

SENATE JUDICIARY COMMITTEE
Senator Hannah-Beth Jackson, Chair
2015-2016 Regular Session

AB 2269 (Waldron)
Version: April 21, 2016
Hearing Date: June 28, 2016
Fiscal: Yes
Urgency: No
NR

SUBJECT

Animal shelters: research animals: prohibitions

DESCRIPTION

This bill would prohibit a person or animal shelter entity from euthanizing an animal for the purpose of transferring the carcass to a research facility or animal dealer.

This bill would prohibit a person or animal shelter entity that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or otherwise transferring a living animal to a research facility or animal dealer, and would also prohibit a research facility or animal dealer from procuring, purchasing, receiving, accepting, or using a living shelter animal for the purpose of medical or biological teaching, research, or study, or any other kind of experimentation.

This bill would create a civil penalty of \$1,000 for a violation of the above provisions, and make other conforming changes.

BACKGROUND

Pound seizure became common in the United States in the 1940s, with the biomedical industry actually spearheading legislation in several states to legally require animal shelters to provide dogs and cats to research laboratories either directly, or through animal dealers who collect animals from shelters and other sources and sell them into experimentation.

After media accounts of family pets being stolen and sold by animal dealers in the 1960s, Congress passed the Animal Welfare Act in 1966 to regulate pound seizures and the theft and resale of animals into experimentation. Among other things, the Animal Welfare Act requires animal shelters and pounds to hold cats and dogs for a minimum of five days before they are sold to a dealer, and requires dealers to provide the recipient of the cat or dog with a certification containing certain information, such as a

description of the animal and the name of the shelter it came from. (7 U.S.C. Sec. 2158.) According to Cruelty Free International, however, the Animal Welfare Act “fell short of its intended goals and public expectation.” Specifically, by making it slower and more cumbersome to obtain animals from pounds, some individuals began stealing more pets in order to sell them to research and biomedical institutes. In addition, it created a financial incentive for some animal shelters to sell animals to research institutes instead of making them available for adoption.

Currently, California law prohibits the sale of animals that are abandoned at veterinarian hospitals, kennels, pet grooming parlors, and animal hospitals into any type of research, but condones the practice if the animal is transferred from an animal shelter entity, as long as appropriate signs at shelters inform the public of the practice. Seeking to bring consistency to state law, this bill would prohibit the sale or transfer of live animals from pounds and animal shelters to any animal dealer or research facility, and would prohibit the euthanizing of a shelter animal for the purpose of transferring the carcass to a research facility or animal dealer.

CHANGES TO EXISTING LAW

Existing law declares that it is the policy of this state that no adoptable animal should be euthanized if it can be adopted into a suitable home, and that no treatable animal should be euthanized if with treatment it could become adoptable with reasonable efforts. (Civ. Code Sec. 1834.4.)

Existing law provides that whenever an animal is delivered to a veterinarian, dog kennel, cat kennel, pet-grooming parlor, animal hospital, or any other animal care facility, and the owner of the animal does not pick up the animal within 14 calendar days after the day the animal was initially due to be picked up, the animal shall be deemed to be abandoned. (Civ. Code Sec. 1834.5 (a).)

Existing law requires the person into whose custody the animal is placed for care to try for at least 10 days to find a new owner for the animal, or turn the animal over to a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or nonprofit animal rescue group, provided that the shelter or rescue group has been contacted and has agreed to take the animal. (Civ. Code Sec. 1834.5 (a).)

Existing law authorizes the animal care facility to have the abandoned animal euthanized if it is unable to place the animal with a new owner, shelter, or rescue group as described above. Existing law further authorizes a veterinarian to euthanize an animal abandoned with the veterinarian or with a facility that has a veterinarian, if a new owner cannot be found after following the specified procedures for holding the animal described above. (Civ. Code Sec. 1834.5 (a) and (b).)

Existing law prohibits any animals abandoned at veterinarian hospitals, kennels, pet grooming parlors, and animal hospitals from being used for scientific or any other type of experimentation. (Civ. Code Sec. 1834.5 (e).)

Existing law requires any pound or animal regulation department of a public or private agency who turns over living or dead animals to biological supply facilities or research facilities to post a specified notice clearly visible to the public stating that animals turned in to the pound or department may be used for research purposes or to supply blood, tissue, or other biological products. (Civ. Code Sec. 1834.7 (a).)

This bill would require the posting immediately above only when an animal shelter entity transfers dead animals to a biological supply facility or a research facility.

This bill would prohibit a person or animal shelter from euthanizing an animal for the purpose, in whole or in part, of transferring the carcass to a research facility or animal dealer.

This bill would prohibit a person or animal shelter that accepts animals from the public or takes in stray or unwanted animals from selling, giving, or transferring a living animal to a research facility, or to an animal dealer.

