

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 2, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2000

Introduced by Assembly Member Hagman

February 17, 2010

An act to amend Section 121690 of the Health and Safety Code, relating to rabies.

LEGISLATIVE COUNSEL'S DIGEST

AB 2000, as amended, Hagman. Rabies: vaccinations.

Existing law imposes various requirements upon dog owners in rabies areas designated by the State Public Health Officer. Any person who violates these requirements is guilty of an infraction, punishable by a fine not exceeding \$1,000. Violation of these requirements also results in impounding of the dog by the local jurisdiction. Among the requirements imposed under existing law, is that a dog 4 months of age or older must be vaccinated for rabies, as specified.

This bill would exempt from the vaccination requirement ~~the owner of a dog, whose life would be endangered due to disease or other considerations if the dog received the vaccine, as determined by that a licensed veterinarian determines, on an annual basis, is currently immune compromised or has a documented medical record of a preexisting condition that may affect the dog's ability to develop antirabies antibodies.~~ *The bill would also prohibit a dog that is exempt from the vaccination requirement to be off the premises of the owner, keeper, or harbinger or to have contact with an unvaccinated cat or dog and would*

require, if the dog is off the premises of the owner, keeper, or harborer, to be on a leash not to exceed 6 feet in length and to be under the direct physical control of an adult.

Existing law authorizes a city, city and county, or county to provide, by ordinance, for the issuance of a license for a dog that has attained the age of 4 months or older and has been vaccinated against rabies. The license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

This bill would prohibit, in the event that a dog is exempted from the vaccination requirement, the license period from extending beyond one year.

By imposing a higher level of service upon local agencies and by changing the definition of a crime, 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 121690 of the Health and Safety Code
2 is amended to read:

3 121690. In rabies areas, all of the following shall apply:

4 (a) Every dog owner, after his or her dog attains the age of four
5 months, shall no less than once every two years secure a license
6 for the dog as provided by ordinance of the responsible city, city
7 and county, or county. License fees shall be fixed by the
8 responsible city, city and county, or county, at an amount not to
9 exceed limitations otherwise prescribed by state law or city, city
10 and county, or county charter.

11 (b) (1) Every dog owner, after his or her dog attains the age
12 of four months, shall, at intervals of time not more often than once
13 a year, as may be prescribed by the department, procure its
14 vaccination by a licensed veterinarian with a canine antirabies
15 vaccine approved by, and in a manner prescribed by, the
16 department, unless a licensed veterinarian determines, on an annual

1 basis, that the dog is currently immune compromised or has a
2 documented medical record of a preexisting condition that may
3 affect the dog's ability to develop antirabies antibodies, including,
4 but not limited to, an immune mediated disease, or a serious
5 adverse reaction to a prior canine antirabies vaccine. *a rabies*
6 *vaccination would endanger the dog's life due to disease or other*
7 *considerations.*

8 (1)

9 (2) A request for an exemption from the requirements of this
10 subdivision shall be ~~from~~ *signed by* the veterinarian on an approved
11 form developed by the department *stating the inadvisability of the*
12 *vaccination, and shall* include a signed statement by the dog owner
13 affirming that the owner understands the consequences and accepts
14 all liability associated with owning a dog that has not received the
15 canine antirabies vaccine. The request shall be submitted to the
16 ~~responsible city, city and county, or county~~ *local health officer,*
17 who may issue an exemption from the canine antirabies vaccine.

18 ~~(2) The responsible city, city and county, or county~~

19 (3) *The local health officer* shall report exemptions issued
20 pursuant to this subdivision to the department.

21 (4) *A dog that is exempt from the vaccination requirements of*
22 *this section shall be considered unvaccinated.*

23 (5) *A dog that is exempt from the vaccination requirements of*
24 *this section shall, at the discretion of the local public health officer*
25 *or the officer's designee, be confined to the premises of the owner,*
26 *keeper, or harbinger and, when off the premises, shall be on a leash*
27 *the length of which shall not exceed six feet and shall be under the*
28 *direct physical control of an adult. A dog that is exempt from the*
29 *provisions of this section shall not have contact with a dog or cat*
30 *that is not currently vaccinated against rabies.*

31 (c) All dogs under four months of age shall be confined to the
32 premises of, or kept under physical restraint by, the owner, keeper,
33 or harbinger. Nothing in this chapter and Section 120435 shall be
34 construed to prevent the sale or transportation of a puppy four
35 months old or younger.

36 (d) Any dog in violation of this chapter and any additional
37 provisions that may be prescribed by any local governing body
38 shall be impounded, as provided by local ordinance.

39 (e) The governing body of each city, city and county, or county
40 shall maintain or provide for the maintenance of a pound system

1 and a rabies control program for the purpose of carrying out and
2 enforcing this section.

3 (f) Each city, county, or city and county shall provide dog
4 vaccination clinics, or arrange for dog vaccination at clinics
5 operated by veterinary groups or associations, held at strategic
6 locations throughout each city, city and county, or county. The
7 vaccination and licensing procedures may be combined as a single
8 operation in the clinics. No charge in excess of the actual cost shall
9 be made for any one vaccination at a clinic. No owner of a dog
10 shall be required to have his or her dog vaccinated at a public clinic
11 if the owner elects to have the dog vaccinated by a licensed
12 veterinarian of the owner’s choice.

13 All public clinics shall be required to operate under antiseptic
14 immunization conditions comparable to those used in the
15 vaccination of human beings.

16 (g) In addition to the authority provided in subdivision (a), the
17 ordinance of the responsible city, city and county, or county may
18 provide for the issuance of a license for a period not to exceed
19 three years for dogs that have attained the age of 12 months or
20 older and have been either vaccinated against rabies or exempted
21 from the vaccination requirement pursuant to subdivision (b). The
22 person to whom the license is issued pursuant to this subdivision
23 may choose a license period as established by the governing body
24 of up to one, two, or three years. However, when issuing a license
25 pursuant to this subdivision, the license period shall not extend
26 beyond the remaining period of validity for the current rabies
27 vaccination and, if a dog is exempted from the vaccination
28 requirement pursuant to subdivision (b), the license period shall
29 not extend beyond one year. A dog owner who complies with this
30 subdivision shall be deemed to have complied with the
31 requirements of subdivision (a).

32 (h) All information obtained from a dog owner by compliance
33 with this chapter is confidential to the dog owner and proprietary
34 to the veterinarian. This information shall not be used, distributed,
35 or released for any purpose, except to ensure compliance with
36 existing federal, state, county, or city laws or regulations.

37 SEC. 2. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 a local agency or school district has the authority to levy service
40 charges, fees, or assessments sufficient to pay for the program or

1 level of service mandated by this act or because costs that may be
2 incurred by a local agency or school district will be incurred
3 because this act creates a new crime or infraction, eliminates a
4 crime or infraction, or changes the penalty for a crime or infraction,
5 within the meaning of Section 17556 of the Government Code, or
6 changes the definition of a crime within the meaning of Section 6
7 of Article XIII B of the California Constitution.

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10 **CORRECTIONS:** _____

11 **Text—Page 3.**

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