazarian) – Sexual Abuse of Animal; and
2. **AUTHORIZE** staff to transmit this recommendation to the Mayor and City Council for consideration of adoption in the form of a Resolution by the City Council with the concurrence of the Mayor.

BACKGROUND:

In February 2019, Assemblymember Adrin Nazarian introduced Assembly Bill (AB 611) which would amend sections of the Business and Professions Code and amend and repeal sections of the Penal Code related to the sexual abuse of animals.

SUMMARY:

Although there are current laws in place prohibiting the sexual abuse of certain animals, AB 611 broadens the State's reach to protect all animals from this type of abuse. It also provides other provisions to help protect the welfare of animals that may be victims of sexual abuse, including:

- Authorization to seize and impound animals that are victims of sexual abuse;
- Expansion of reporting requirements for veterinarians who have a reasonable cause to believe an animal has been a victim of sexual abuse; and

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- The addition of animal sexual abuse to the list of offenses which would result in the prohibition of those convicted of the crime, from owning, possessing or maintaining an animal for a specified period of time.

Under AB 611, an animal shelter administered by a public animal control agency, a humane society, or any society for the prevention of cruelty to animals, and an animal rescue or animal adoption organization may ask a person who is attempting to adopt an animal from that entity whether the person is prohibited from owning, possessing, maintaining, having custody of, or residing with an animal.

FISCAL IMPACT:

The support of AB 611 does not impact the General Fund.

Approved:


Brenda Barnette, General Manager

Attachment: AB 611

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

ASSEMBLY BILL

No. 611

Introduced by Assembly Member Nazarian

February 14, 2019

An act to amend Section 4830.7 of the Business and Professions Code, and to amend Section 597.9 of, and to repeal and add Section 286.5 of, the Penal Code, relating to sexual abuse of animals.

LEGISLATIVE COUNSEL'S DIGEST

AB 611, as introduced, Nazarian. Sexual abuse of animals.

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.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4830.7 of the Business and Professions
2 Code is amended to read:

3 4830.7. Whenever any licensee under this chapter has
4 reasonable cause to believe an animal under its care has been a
5 victim of animal abuse or cruelty, as prescribed in ~~Section~~ Sections
6 597 and 597.1 of the Penal Code, *or of sexual abuse, as prescribed*
7 *in Section 286.5 of the Penal Code*, it shall be the duty of the
8 licensee to promptly report it to the appropriate law enforcement
9 authorities of the county, city, or city and county in which it
10 occurred. No licensee shall incur any civil liability as a result of
11 making any report pursuant to this section or as a result of making
12 any report of a violation of *Section 286.5*, subdivisions (a), (b),
13 and (c) of ~~Section 597~~ 597, *or Section 597.1*, of the Penal Code.

14 SEC. 2. Section 286.5 of the Penal Code is repealed.

15 ~~286.5. Any person who sexually assaults any animal protected~~
16 ~~by Section 597f for the purpose of arousing or gratifying the sexual~~
17 ~~desire of the person is guilty of a misdemeanor.~~

18 SEC. 3. Section 286.5 is added to the Penal Code, to read:

19 286.5. (a) Every person who has sexual contact with an animal
20 is guilty of a misdemeanor.

21 (b) This section does not apply to any lawful and accepted
22 practice related to veterinary medicine performed by a licensed
23 veterinarian or a certified veterinary technician under the guidance
24 of a licensed veterinarian, any artificial insemination of animals
25 for reproductive purposes, any accepted animal husbandry practices
26 such as raising, breeding, or assisting with the birthing process of

1 animals or any other practice that provides care for an animal, or
2 to any generally accepted practices related to the judging of breed
3 conformation.

4 (c) As used in this section, the following terms have the
5 following meanings:

6 (1) “Animal” means any nonhuman creature, whether alive or
7 dead.

8 (2) “Sexual contact” means any act, committed for the purpose
9 of sexual arousal or gratification, abuse, or financial gain, between
10 a person and an animal involving contact between the sex organs
11 or anus of one and the mouth, sex organs, or anus of the other, or,
12 without a bona fide veterinary or animal husbandry purpose, the
13 insertion, however slight, of any part of the body of a person or
14 any object into the vaginal or anal opening of an animal, or the
15 insertion of any part of the body of an animal into the vaginal or
16 anal opening of a person.

