

AMENDED IN SENATE JULY 2, 2013  
AMENDED IN SENATE MAY 28, 2013  
AMENDED IN ASSEMBLY APRIL 19, 2013  
AMENDED IN ASSEMBLY APRIL 18, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 272**

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**Introduced by Assembly Member Gomez**  
*(Coauthor: Senator Anderson)*

February 7, 2013

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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 owner, after his or her dog attains 4 months of age ~~or older be vaccinated~~, annually procure the dog's vaccination against rabies by a licensed veterinarian with canine antirabies vaccine approved by, and in a manner prescribed by, the State Department of Public Health, with specified exceptions.

This bill would require that a dog ~~3 or~~ owner, by the time his or her dog is 4 months of age ~~or older be vaccinated~~, procure the dog's vaccination against rabies by a licensed veterinarian with canine

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

24 (2) A request for an exemption from the requirements of this  
25 subdivision shall be submitted on an approved form developed by  
26 the department and shall include a signed statement by the  
27 veterinarian explaining the inadvisability of the vaccination and a

1 signed statement by the dog owner affirming that the owner  
2 understands the consequences and accepts all liability associated  
3 with owning a dog that has not received the canine antirabies  
4 vaccine. The request shall be submitted to the local health officer,  
5 who may issue an exemption from the canine antirabies vaccine.

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

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

10 (5) A dog that is exempt from the vaccination requirements of  
11 this section shall, at the discretion of the local health officer or the  
12 officer's designee, be confined to the premises of the owner,  
13 keeper, or harbinger and, when off the premises, shall be on a leash  
14 the length of which shall not exceed six feet and shall be under  
15 the direct physical control of an adult. A dog that is exempt from  
16 the provisions of this section shall not have contact with a dog or  
17 cat that is not currently vaccinated against rabies.

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

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

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

30 (f) (1) Each city, county, or city and county shall provide dog  
31 vaccination clinics, or arrange for dog vaccination at clinics  
32 operated by veterinary groups or associations, held at strategic  
33 locations throughout each city, city and county, or county. The  
34 vaccination and licensing procedures may be combined as a single  
35 operation in the clinics. No charge in excess of the actual cost shall  
36 be made for any one vaccination at a clinic. No owner of a dog  
37 shall be required to have his or her dog vaccinated at a public clinic  
38 if the owner elects to have the dog vaccinated by a licensed  
39 veterinarian of the owner's choice.

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

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

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

25 SEC. 2. No reimbursement is required by this act pursuant to  
26 Section 6 of Article XIII B of the California Constitution because  
27 the only costs that may be incurred by a local agency or school  
28 district will be incurred because this act creates a new crime or  
29 infraction, eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section 17556 of  
31 the Government Code, or changes the definition of a crime within  
32 the meaning of Section 6 of Article XIII B of the California  
33 Constitution.