This bill would prohibit a research facility or animal dealer from receiving a living animal from a shelter the purpose of medical or biological teaching, research, or study, or any other kind of experimentation.

This bill would exempt from the above provisions a procedure by a licensed veterinarian to correct the animal's preexisting medical condition, or a procedure to spay or neuter the animal as specified, if the animal is returned after the procedure, unless the animal is found to be suffering from a medical condition that requires the animal's humane euthanasia to avoid imminent and prolonged pain and suffering.

This bill would create a civil penalty of \$1,000 for a violation of its provisions, in an action to be brought by the district attorney or city attorney of the county or city where the violation occurred. When collected, the civil penalty shall be payable to the general fund of the governmental entity that brought the action to assess the penalty.

COMMENT

1. Stated need for the bill

According to the author:

State law is inconsistent in its protection of lost, stray and abandoned animals. In addition state law is out of step with local ordinances across California which

prohibit pound seizure thus creating the potential for confusion for the public and law enforcement. California is also out of step with 17 states and the District of Columbia which now prohibit pound seizure, and out of step with the growing scientific consensus that the use of random source dogs and cats, which includes those acquired from animal shelters, is unnecessary and may be harmful.

A shelter that releases animals to dealers or laboratories loses the public trust. This is why animal shelters across the state have rejected pound seizure and most shelters do not sell the bodies of euthanized animals to commercial dealers. Conflicting state law on the issue creates confusion for the public and law enforcement.

[This bill] would prohibit the sale or transfer of live animals from pounds and animal shelters to any animal dealer or research facility for purposes of research or experimentation. This bill also prohibits the euthanasia of otherwise adoptable animals for the purpose of transferring the animal carcasses to a research facility or animal dealer.

2. Teaching methods of California Veterinary Schools

The California Veterinary Medical Association (CVMA), representing the University of California at Davis School of Veterinary Medicine and the Western University of Health Sciences College of Veterinary Medicine in Pomona, argues that this bill would impact the veterinary educational programs in California. CVMA claims that animals obtained from shelters are an integral part of the educational curriculum at veterinary schools and veterinary technician programs. CVMA writes:

Young, energetic and undisciplined animals, which are unlikely to be adopted, are offered to the schools so that they can become part of their teaching programs. At UC Davis, for example, they utilize up to 20 shelter cats and 20 shelter dogs per year for their teaching program. The ownership of these animals is transferred to the University for teaching which includes animal handling, restraint techniques, physical examinations, blood draws, and ultrasound examinations. Each dog has a student companion who is assigned to exercise their animal daily and provide enrichment and obedience training. Many of these students also take the dogs home over the weekend to help socialize them. The cats are group housed in large rooms with added enrichment and students spend time interacting with them outside of scheduled teaching activities on a daily basis. The cats are adopted after five months and the dogs after eight months. These dogs and cats are adopted out to good homes - with many of the students actually choosing to adopt their animals and a waiting list for others.

CVMA further notes that UC Davis obtains cadavers from shelters for the teaching of medical, surgical, and clinical techniques, and that "many California shelters are the beneficiaries of free services by the university and registered veterinary technician

programs – including spays and neuters, microchipping, dental procedures and vaccinations.” Accordingly, CVMA opposes this bill unless amended to ensure that the beneficial and humane practices employed by California’s veterinary educational programs will not be impacted by the legislation.

The author responds, “AB 2269 was introduced to ensure that shelter animals may not be used in painful laboratory experiments. I did not intend in any way to impact veterinary teaching that is benefiting animals. Originally my bill did allow for animals to be transferred from shelters or rescue groups to institutions for procedures that are beneficial to the animals such as spay and neuter surgeries or correction of medical conditions as long as the animals are returned to the shelter or rescued for adoption. Amendments taken to address the opposition’s concerns, later, caused greater need for clarification. I am glad the sponsors, the opposition and myself all worked together to ensure animals in shelters are not facing any harm.”

The following amendments (in mockup form) would address the opposition’s concerns by prohibiting the transfer of live animals for the purposes of research, experimentation, or testing, and would clarify that shelters only need to post a sign if transferring cadavers for research or biological supply, thereby allowing the transfer of animals for teaching. The amendments would also allow research facilities to work in collaboration with animal shelters to diagnose and treat shelter animals.

Author’s amendments:

Section 1834.7 is added to the Civil Code to read:

1834.7. (a) For purposes of this section:

(1) “Animal dealer” means a person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, or who buys, sells, or negotiates the purchase or sale of any animal, whether alive or dead, for research, teaching, exhibition, or biological supply.

(2) “Animal shelter entity” includes, but is not limited to, an animal regulation agency, humane society, society for the prevention of cruelty to animals, or other private or public animal shelter.

(3) “Person” means an individual, partnership, firm, limited liability company, joint-stock company, corporation, association, trust, estate, governmental agency, or other legal entity.