17 (d) Notwithstanding any other law, if a defendant is granted
18 probation for a conviction under this section, the court shall order
19 the defendant to pay for, and successfully complete, counseling,
20 as determined by the court, designed to evaluate and treat behavior
21 or conduct disorders. If the court finds that the defendant is
22 financially unable to pay for that counseling, the court may develop
23 a sliding fee schedule based upon the defendant’s ability to pay.
24 An indigent defendant may negotiate a deferred payment schedule,
25 but shall pay a nominal fee if the defendant has the ability to pay
26 the nominal fee. County mental health departments or Medi-Cal
27 shall be responsible for the costs of counseling required by this
28 section only for those persons who meet the medical necessity
29 criteria for mental health managed care pursuant to Section
30 1830.205 of Title 9 of the California Code of Regulations or the
31 targeted population criteria specified in Section 5600.3 of the
32 Welfare and Institutions Code. The counseling specified in this
33 subdivision shall be in addition to any other terms and conditions
34 of probation, including any term of imprisonment and any fine.
35 This provision specifies a mandatory additional term of probation
36 and is not to be utilized as an alternative in lieu of imprisonment
37 in a county jail when that sentence is otherwise appropriate. If the
38 court does not order custody as a condition of probation for a
39 conviction under this section, the court shall specify on the court
40 record the reason or reasons for not ordering custody.

(e) (1) Any authorized officer investigating a violation of this section may seize an animal that has been used in the commission of an offense to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.

(2) Any animal seized pursuant to this subdivision shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

(3) Upon the conviction of a person charged with a violation of this section, all animals lawfully seized and impounded with respect to the violation shall be adjudged by the court to be forfeited and shall thereupon be transferred to the impounding officer or appropriate public entity for proper adoption or other disposition. A person convicted of a violation of this section shall be personally liable to the seizing agency for all costs of impoundment from the time of seizure to the time of proper disposition. Upon conviction, the court shall order the convicted person to make payment to the appropriate public entity for the costs incurred in the housing, care, feeding, and treatment of the seized or impounded animals. Each person convicted in connection with a particular animal may be held jointly and severally liable for restitution for that particular animal. The payment shall be in addition to any other fine or sentence ordered by the court.

(4) Except as otherwise specified in this section, if an animal is seized pursuant to paragraph (1), the disposition, care, or the responsibility for the financial cost of animals seized shall be in accordance with the provisions of Section 597.1.

SEC. 4. Section 597.9 of the Penal Code is amended to read:

597.9. (a) Except as provided in subdivision (c) or (d), a person who has been convicted of a misdemeanor violation of *Section* 286.5, subdivision (a) or (b) of Section 597, or Section 597a, 597b, 597h, 597j, 597s, or 597.1, and who, within five years after the conviction, owns, possesses, maintains, has custody of, resides with, or cares for any animal is guilty of a public offense, punishable by a fine of one thousand dollars (\$1,000).

(b) Except as provided in subdivision (c) or (d), a person who has been convicted of a felony violation of subdivision (a) or (b) of Section 597, or Section 597b or 597.5, and who, within 10 years after the conviction, owns, possesses, maintains, has custody of, resides with, or cares for any animal is guilty of a public offense, punishable by a fine of one thousand dollars (\$1,000).

(c) (1) In cases of owners of livestock, as defined in Section 14205 of the Food and Agricultural Code, a court may, in the interest of justice, exempt a defendant from the injunction required under subdivision (a) or (b), as it would apply to livestock, if the defendant files a petition with the court to establish, and does establish by a preponderance of the evidence, that the imposition of the provisions of this section would result in substantial or undue economic hardship to the defendant's livelihood and that the defendant has the ability to properly care for all livestock in ~~his~~ ~~or her~~ *their* possession.

(2) Upon receipt of a petition from the defendant, the court shall set a hearing to be conducted within 30 days after the filing of the petition. The petitioner shall serve a copy of the petition upon the prosecuting attorney 10 calendar days prior to the requested hearing. The court shall grant the petition for exemption from subdivision (a) or (b) unless the prosecuting attorney shows by a preponderance of the evidence that either or both of the criteria for exemption under this subdivision are untrue.

(d) (1) A defendant may petition the court to reduce the duration of the mandatory ownership prohibition. Upon receipt of a petition from the defendant, the court shall set a hearing to be conducted within 30 days after the filing of the petition. The petitioner shall serve a copy of the petition upon the prosecuting attorney 10 calendar days prior to the requested hearing. At the hearing, the petitioner shall have the burden of establishing by a preponderance of the evidence all of the following:

(A) ~~He or she~~ *The petitioner* does not present a danger to animals.

(B) ~~He or she~~ *The petitioner* has the ability to properly care for all animals in ~~his or her~~ *their* possession.

(C) ~~He or she~~ *The petitioner* has successfully completed all classes or counseling ordered by the court.

(2) If the petitioner has met ~~his or her~~ *their* burden, the court may reduce the mandatory ownership prohibition and may order that the defendant comply with reasonable and unannounced inspections by animal control agencies or law enforcement.

