

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2689**

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**Introduced by Assembly Member Smyth**

February 19, 2010

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*An act to amend, repeal, and add Section 121690 of the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2689, as amended, Smyth. 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. 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 under 4 months of age must be confined or restrained, as prescribed, and that dogs 4 months of age or older must be licensed by the appropriate city, county, or city and county, and vaccinated for rabies, as specified.*

*This bill would permit a city, county, or city and county to specify the means by which a dog owner is required to provide proof of his or her dog's rabies vaccination.*

*This bill would, commencing January 1, 2012, change the age to which the constraint or confinement requirement applies to under 3 months of age, and the age to which the licensing and vaccination requirements applies to 3 months of age or older.*

*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 specified reasons.*

~~Existing law requires, in areas designated as rabies areas, that a city, county, or city and county, provide or arrange for dog vaccination clinics and for the issuance of a dog license for a dog that has been vaccinated against rabies.~~

~~This bill would declare the intent of the Legislature to enact legislation that would allow licensing agencies the ability to verify rabies vaccinations using modern communication and technology, including, but not limited to, computer systems, facsimile, and e-mail.~~

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

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

- 1     SECTION 1. Section 121690 of the Health and Safety Code is
- 2     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. *The responsible*
- 16    *city, county, or city and county, may specify the means by which*
- 17    *the dog owner is required to provide proof of his or her dog's*
- 18    *rabies vaccination, including, but not limited to, by electronic*
- 19    *transmission or facsimile.*
- 20    (c) All dogs under four months of age shall be confined to the
- 21    premises of, or kept under physical restraint by, the owner, keeper,

1 or harborer. Nothing in this chapter and Section 120435 shall be  
2 construed to prevent the sale or transportation of a puppy four  
3 months old or younger.

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

7 (e) ~~It shall be the duty of the~~ *The* governing body of each city,  
8 city and county, or county ~~to~~ *shall* maintain or provide for the  
9 maintenance of a pound system and a rabies control program for  
10 the purpose of carrying out and enforcing this section.

11 (f) ~~It shall be the responsibility of each~~ *Each* city, county, or  
12 city and county ~~to~~ *shall* provide dog vaccination clinics, or ~~to~~  
13 arrange for dog vaccination at clinics operated by veterinary groups  
14 or associations, held at strategic locations throughout each city,  
15 city and county, or county. The vaccination and licensing  
16 procedures may be combined as a single operation in the clinics.  
17 No charge in excess of the actual cost shall be made for any one  
18 vaccination at a clinic. No owner of a dog shall be required to have  
19 his or her dog vaccinated at a public clinic if the owner elects to  
20 have the dog vaccinated by a licensed veterinarian of the owner's  
21 choice.

22 All public clinics shall be required to operate under antiseptic  
23 immunization conditions comparable to those used in the  
24 vaccination of human beings.

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

37 (h) All information obtained from a dog owner by compliance  
38 with this chapter is confidential to the dog owner and proprietary  
39 to the veterinarian. This information shall not be used, distributed,

1 or released for any purpose, except to ensure compliance with  
2 existing federal, state, county, or city laws or regulations.

3 *(i) This section shall remain in effect only until January 1, 2012,*  
4 *and as of that date is repealed, unless a later enacted statute, that*  
5 *is enacted before January 1, 2012, deletes or extends that date.*

6 *SEC. 2. Section 121690 is added to the Health and Safety Code,*  
7 *to read:*

8 *121690. In rabies areas, all of the following shall apply:*

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

16 *(b) Every dog owner, after his or her dog attains the age of*  
17 *three months, shall, at intervals of time not more often than once*  
18 *a year, as may be prescribed by the department, procure its*  
19 *vaccination by a licensed veterinarian with a canine antirabies*  
20 *vaccine approved by, and in a manner prescribed by, the*  
21 *department. The responsible city, city and county, or county may*  
22 *specify the means by which the dog owner shall provide proof of*  
23 *his or her dog's rabies vaccination, including, but not limited to,*  
24 *by electronic transmission or facsimile.*

25 *(c) All dogs under three months of age shall be confined to the*  
26 *premises of, or kept under physical restraint by, the owner, keeper,*  
27 *or harborer. Nothing in this chapter and Section 120435 shall be*  
28 *construed to prevent the sale or transportation of a puppy three*  
29 *months old or younger.*

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

33 *(e) The governing body of each city, city and county, or county*  
34 *shall maintain or provide for the maintenance of a pound system*  
35 *and a rabies control program for the purpose of carrying out and*  
36 *enforcing this section.*

37 *(f) Each city, county, or city and county shall provide dog*  
38 *vaccination clinics, or arrange for dog vaccination at clinics*  
39 *operated by veterinary groups or associations, held at strategic*  
40 *locations throughout each city, city and county, or county. The*

1 vaccination and licensing procedures may be combined as a single  
2 operation in the clinics. No charge in excess of the actual cost  
3 shall be made for any one vaccination at a clinic. No owner of a  
4 dog shall be required to have his or her dog vaccinated at a public  
5 clinic if the owner elects to have the dog vaccinated by a licensed  
6 veterinarian of the owner's choice. All public clinics shall be  
7 required to operate under antiseptic immunization conditions  
8 comparable to those used in the vaccination of human beings.

9 (g) In addition to the authority provided in subdivision (a), the  
10 ordinance of the responsible city, city and county, or county may  
11 provide for the issuance of a license for a period not to exceed  
12 three years for dogs that have attained the age of 12 months or  
13 older and have been vaccinated against rabies. The person to  
14 whom the license is issued pursuant to this subdivision may choose  
15 a license period as established by the governing body of up to one,  
16 two, or three years. However, when issuing a license pursuant to  
17 this subdivision, the license period shall not extend beyond the  
18 remaining period of validity for the current rabies vaccination. A  
19 dog owner who complies with this subdivision shall be deemed to  
20 have complied with the requirements of subdivision (a).

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

26 (i) This section shall become operative on January 1, 2012,  
27 unless a later enacted statute, that is enacted before January 1,  
28 2012, deletes or extends that date.

29 SEC. 3. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 a local agency or school district has the authority to levy service  
32 charges, fees, or assessments sufficient to pay for the program or  
33 level of service mandated by this act or because costs that may be  
34 incurred by a local agency or school district will be incurred  
35 because this act creates a new crime or infraction, eliminates a  
36 crime or infraction, or changes the penalty for a crime or  
37 infraction, within the meaning of Section 17556 of the Government  
38 Code, or changes the definition of a crime within the meaning of  
39 Section 6 of Article XIII B of the California Constitution.

1     ~~SECTION 1. It is the intent of the Legislature to enact~~  
2     ~~legislation that would allow licensing agencies the ability to verify~~  
3     ~~rabies vaccinations using modern communication and technology,~~  
4     ~~including, but not limited to, computer systems, facsimile, and~~  
5     ~~e-mail.~~

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