

AMENDED IN ASSEMBLY APRIL 19, 2013

AMENDED IN ASSEMBLY APRIL 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 272

Introduced by Assembly Member Gomez

February 7, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 272, as amended, Gomez. 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, and is 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 be vaccinated against rabies.

This bill would require that a dog 3 months of age or older be vaccinated against rabies. By expanding 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. This act shall be known and may be cited as~~
2 ~~Cujo's Law.~~

3 ~~SEC. 2.~~

4 ~~SECTION 1.~~ Section 121690 of the Health and Safety Code is
5 amended to read:

6 121690. In rabies areas, all of the following shall apply:

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

14 (b) (1) Every dog owner, after his or her dog attains the age of
15 three months, shall, at intervals of time not more often than once
16 a year, as may be prescribed by the department, procure its
17 vaccination by a licensed veterinarian with a canine antirabies
18 vaccine approved by, and in a manner prescribed by, the
19 department, unless a licensed veterinarian determines, on an annual
20 basis, that a rabies vaccination would endanger the dog's life due
21 to disease or other considerations that the veterinarian can verify
22 and document. The responsible city, county, or city and county
23 may specify the means by which the dog owner is required to
24 provide proof of his or her dog's rabies vaccination, including, but
25 not limited to, by electronic transmission or facsimile.

26 (2) A request for an exemption from the requirements of this
27 subdivision shall be submitted on an approved form developed by
28 the department and shall include a signed statement by the
29 veterinarian explaining the inadvisability of the vaccination and a
30 signed statement by the dog owner affirming that the owner
31 understands the consequences and accepts all liability associated
32 with owning a dog that has not received the canine antirabies
33 vaccine. The request shall be submitted to the local health officer,
34 who may issue an exemption from the canine antirabies vaccine.

35 (3) The local health officer shall report exemptions issued
36 pursuant to this subdivision to the department.

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

1 (5) A dog that is exempt from the vaccination requirements of
2 this section shall, at the discretion of the local health officer or the
3 officer's designee, be confined to the premises of the owner,
4 keeper, or harborer and, when off the premises, shall be on a leash
5 the length of which shall not exceed six feet and shall be under
6 the direct physical control of an adult. A dog that is exempt from
7 the provisions of this section shall not have contact with a dog or
8 cat that is not currently vaccinated against rabies.

9 (c) All dogs under four months of age shall be confined to the
10 premises of, or kept under physical restraint by, the owner, keeper,
11 or harborer. Nothing in this chapter and Section 120435 shall be
12 construed to prevent the sale or transportation of a puppy four
13 months old or younger.

14 (d) A dog in violation of this chapter and any additional
15 provisions that may be prescribed by a local governing body shall
16 be impounded, as provided by local ordinance.

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

21 (f) (1) Each city, county, or city and county shall provide dog
22 vaccination clinics, or arrange for dog vaccination at clinics
23 operated by veterinary groups or associations, held at strategic
24 locations throughout each city, city and county, or county. The
25 vaccination and licensing procedures may be combined as a single
26 operation in the clinics. No charge in excess of the actual cost shall
27 be made for any one vaccination at a clinic. No owner of a dog
28 shall be required to have his or her dog vaccinated at a public clinic
29 if the owner elects to have the dog vaccinated by a licensed
30 veterinarian of the owner's choice.

31 (2) All public clinics shall be required to operate under antiseptic
32 immunization conditions comparable to those used in the
33 vaccination of human beings.

34 (g) In addition to the authority provided in subdivision (a), the
35 ordinance of the responsible city, city and county, or county may
36 provide for the issuance of a license for a period not to exceed
37 three years for dogs that have attained the age of 12 months or
38 older and have been vaccinated against rabies or one year for dogs
39 exempted from the vaccination requirement pursuant to subdivision
40 (b). The person to whom the license is issued pursuant to this

1 subdivision may choose a license period as established by the
2 governing body of up to one, two, or three years. However, when
3 issuing a license pursuant to this subdivision, the license period
4 shall not extend beyond the remaining period of validity for the
5 current rabies vaccination and, if a dog is exempted from the
6 vaccination requirement pursuant to subdivision (b), the license
7 period shall not extend beyond one year. A dog owner who
8 complies with this subdivision shall be deemed to have complied
9 with the requirements of subdivision (a).

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

15 ~~SEC. 3.~~

16 *SEC. 2.* 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.