(e) An animal shelter administered by a public animal control agency, a humane society, or any society for the prevention of cruelty to animals, and an animal rescue or animal adoption organization may ask ~~an individual~~ *a person* who is attempting to

1 adopt an animal from that entity whether ~~he or she~~ *the person* is
2 prohibited from owning, possessing, maintaining, having custody
3 of, or residing with an animal pursuant to this section.

4 SEC. 5. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

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Report to the Board of Animal Services Commissioners

MEETING DATE: April 9, 2019

PREPARED BY: Brenda Barnette

REPORT DATE: April 1, 2019

TITLE: General Manager

**SUBJECT: RECOMMENDATION TO SUPPORT SENATE BILL NO. 580 (WILK) – ANIMAL
ABUSE: PROBATION AND TREATMENT REQUIREMENTS**

BOARD ACTION RECOMMENDED:

1. **SUPPORT** State Senate Bill No. 580 (Wilk) – Animal Abuse: Probation and Treatment Requirements, also known as the Animal Cruelty and Violence Intervention Act of 2019; and
2. **AUTHORIZE** staff to transmit this recommendation to the Mayor and City Council for consideration of adoption in the form of a Resolution by the City Council with the concurrence of the Mayor.

BACKGROUND:

In February 2019, Senator Scott Wilk introduced Senate Bill (SB 580) which would amend sections of the Penal Code related to animal abuse.

SUMMARY:

The law prohibits the malicious and intentional maiming, mutilation, torture and killing of animals. Offenders of this law which are ordered to serve probation are required to complete counseling to evaluate and treat behavior and conduct disorders. SB 580 would amend this provision and instead require those convicted of these crimes and granted probation to undergo a psychological or psychiatric evaluation and appropriate treatment, as well as the completion of a responsible animal owner education course if so ordered by the court.

Currently, animal abuse offenders are subject to fines of up to \$20,000, imprisonment of up to one year and/or the forced surrender of their animals. SB 580 would address the underlying causes of animal cruelty and is a step towards ending the cycle of violent acts towards animals.

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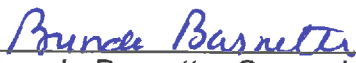
Report to the Board of Animal Services Commissioners

SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 580 (WILK) –
ANIMAL ABUSE: PROBATION AND TREATMENT REQUIREMENTS

FISCAL IMPACT:

The support of SB 580 does not impact the General Fund.

Approved:


Brenda Barnette, General Manager

Attachment: SB 580

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

Introduced by Senator Wilk

February 22, 2019

An act to amend Section 597 of, and to add Sections 600.8 and 600.9 to, the Penal Code, relating to animal abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 580, as introduced, Wilk. Animal abuse: probation: treatment.

Existing law makes it a crime to maliciously and intentionally maim, mutilate, torture, wound, or kill a living animal. If a defendant is granted probation for a conviction of this offense, existing law requires the court to order the defendant to complete counseling designed to evaluate and treat behavior or conduct disorders.

This bill would delete the requirement that a defendant granted probation complete counseling and would instead require a defendant convicted of specified offenses against animals and granted probation or a suspended sentence to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after considering the evaluation. The court would require the defendant to pay for the treatment, but would authorize the court to establish a sliding fee schedule based on the defendant's ability to pay.

The bill would also require the court, for a defendant granted probation or a suspended sentence for a conviction of specified crimes, to consider whether to order the defendant to complete a responsible animal owner education course, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 Animal Cruelty and Violence Intervention Act of 2019.

3 SEC. 2. Section 597 of the Penal Code is amended to read:

4 597. (a) Except as provided in subdivision (c) of this section
5 or Section 599c, ~~every~~ a person who maliciously and intentionally
6 maims, mutilates, tortures, or wounds a living animal, or
7 maliciously and intentionally kills an animal, is guilty of a crime
8 punishable pursuant to subdivision (d).

9 (b) Except as otherwise provided in subdivision (a) or (c), ~~every~~
10 a person who overdrives, overloads, drives when overloaded,
11 overworks, tortures, torments, deprives of necessary sustenance,
12 drink, or shelter, cruelly beats, mutilates, or cruelly kills ~~any~~ an
13 animal, or causes or procures ~~any~~ an animal to be so overdriven,
14 overloaded, driven when overloaded, overworked, tortured,
15 tormented, deprived of necessary sustenance, drink, shelter, or to
16 be cruelly beaten, mutilated, or cruelly killed; and whoever, having
17 the charge or custody of ~~any~~ an animal, either as owner or
18 otherwise, subjects ~~any~~ an animal to needless suffering, or inflicts
19 unnecessary cruelty upon the animal, or in any manner abuses ~~any~~
20 an animal, or fails to provide the animal with proper food, drink,
21 or ~~shelter~~ shelter, or protection from the weather, or who drives,
22 rides, or otherwise uses the animal when unfit for labor, is, for
23 each offense, guilty of a crime punishable pursuant to subdivision
24 (d).

