

AMENDED IN SENATE JUNE 2, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2000**

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**Introduced by Assembly Member Hagman**

February 17, 2010

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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 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*.

Existing law authorizes a city, city and county, or county to provide, by ordinance, for the issuance of a ~~dog~~ 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) Every dog owner, after his or her dog attains the age of four  
12 months, shall, at intervals of time not more often than once a year,  
13 as may be prescribed by the department, procure its vaccination  
14 by a licensed veterinarian with a canine antirabies vaccine approved  
15 by, and in a manner prescribed by, the department, unless a licensed  
16 veterinarian determines, on an annual basis, that the dog is currently  
17 immune compromised or has a documented medical record of a  
18 preexisting condition *that may affect the dog's ability to develop*  
19 *antirabies antibodies*, including, but not limited to, an immune  
20 mediated disease, or a serious adverse reaction to a prior canine  
21 antirabies vaccine.

22 (1) A request for an exemption from the requirements of this  
23 subdivision shall be from the veterinarian on an approved form  
24 developed by the department, and include a signed statement by

1 the dog owner affirming that the owner understands the  
2 consequences and accepts all liability associated with owning a  
3 dog that has not received the canine antirabies vaccine. The request  
4 shall be submitted to the responsible city, city and county, or  
5 county, who may issue an exemption from the canine antirabies  
6 vaccine.

7 ~~(2) A dog exempt from the canine antirabies vaccination shall~~  
8 ~~be kept quarantined as directed by the local health officer, until~~  
9 ~~the dog's medical condition has resolved and the administration~~  
10 ~~of the canine antirabies vaccine occurs.~~

11 ~~(3)~~

12 (2) The responsible city, city and county, or county shall report  
13 exemptions issued pursuant to this subdivision to the department.

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

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

22 (e) The governing body of each city, city and county, or county  
23 shall maintain or provide for the maintenance of a pound system  
24 and a rabies control program for the purpose of carrying out and  
25 enforcing this section.

26 (f) Each city, county, or city and county shall provide dog  
27 vaccination clinics, or arrange for dog vaccination at clinics  
28 operated by veterinary groups or associations, held at strategic  
29 locations throughout each city, city and county, or county. The  
30 vaccination and licensing procedures may be combined as a single  
31 operation in the clinics. No charge in excess of the actual cost shall  
32 be made for any one vaccination at a clinic. No owner of a dog  
33 shall be required to have his or her dog vaccinated at a public clinic  
34 if the owner elects to have the dog vaccinated by a licensed  
35 veterinarian of the owner's choice.

36 All public clinics shall be required to operate under antiseptic  
37 immunization conditions comparable to those used in the  
38 vaccination of human beings.

39 (g) In addition to the authority provided in subdivision (a), the  
40 ordinance of the responsible city, city and county, or county may

1 provide for the issuance of a license for a period not to exceed  
2 three years for dogs that have attained the age of 12 months or  
3 older and have been either vaccinated against rabies or exempted  
4 from the vaccination requirement pursuant to subdivision (b). The  
5 person to whom the license is issued pursuant to this subdivision  
6 may choose a license period as established by the governing body  
7 of up to one, two, or three years. However, when issuing a license  
8 pursuant to this subdivision, the license period shall not extend  
9 beyond the remaining period of validity for the current rabies  
10 vaccination and, if a dog is exempted from the vaccination  
11 requirement pursuant to subdivision (b), the license period shall  
12 not extend beyond one year. A dog owner who complies with this  
13 subdivision shall be deemed to have complied with the  
14 requirements of subdivision (a).

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

20 SEC. 2. No reimbursement is required by this act pursuant to  
21 Section 6 of Article XIII B of the California Constitution because  
22 a local agency or school district has the authority to levy service  
23 charges, fees, or assessments sufficient to pay for the program or  
24 level of service mandated by this act or because costs that may be  
25 incurred by a local agency or school district will be incurred  
26 because this act creates a new crime or infraction, eliminates a  
27 crime or infraction, or changes the penalty for a crime or infraction,  
28 within the meaning of Section 17556 of the Government Code, or  
29 changes the definition of a crime within the meaning of Section 6  
30 of Article XIII B of the California Constitution.