

AMENDED IN SENATE MAY 19, 1999

AMENDED IN SENATE MAY 3, 1999

AMENDED IN SENATE APRIL 19, 1999

SENATE BILL

No. 490

Introduced by Senator Kelley

February 18, 1999

An act to add Section 4857 to the Business and Professions Code, and to amend Section 121690 of the Health and Safety Code, relating to veterinary medicine.

LEGISLATIVE COUNSEL'S DIGEST

SB 490, as amended, Kelley. Veterinary medicine: records.

(1) Existing law regulates the practice of veterinary medicine. Among other provisions, a veterinarian is required to keep a written record of all animals receiving veterinary services and to provide a summary of those records to the owners of the animals receiving services upon request. Any person who violates, or who aids or abets in violating, provisions governing veterinary medicine is guilty of a misdemeanor.

This bill would prohibit a veterinarian from disclosing information concerning an animal receiving veterinary care, the client responsible for that animal, or the veterinary care provided to an animal except under specified circumstances. ~~The bill would exempt veterinarians from criminal penalties for a violation of this provision.~~ *By creating a new crime, the bill would impose a state-mandated local program.*

(2) Existing law specifies certain licensing and vaccination requirements for dogs in rabies areas.

This bill would provide that all information obtained from a dog owner by compliance with these requirements is confidential to the dog owner and proprietary to the veterinarian, and may not be released except as specified.

(3) *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: ~~no~~—yes. State-mandated local program: ~~no~~—yes.

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

1 SECTION 1. Section 4857 is added to the Business and
2 Professions Code, to read:

3 4857. (a) A veterinarian licensed under the
4 provisions of this chapter shall not disclose any
5 information concerning an animal receiving veterinary
6 services, the client responsible for the animal receiving
7 veterinary services, or the veterinary care provided to an
8 animal, except under any one of the following
9 circumstances:

10 (1) Upon written or witnessed oral authorization by
11 knowing and informed consent of the client responsible
12 for the animal receiving services or an authorized agent
13 of the client.

14 (2) Upon authorization received by electronic
15 transmission when originated by the client responsible
16 for the animal receiving services or an authorized agent
17 of the client.

18 (3) In response to a valid court order or subpoena.

19 (4) As may be required to ensure compliance with any
20 federal or state law.

21 (5) In response to a medical emergency involving the
22 animal, wherein the client responsible for the animal is
23 not available for immediate consultation.



1 (6) As otherwise provided in this section.

2 ~~(b) Any veterinarian releasing information pursuant~~
3 ~~to written authorization or other waiver by the client~~
4 ~~responsible for an animal, the client's authorized agent,~~
5 ~~or pursuant to a court order or subpoena shall not be liable~~
6 ~~to the client or any other person for claims arising as a~~
7 ~~result of the release of that information.~~

8 (e)

9 (b) This section shall not apply to the extent that the
10 client responsible for an animal or an authorized agent of
11 the client responsible for an animal places the
12 veterinarian's care and treatment of the animal or the
13 nature and extent of the injuries to the animal at issue in
14 any civil or criminal proceeding, or when the
15 veterinarian is acting to comply with federal or state laws.

16 ~~(d)~~

17 (c) A veterinarian shall ~~not~~ be subject to the criminal
18 penalties set forth in Section 4831 or any other provision
19 of this code for a violation of this section. *In addition, any*
20 *veterinarian who negligently releases confidential*
21 *information shall be liable in a civil action for any*
22 *damages caused by the release of that information.*

23 SEC. 2. Section 121690 of the Health and Safety Code
24 is amended to read:

25 121690. In rabies areas, all of the following shall apply:

26 (a) Every dog owner, after his or her dog attains the
27 age of four months, shall no less than once every two years
28 secure a license for the dog as provided by ordinance of
29 the responsible city, city and county, or county. License
30 fees shall be fixed by the responsible city, city and county,
31 or county, at an amount not to exceed limitations
32 otherwise prescribed by state law or city, city and county,
33 or county charter.

34 (b) Every dog owner, after his or her dog attains the
35 age of four months, shall, at intervals of time not more
36 often than once a year, as may be prescribed by the
37 department, procure its vaccination by a licensed
38 veterinarian with a canine antirabies vaccine approved
39 by, and in a manner prescribed by, the department.



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

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

10 (e) It shall be the duty of the governing body of each
11 city, city and county, or county to maintain or provide for
12 the maintenance of a pound system and a rabies control
13 program for the purpose of carrying out and enforcing
14 this section.

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

27 All public clinics shall be required to operate under
28 antiseptic immunization conditions comparable to those
29 used in the vaccination of human beings.

30 (g) In addition to the authority provided in
31 subdivision (a), the ordinance of the responsible city, city
32 and county, or county may provide for the issuance of a
33 license for a period not to exceed three years for dogs that
34 have attained the age of 12 months or older and have been
35 vaccinated against rabies. The person to whom the
36 license is issued pursuant to this subdivision may choose
37 a license period as established by the governing body of
38 up to one, two, or three years. However, when issuing a
39 license pursuant to this subdivision, the license period
40 shall not extend beyond the remaining period of validity



1 for the current rabies vaccination. A dog owner who
2 complies with this subdivision shall be deemed to have
3 complied with the requirements of subdivision (a).

4 (h) All information obtained from a dog owner by
5 compliance with this section is confidential to the dog
6 owner and proprietary to the veterinarian. This
7 information shall not be used, distributed, or released for
8 any purpose, except to ensure compliance with this
9 section.

10 *SEC. 3. No reimbursement is required by this act*
11 *pursuant to Section 6 of Article XIII B of the California*
12 *Constitution because the only costs that may be incurred*
13 *by a local agency or school district will be incurred*
14 *because this act creates a new crime or infraction,*
15 *eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section*
17 *17556 of the Government Code, or changes the definition*
18 *of a crime within the meaning of Section 6 of Article*
19 *XIII B of the California Constitution.*