25 (c) ~~Every~~ A person who maliciously and intentionally maims,
26 mutilates, or tortures ~~any~~ a mammal, bird, reptile, amphibian, or
27 fish, as described in subdivision (e), is guilty of a crime punishable
28 pursuant to subdivision (d).

29 (d) A violation of subdivision (a), (b), or (c) is punishable as a
30 felony by imprisonment pursuant to subdivision (h) of Section
31 1170, or by a fine of not more than twenty thousand dollars
32 (\$20,000), or by both that fine and imprisonment, or alternatively,
33 as a misdemeanor by imprisonment in a county jail for not more
34 than one year, or by a fine of not more than twenty thousand dollars
35 (\$20,000), or by both that fine and imprisonment.

36 (e) (1) Subdivision (c) applies to ~~any~~ a mammal, bird, reptile,
37 amphibian, or fish ~~which~~ that is a creature described as follows:

38 (1)

(A) Endangered species or threatened species as described in Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.

~~(2)~~

(B) Fully protected birds described in Section 3511 of the Fish and Game Code.

~~(3)~~

(C) Fully protected mammals described in Chapter 8 (commencing with Section 4700) of Part 3 of Division 4 of the Fish and Game Code.

~~(4)~~

(D) Fully protected reptiles and amphibians described in Chapter 2 (commencing with Section 5050) of Division 5 of the Fish and Game Code.

~~(5)~~

(E) Fully protected fish as described in Section 5515 of the Fish and Game Code.

~~This~~

(2) *This* subdivision does not supersede or affect any provisions of law relating to taking of the described species, including, but not limited to, Section 12008 of the Fish and Game Code.

(f) For the purposes of subdivision (c), each act of malicious and intentional maiming, mutilating, or torturing a separate specimen of a creature described in subdivision (e) is a separate offense. If ~~any~~ a person is charged with a violation of subdivision (c), the proceedings shall be subject to Section 12157 of the Fish and Game Code.

(g) (1) Upon the conviction of a person charged with a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, all animals lawfully seized and impounded with respect to the violation by a peace officer, officer of a humane society, or officer of a pound or animal regulation department of a public agency shall be adjudged by the court to be forfeited and shall thereupon be awarded to the impounding officer for proper disposition. A person convicted of a violation of this section by causing or permitting an act of cruelty, as defined in Section 599b, shall be liable to the impounding officer for all costs of impoundment from the time of seizure to the time of proper disposition.

(2) Mandatory seizure or impoundment shall not apply to animals in properly conducted scientific experiments or investigations performed under the authority of the faculty of a regularly incorporated medical college or university of this state.

~~(h) Notwithstanding any other provision of law, if a defendant is granted probation for a conviction under this section, the court shall order the defendant to pay for, and successfully complete, counseling, as determined by the court, designed to evaluate and treat behavior or conduct disorders. If the court finds that the defendant is financially unable to pay for that counseling, the court may develop a sliding fee schedule based upon the defendant's ability to pay. An indigent defendant may negotiate a deferred payment schedule, but shall pay a nominal fee if the defendant has the ability to pay the nominal fee. County mental health departments or Medi-Cal shall be responsible for the costs of counseling required by this section only for those persons who meet the medical necessity criteria for mental health managed care pursuant to Section 1830.205 of Title 9 of the California Code of Regulations or the targeted population criteria specified in Section 5600.3 of the Welfare and Institutions Code. The counseling specified in this subdivision shall be in addition to any other terms and conditions of probation, including any term of imprisonment and any fine. This provision specifies a mandatory additional term of probation and is not to be utilized as an alternative in lieu of imprisonment pursuant to subdivision (h) of Section 1170 or county jail when that sentence is otherwise appropriate. If the court does not order custody as a condition of probation for a conviction under this section, the court shall specify on the court record the reason or reasons for not ordering custody. This subdivision shall not apply to cases involving police dogs or horses as described in Section 600.~~

SEC. 3. Section 600.8 is added to the Penal Code, to read:

600.8. (a) For a defendant who is granted probation or a suspended sentence for an offense specified in subdivision (b), the court shall order the convicted person to undergo a psychological or psychiatric evaluation and to undergo any treatment, at the convicted person's expense, that the court determines to be appropriate after due consideration of the evaluation. If the court finds that the defendant is financially unable to pay for counseling, the court may develop a sliding fee schedule based on the

1 defendant's ability to pay. An indigent defendant may negotiate a
2 deferred payment schedule, but shall pay a nominal fee if the
3 defendant has the ability to pay the nominal fee. County mental
4 health departments or Medi-Cal shall be responsible for the costs
5 of counseling required by this section only for those persons who
6 meet the medical necessity criteria for mental health managed care
7 pursuant to Section 1830.205 of Title 9 of the California Code of
8 Regulations or the targeted population criteria specified in Section
9 5600.3 of the Welfare and Institutions Code. The counseling
10 specified in this section shall be in addition to any other terms and
11 conditions of probation, including any term of imprisonment and
12 fine.

