

AMENDED IN SENATE AUGUST 20, 2013

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

Introduced by Assembly Member Gomez
(Coauthor: Senator Anderson)

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 owner, after his or her dog attains 4 months of age, 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 owner, ~~by the time~~ *after* his or her dog is ~~4~~ 3 months of age *or older*, 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, ~~by the time~~ *after* his or her dog attains
12 the age of ~~four months~~ *three months or older*, shall, at intervals of
13 time not more often than once a year, as may be prescribed by the
14 department, procure its vaccination by a licensed veterinarian with
15 a canine antirabies vaccine approved by the department and
16 administered according to the vaccine label, unless a licensed
17 veterinarian determines, on an annual basis, that a rabies
18 vaccination would endanger the dog’s life due to disease or other
19 considerations that the veterinarian can verify and document. The
20 responsible city, county, or city and county may specify the means
21 by which the dog owner is required to provide proof of his or her
22 dog’s rabies vaccination, including, but not limited to, by electronic
23 transmission or facsimile.

1 (2) A request for an exemption from the requirements of this
2 subdivision shall be submitted on an approved form developed by
3 the department and shall include a signed statement by the
4 veterinarian explaining the inadvisability of the vaccination and a
5 signed statement by the dog owner affirming that the owner
6 understands the consequences and accepts all liability associated
7 with owning a dog that has not received the canine antirabies
8 vaccine. The request shall be submitted to the local health officer,
9 who may issue an exemption from the canine antirabies vaccine.

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

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

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

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

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

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

34 (f) (1) Each city, county, or city and county shall provide dog
35 vaccination clinics, or arrange for dog vaccination at clinics
36 operated by veterinary groups or associations, held at strategic
37 locations throughout each city, city and county, or county. The
38 vaccination and licensing procedures may be combined as a single
39 operation in the clinics. No charge in excess of the actual cost shall
40 be made for any one vaccination at a clinic. No owner of a dog

1 shall be required to have his or her dog vaccinated at a public clinic
2 if the owner elects to have the dog vaccinated by a licensed
3 veterinarian of the owner’s choice.

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

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

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

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

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