(3) “Research facility” means a research facility as defined by Section 2132 of Title 7 of the United States Code, effective February 7, 2014.

(b) (1) An animal shelter entity where dead animals are turned over to a biological supply facility or a research facility for research purposes or to supply blood, tissue, or other biological products, shall post a sign as described by this paragraph in a place where it will be clearly visible to a majority of persons when turning animals over to the shelter. The sign shall measure a minimum of 28 x 21 cm – 11 x 8¹/₂ inches – with lettering of a minimum of 3.2 cm high and 1.2 cm wide – 1¹/₄ x 1¹/₂ inch – (91 point) and shall state:

“Animals Euthanized at This Shelter May Be Used for Research Purposes or to Supply Blood, Tissue, or Other Biological Products”

(2) The statement in paragraph (1) shall also be included on owner surrender forms.

(3) A person or animal shelter entity shall not euthanize an animal for the purpose of transferring the carcass to a research facility or animal dealer.

(c) (1) An animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals shall not transfer, sell, or give any living animal to a research facility, animal dealer, or other person for the purpose of research, experimentation or testing.

(2) A research facility, animal dealer or other person shall not procure, purchase, receive, accept, or use a living animal for the purpose of research, experimentation or testing if that animal is transferred from, or received from, an animal shelter entity or other person that accepts animals from the public or takes in stray or unwanted animals.

(d) Nothing in this section prohibits a research facility from working in collaboration with an animal shelter entity to investigate problems and provide services to shelter animals.

(e) A violation of this section is subject to a civil penalty of one thousand dollars (\$1,000) in an action to be brought by the district attorney or city attorney of the county or city where the violation occurred. When collected, the civil penalty shall be payable to the general fund of the governmental entity that brought the action to assess the penalty.

3. Creates consistency in state law regarding the transfer of animals

Under existing law, pounds and animal regulation departments of public or private agencies who transfer animals, both carcasses and live animals, to a research institution or biological supply facility are required to post a sign with the following text:

“Animals Turned In To This Shelter May Be Used For Research Purposes or to Supply

Blood, Tissue, or Other Biological Products.” The sign is required to be posted in a place where the majority of people visiting the shelter will be able to see it.

As proposed to be amended, this bill would strike the above provision and create two distinct standards: a standard for the transferring of *euthanized* animals from shelter entities; and a standard for the transferring of *live* animals.

With regard to animals *euthanized* at a shelter, this bill would:

- if the shelter intends on transferring animals for research or biological supply, require the shelter to post a sign with that information so that individuals dropping animals off at that shelter would have notice of the animal’s potential fate;
- specify that the text of the sign also be included on owner surrender forms; and
- prohibit the euthanizing of an animal for the purpose of transferring the carcass to a research facility or animal dealer.

With regard to *live* animals, this bill, as proposed to be amended, would prohibit the transferring of a live animal to a research facility, animal dealer, or other person for the purpose of research, experimentation, or testing, and would prohibit these entities from receiving live animals for these purposes.

This distinction acknowledges that euthanasia of animals who have failed to be adopted is an unavoidable reality for many pounds and shelters, and recognizes that cadavers may have utility for research institutions and biological supply companies. Further, by allowing these animals to be transferred for the purpose of teaching or education, this bill will allow the training of future animal medical providers. In support, the League of California Cities writes:

Current law already prohibits animals that are abandoned at veterinary hospitals, grooming parlors and kennels from being used for experimentation. AB 2269 would merely extend this prohibition to pounds and animal shelters. A number of cities have already banned this outdated practice, including West Hollywood, San Bernardino, Santa Barbara, Scotts Valley, Laguna Woods, Nevada City, and Paradise.

Additionally, leading medical research institutions have begun to question or prohibit the use of animals acquired from pounds or animal shelters for experimentation. In fact, according to a 2009 report commissioned by the National Academy of Sciences, demand for random sourced animals (a category of animals that includes those from pounds and animal shelters) has significantly fallen over the last 30 years. AB 2269 is a common sense measure that builds off local ordinances that have already prohibited this unnecessary practice.

Support: The Beagle Freedom Project; County of Riverside; Cruelty Free International; Humane Society of the United States; Humane Society Veterinary Medical Association; League of California Cities; New England Anti-Vivisection Society; Society for the Prevention of Cruelty to Animals, Los Angeles; one individual

Opposition: California Veterinary Medical Association

HISTORY

Source: Cruelty Free International; State Humane Association of California

Related Pending Legislation: None Known

Prior Legislation: AB 588 (Koretz, 2003) would have prohibited animal shelters from selling or transferring any live or dead animal for the purpose of education, testing, research, or biological supply, as specified. This bill was never heard in the Assembly Judiciary Committee.

Prior Vote:

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 20, Noes 0)

Assembly Judiciary Committee (Ayes 10, Noes 0)