13 (b) This section applies to a conviction for any of the following
14 offenses:

15 (1) Section 286.5.

16 (2) Section 596.

17 (3) Subdivision (a), (b), or (c) of Section 597.

18 (4) Paragraph (1) of subdivision (a) of Section 597.1.

19 (5) Section 597f.

20 (6) Subdivision (a), (b), or (c) of Section 600.

21 SEC. 4. Section 600.9 is added to the Penal Code, to read:

22 600.9. (a) For a defendant who is granted probation or a
23 suspended sentence for an offense specified in subdivision (c), the
24 court shall consider whether to order that person to complete a
25 responsible animal owner education course described in subdivision
26 (b).

27 (b) The responsible animal owner education course for offenses
28 specified in subdivision (c) shall be one of the following:

29 (1) An online course approved by the State Department of
30 Education.

31 (2) An online course approved for a similar purpose in another
32 state.

33 (3) A live course sponsored by a municipal animal shelter,
34 humane society, or society for the prevention of cruelty to animals
35 (SPCA).

36 (c) This section applies to a conviction for any of the following
37 offenses:

38 (1) Section 286.5.

39 (2) Section 596.

40 (3) Section 596.5.

- 1 (4) Subdivision (a), (b), or (c) of Section 597.
- 2 (5) Paragraph (1) of subdivision (a) of Section 597.1.
- 3 (6) Subdivision (a) or (b) of Section 597.5.
- 4 (7) Section 597.6.
- 5 (8) Section 597.7.
- 6 (9) Section 597a.
- 7 (10) Section 597b.
- 8 (11) Section 597c.
- 9 (12) Section 597e.
- 10 (13) Section 597f.
- 11 (14) Section 597g.
- 12 (15) Section 597h.
- 13 (16) Section 597i.
- 14 (17) Section 597j.
- 15 (18) Section 597k.
- 16 (19) Section 597l.
- 17 (20) Section 597m.
- 18 (21) Section 597n.
- 19 (22) Section 597o.
- 20 (23) Section 597s.
- 21 (24) Section 597t.
- 22 (25) Section 597u.
- 23 (26) Section 597v.
- 24 (27) Section 597x.
- 25 (28) Section 597z.
- 26 (29) Section 599f.
- 27 (30) Subdivision (a), (b), or (c) of Section 600.
- 28 (31) Section 600.2.
- 29 (32) Section 600.5.

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Report to the Board of Animal Services Commissioners

MEETING DATE: April 9, 2019

PREPARED BY: Brenda Barnette

REPORT DATE: April 1, 2019

TITLE: General Manager

**SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 44 (FRIEDMAN) –
PROHIBITION ON THE SALE AND DISTRIBUTION OF FUR PRODUCTS**

BOARD ACTION RECOMMENDED:

1. **SUPPORT** State Assembly Bill No. 44 (Friedman), also known as the California State Fur Ban; and
2. **AUTHORIZE** staff to transmit this recommendation to the Mayor and City Council for consideration of adoption in the form of a Resolution by the City Council with the concurrence of the Mayor.

BACKGROUND:

In December 2018, Assemblymember Laura Friedman introduced Assembly Bill (AB 44) which would amend sections of the Fish and Game Code relating to the sell, trade or other distribution of fur products.

SUMMARY:

In September 2018, the Los Angeles City Council approved a ban on the manufacture and sale of fur products in the City of Los Angeles. The prohibition was a progressive step in animal welfare for the City of Los Angeles. AB 44 offers a progressive step in animal welfare for the State of California and would make it unlawful to manufacture, sell, offer for sale, display for sale, trade, give donate or otherwise distribute a fur product. The bill exempts leather, cowhide, and shearling, as well as fur products used for religious purposes and used fur. The prohibition would apply only to the sale and manufacture of products including, but not limited to clothing, handbags, shoes, slippers, hats, or key chains that contain fur and provides for a civil penalty for each violation.

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Report to the Board of Animal Services Commissioners

SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 44 (FRIEDMAN) –
PROHIBITION ON THE SALE AND DISTRIBUTION OF FUR PRODUCTS

AB 44 would help deter the suffering and inhumane treatment that animals may be subjected to at fur farms and other facilities and would make California the first state to outlaw the sale and manufacture of fur products within its borders.

FISCAL IMPACT:

The support of AB 44 does not impact the General Fund.

Approved:

Brenda F. Barnette
Brenda Barnette, General Manager

Attachment: AB 44

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

AMENDED IN ASSEMBLY MARCH 13, 2019
AMENDED IN ASSEMBLY FEBRUARY 25, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 44

Introduced by Assembly Member Friedman

December 3, 2018

An act to amend Section 3039 of, and to add Section 2023 to, the Fish and Game Code, relating to fur products.

LEGISLATIVE COUNSEL'S DIGEST

AB 44, as amended, Friedman. Fur products: prohibition.

Existing federal law requires that fur products be labeled with the names of any animals used, the manufacturer, the country of origin, and other specified information.

Existing state law makes it unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of specified species of animals.

Existing state law, except as specified, requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the Fish and Game Commission, or who sells raw furs of those mammals, to procure a trapping license from the Department of Fish and Wildlife. Existing law provides that products or handicraft items made from fur-bearing mammals and nongame mammals lawfully taken under the authority of a trapping license may be purchased or sold at any time. Existing law authorizes the commission to adopt regulations regarding the taking and sale of mammals taken under a trapping license. Under existing law, the provisions governing trapping

in the Fish and Game Code do not apply to, or prohibit the propagation of, fur-bearing mammals that are confined in accordance with regulations of the commission. Existing law generally makes violations of provisions relating to fish and wildlife a crime.

This bill would make it unlawful to sell, offer for sale, display for sale, trade, give, donate, or otherwise distribute a fur product, as defined, in the state. The bill would also make it unlawful to manufacture a fur product in the state. The bill would exempt from these prohibitions used fur products, as defined, and fur products used for ~~religious~~ *specified* purposes. The bill would require a person that sells or trades any fur product exempt from this prohibition to maintain records of each sale or trade of an exempt fur product for at least one year. A person who violates these prohibitions would not be subject to criminal penalty but would be subject to specified civil penalties. The bill would authorize the department, the Attorney General, or the city attorney of the city or the district attorney or county counsel of the county in which a violation of one of these prohibitions occurs to bring a civil action to recover the civil penalty. The bill would require the civil penalty to be deposited in the Fish and Game Preservation Fund. The bill would also authorize the recovery of the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness' fees, which would be required to be credited to the same operating funds as that from which the expenditures for those purposes were derived.

The bill would make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2023 is added to the Fish and Game Code,
2 to read:
3 2023. (a) For purposes of this section, the following definitions
4 shall apply:
5 (1) "Fur" means any animal skin or part thereof with hair, fleece,
6 or fur fibers attached thereto, either in its raw or processed state.
7 "Fur" does not include such skins or parts thereof that are to be
8 converted into leather, which in processing will have the hair,
9 fleece, or fur fiber completely removed; cowhide with hair attached
10 thereto; ~~or lambskin or sheepskin with hair attached thereto.~~

1 *thereto; or the skin or hide with or without the hair, fleece, or fur*
2 *fibers attached thereto of any lawfully taken game mammal.*

3 (2) “Fur product” means any article of clothing or covering for
4 any part of the body, or any fashion accessory, including, but not
5 limited to, handbags, shoes, slippers, hats, earmuffs, scarves,
6 shawls, gloves, jewelry, keychains, toys or trinkets, and home
7 accessories and decor, that is made in whole or in part of fur. “Fur
8 product” does not include any dog or cat fur product, as defined
9 in Section 1308 of Title 19 of the United States Code.

10 (3) “Used fur product” means a fur product that a person has
11 acquired for their own use and worn.

12 (b) (1) It is unlawful to sell, offer for sale, display for sale,
13 trade, give, donate, or otherwise distribute a fur product in the
14 state.

15 (2) It is unlawful to manufacture a fur product in the state.

16 (c) The prohibitions set forth in subdivision (b) do not apply to
17 any of the following:

18 (1) A used fur product.

19 (2) A fur product used for religious purposes.

20 (3) *A fur product used for tribal, cultural, or spiritual purposes*
21 *by a member of a federally recognized Native American tribe or*
22 *a nonfederally recognized California Native American tribe listed*
23 *on the California Tribal Consultation List maintained by the Native*
24 *American Heritage Commission.*

25 (d) A person who sells or trades any used fur product or fur
26 product described in subdivision (c) shall maintain a record of
27 each sale or trade of one of those exempt fur products for at least
28 one year. A violation of this subdivision is not subject to a criminal
29 or civil penalty.

30 (e) (1) A person who violates subdivision (b) is not subject to
31 the criminal penalties set forth in this code, but is subject to the
32 following civil penalties:

33 (A) For the first violation and for a violation that does not meet
34 the requirements of subparagraph (B) or (C), a civil penalty of up
35 to five hundred dollars (\$500).

36 (B) For a violation that occurred within one year of a previous
37 violation, a civil penalty of up to seven hundred fifty dollars (\$750).

38 (C) For a violation that occurred within one year of a second or
39 subsequent violation, a civil penalty of up to one thousand dollars
40 (\$1,000).

1 (2) Each fur product that constitutes a violation of subdivision
2 (b) shall be treated as a separate violation.

3 (f) (1) The department, the Attorney General, or the city
4 attorney of the city or the district attorney or county counsel of the
5 county in which a violation of subdivision (b) occurs, may bring
6 a civil action to recover the civil penalty in subdivision (e). The
7 civil action shall be brought in the county in which the violation
8 occurs and any penalty imposed shall be transferred to the
9 Controller for deposit in the Fish and Game Preservation Fund in
10 accordance with Section 13001.

11 (2) In an action brought under this section, in addition to the
12 penalty specified in subdivision (e), the reasonable costs of
13 investigation, reasonable attorney's fees, and reasonable expert
14 witness' fees may also be recovered and those amounts shall be
15 credited to the same operating funds as those from which the
16 expenditures for those purposes were derived.

17 SEC. 2. Section 3039 of the Fish and Game Code is amended
18 to read:

19 3039. (a) Except as otherwise provided in this section, Section
20 3087, Section 4303, another provision of this code, or a regulation
21 adopted pursuant to this code, it is unlawful to sell or purchase a
22 bird or mammal found in the wild in California.

23 (b) Shed antlers, or antlers taken from domestically reared
24 animals that have been manufactured into products or handicraft
25 items, or that have been cut into blocks or units that are to be
26 handcrafted or manufactured into those articles may be purchased
27 or sold at any time. However, complete antlers, whole heads with
28 antlers, antlers that are mounted for display, or antlers in velvet
29 may not be sold or purchased at any time, except as authorized by
30 Section 3087.

31 (c) Notwithstanding Section 3504, inedible parts of domestically
32 raised game birds may be sold or purchased at any time.

33 (d) A person who illegally takes a bird or mammal for profit or
34 for personal gain by engaging in an activity authorized by this
35 section is subject to civil liability pursuant to Section 2582.

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Report to the Board of Animal Services Commissioners

MEETING DATE: April 9, 2019

PREPARED BY: Brenda Barnette

REPORT DATE: April 1, 2019

TITLE: General Manager

**SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 1586 (KALRA) –
PROHIBITION OF PUPILS FROM PERFORMING ANIMAL DISSECTIONS**

BOARD ACTION RECOMMENDED:

1. **SUPPORT** State Assembly Bill No. 1586 (Kalra), also known as the Replacing Animals in Science Education (RAISE) Act; and
2. **AUTHORIZE** staff to transmit this recommendation to the Mayor and City Council for consideration of adoption in the form of a Resolution by the City Council with the concurrence of the Mayor.

BACKGROUND:

In February 2019, Assemblymember Ash Kalra introduced Assembly Bill (AB 1586) which would amend sections of the Education Code relating to pupil instruction and animal dissection.

SUMMARY:

Most schools that have a curriculum that includes dissection, typically uses frogs and worms for their assignments, however, recent surveys have shown that fetal pigs, cats, sharks, sheep and other animals may also be used in dissections. Current law allows students from kindergarten through the twelfth grade with a moral objection to dissecting animals for educational purposes, an option to refrain from doing so and instead be given an option to complete an alternative assignment in order to obtain the knowledge or information from the course.

AB 1586 would prohibit any pupil (kindergarten through twelfth grade) at all private and public schools from performing dissections, and would replace animal dissection activities with modern and humane teaching methods more in line with industry standards and best practices such as the use of three-dimensional models, films and virtual simulations.

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Report to the Board of Animal Services Commissioners

SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL NO. 1586 (KALRA) –
PROHIBITION OF PUPILS FROM PERFORMING ANIMAL DISSECTIONS

FISCAL IMPACT:

The support of AB 1586 does not impact the General Fund.

Approved:

Brenda Barnette

Brenda Barnette, General Manager

Attachment: AB 1586

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

ASSEMBLY BILL

No. 1586

Introduced by Assembly Member Kalra

February 22, 2019

An act to amend Sections 32255, 32255.1, and 32255.5 of, and to amend the heading of Chapter 2.3 (commencing with Section 32255) of Part 19 of Division 1 of Title 1 of, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1586, as introduced, Kalra. Pupil instruction: animal dissection.

Existing law authorizes a pupil with a moral objection to dissecting or otherwise harming or destroying an animal to refrain from participation in an educational project that involves the harmful or destructive use of animals. Existing law authorizes a pupil who chooses to refrain, with the approval of the teacher, to complete an alternative education project in order to obtain the knowledge, information, or experience required by the course of study in question.

This bill would prohibit a pupil in any California private or public school in kindergarten and grades 1 through 12, from performing dissection. The bill would define dissection as the viewing of the, or act of, dismembering or otherwise destructive use of an invertebrate or vertebrate animal, as specified, in the study of biological sciences, excluding fixed histological samples of any species. The bill would also add items that may be included as an alternative education project for the purpose of demonstrating knowledge if a pupil has a moral objection to participating in an education project involving the harmful or destructive use of animals.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 2.3 (commencing with Section 32255) of Part 19 of Division 1 of Title 1 of the Education Code is amended to read:

CHAPTER 2.3. *MODERNIZATION OF BIOLOGICAL TEACHING METHODS AND PUPILS' RIGHTS TO REFRAIN FROM THE HARMFUL OR DESTRUCTIVE USE OF ANIMALS*

SEC. 2. Section 32255 of the Education Code is amended to read:

32255. As used in this chapter:

(a) "Animal" means any living organism of the kingdom animalia, beings that typically differ from plants in capacity for spontaneous movement and rapid motor response to stimulation by a usually greater mobility with some degree of voluntary locomotor ability and by greater irritability commonly mediated through a more or less centralized nervous system, beings that are characterized by a requirement for complex organic nutrients including proteins or their constituents that are usually digested in an internal cavity before assimilation into the body proper, and beings that are distinguished from typical plants by lack of chlorophyll, by an inability to perform photosynthesis, by cells that lack cellulose walls, and by the frequent presence of discrete complex sense organs.

(b) "Alternative education project" includes, but is not limited to, the use of video recordings, *three-dimensional* models, films, books, *interactive simulation software* and computers, ~~which and~~ *assessments of knowledge that* would provide an alternate avenue for obtaining the knowledge, information, or experience required by the course of study in question. "Alternative education project" also includes "alternative test."

(c) "Pupil" means a person under 18 years of age who is matriculated in a course of instruction in an educational institution within the scope of Section 32255.5. For the purpose of asserting the pupil's rights and receiving any notice or response pursuant to

1 this chapter, “pupil” also includes the parents of the matriculated
2 minor.

3 (d) *“Dissection” means the viewing of the, or act of,*
4 *dismembering or otherwise destructive use of an invertebrate or*
5 *vertebrae animal, in part or in whole, preserved or freshly killed,*
6 *in the study of biological sciences. Animal dissection does not*
7 *include fixed histological samples of any species, including, but*
8 *not limited to, plain or stained microscope slides, owl pellets,*
9 *human autopsy viewing, and plastinated human organs.*

10 SEC. 3. Section 32255.1 of the Education Code is amended to
11 read:

12 ~~32255.1. (a)~~

13 32255.1. (a) *A pupil shall not perform dissection in a*
14 *California public or private school.*

15 (b) Except as otherwise provided in Section 32255.6, any pupil
16 with a moral objection to ~~dissecting or otherwise~~ harming or
17 destroying animals, or any parts thereof, shall notify ~~his or her~~ *the*
18 *pupil’s* teacher regarding this objection, upon notification by the
19 school of ~~his or her~~ *the pupil’s* rights pursuant to Section 32255.4.

20 ~~(b)~~

21 (c) If the pupil chooses to refrain from participation in an
22 education project involving the harmful or destructive use of
23 animals, and if the teacher believes that an adequate alternative
24 education project is possible, the teacher may work with the pupil
25 to develop and agree upon an ~~alternate~~ *alternative* education project
26 for the purpose of providing the pupil an alternate avenue for
27 obtaining the knowledge, information, or experience required by
28 the course of study in question.

29 ~~(c)~~

30 (d) The alternative education project shall require a comparable
31 time and effort investment by the pupil. It shall not, as a means of
32 penalizing the pupil, be more arduous than the original education
33 project.

34 ~~(d)~~

35 (e) The pupil shall not be discriminated against based upon ~~his~~
36 ~~or her~~ *the pupil’s* decision to exercise ~~his or her~~ *the pupil’s* rights
37 pursuant to this chapter.

38 ~~(e)~~

39 (f) Pupils choosing an alternative educational project shall pass
40 all examinations of the respective course of study in order to

1 receive credit for that course of study. However, if tests require
2 the harmful or destructive use of animals, a pupil may, similarly,
3 seek alternative tests pursuant to this chapter.

4 ~~(f)~~

5 (g) A pupil's objection to participating in an educational project
6 pursuant to this section shall be substantiated by a note from ~~his~~
7 ~~or her~~ *the pupil's* parent or guardian.

8 SEC. 4. Section 32255.5 of the Education Code is amended to
9 read:

10 32255.5. Notwithstanding any ~~provision of~~ law to the contrary,
11 this chapter applies to all levels of instruction in all public *and*
12 *private* schools operating programs ~~from in~~ kindergarten ~~through~~
13 *and* grades 1 to 12, inclusive.