

AMENDED IN ASSEMBLY APRIL 22, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1045

Introduced by Assembly Member ~~Blumenfield~~ *Quirk-Silva*

February 22, 2013

An act to amend Section 4827 of the Business and Professions Code, to amend Sections 1834.6, 1834.7, 1846, and 1847 of the Civil Code, to amend Sections 17003, 31607, 31621, 31622, 32001, and 32003 of the Food and Agricultural Code, to amend Sections 121916 and 122322 of the Health and Safety Code, and to amend Sections 597, 597.1, 597.2, 597e, 597f, 597u, 597v, and 599e of the Penal Code, relating to animal shelters. *An act to amend Sections 4112 and 4127.2 of, and to add Section 4127.9 to, the Business and Professions Code, relating to pharmacy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1045, as amended, ~~Blumenfield~~ *Quirk-Silva*. ~~Animal shelters. Sterile compounding pharmacies.~~

Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies in this state by the California State Board of Pharmacy. A violation of these provisions is a crime.

Existing law provides that a pharmacy located outside this state that ships, mails, or delivers, in any manner, controlled substances, dangerous drugs, or dangerous devices into this state shall be considered a nonresident pharmacy. Existing law prohibits a person from acting as a nonresident pharmacy unless he or she has obtained a license from the board, and authorizes the board to register a nonresident pharmacy that is organized as a limited liability company in the state in which it is licensed. The law also prohibits a resident or

nonresident pharmacy from compounding injectable sterile drug products for shipment into this state without a license issued by the board, and authorizes a license to compound injectable sterile drug products to be issued only for a location that is licensed as a nonresident pharmacy.

This bill would provide that if the home state pharmacy license of a nonresident pharmacy is revoked or suspended for any reason, any license issued pursuant to provisions governing the licensing and registration of nonresident pharmacies and authorizing a nonresident pharmacy to compound injectable sterile drug products shall be immediately revoked or suspended by operation of law.

The bill would also require a resident or a nonresident pharmacy that issues a recall notice regarding a sterile compounded drug to contact the recipient pharmacy, prescriber, or patient of the recalled drug and the board within 24 hours of the recall notice if use of or exposure to the recalled drug may cause serious adverse health consequences or death and if the recalled drug was dispensed or is intended for use in this state. Because a violation of these requirements would be a crime, the 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.

~~Existing law governs the seizure, rescue, adoption, and euthanasia of abandoned and surrendered animals by animal shelters and rescue organizations.~~

~~This bill would make technical, nonsubstantive changes to those provisions by replacing references to a “pound” with references to an “animal shelter” and by replacing references to destroying an animal with references to humanely euthanizing the animal.~~

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 4112 of the Business and Professions*
- 2 *Code is amended to read:*

1 4112. (a) Any pharmacy located outside this state that ships,
2 mails, or delivers, in any manner, controlled substances, dangerous
3 drugs, or dangerous devices into this state shall be considered a
4 nonresident pharmacy.

5 (b) A person may not act as a nonresident pharmacy unless he
6 or she has obtained a license from the board. The board may
7 register a nonresident pharmacy that is organized as a limited
8 liability company in the state in which it is licensed.

9 (c) A nonresident pharmacy shall disclose to the board the
10 location, names, and titles of (1) its agent for service of process in
11 this state, (2) all principal corporate officers, if any, (3) all general
12 partners, if any, and (4) all pharmacists who are dispensing
13 controlled substances, dangerous drugs, or dangerous devices to
14 residents of this state. A report containing this information shall
15 be made on an annual basis and within 30 days after any change
16 of office, corporate officer, partner, or pharmacist.

17 (d) All nonresident pharmacies shall comply with all lawful
18 directions and requests for information from the regulatory or
19 licensing agency of the state in which it is licensed as well as with
20 all requests for information made by the board pursuant to this
21 section. The nonresident pharmacy shall maintain, at all times, a
22 valid unexpired license, permit, or registration to conduct the
23 pharmacy in compliance with the laws of the state in which it is a
24 resident. As a prerequisite to registering with the board, the
25 nonresident pharmacy shall submit a copy of the most recent
26 inspection report resulting from an inspection conducted by the
27 regulatory or licensing agency of the state in which it is located.
28 *If the home state pharmacy license of a nonresident pharmacy is*
29 *revoked or suspended for any reason, any license issued pursuant*
30 *to this section shall be immediately revoked or suspended by*
31 *operation of law.*

32 (e) All nonresident pharmacies shall maintain records of
33 controlled substances, dangerous drugs, or dangerous devices
34 dispensed to patients in this state so that the records are readily
35 retrievable from the records of other drugs dispensed.

36 (f) Any pharmacy subject to this section shall, during its regular
37 hours of operation, but not less than six days per week, and for a
38 minimum of 40 hours per week, provide a toll-free telephone
39 service to facilitate communication between patients in this state
40 and a pharmacist at the pharmacy who has access to the patient's

1 records. This toll-free telephone number shall be disclosed on a
2 label affixed to each container of drugs dispensed to patients in
3 this state.

4 (g) A nonresident pharmacy shall not permit a pharmacist whose
5 license has been revoked by the board to manufacture, compound,
6 furnish, sell, dispense, or initiate the prescription of a dangerous
7 drug or dangerous device, or to provide any pharmacy-related
8 service, to a person residing in California.

9 (h) The board shall adopt regulations that apply the same
10 requirements or standards for oral consultation to a nonresident
11 pharmacy that operates pursuant to this section and ships, mails,
12 or delivers any controlled substances, dangerous drugs, or
13 dangerous devices to residents of this state, as are applied to an
14 in-state pharmacy that operates pursuant to Section 4037 when the
15 pharmacy ships, mails, or delivers any controlled substances,
16 dangerous drugs, or dangerous devices to residents of this state.
17 The board shall not adopt any regulations that require face-to-face
18 consultation for a prescription that is shipped, mailed, or delivered
19 to the patient. The regulations adopted pursuant to this subdivision
20 shall not result in any unnecessary delay in patients receiving their
21 medication.

22 (i) The registration fee shall be the fee specified in subdivision
23 (a) of Section 4400.

24 (j) The registration requirements of this section shall apply only
25 to a nonresident pharmacy that ships, mails, or delivers controlled
26 substances, dangerous drugs, and dangerous devices into this state
27 pursuant to a prescription.

28 (k) Nothing in this section shall be construed to authorize the
29 dispensing of contact lenses by nonresident pharmacists except as
30 provided by Section 4124.

31 *SEC. 2. Section 4127.2 of the Business and Professions Code*
32 *is amended to read:*

33 4127.2. (a) A nonresident pharmacy may not compound
34 injectable sterile drug products for shipment into the State of
35 California without a license issued by the board pursuant to this
36 section. The license shall be renewed annually and shall not be
37 transferable.

38 (b) A license to compound injectable sterile drug products may
39 only be issued for a location that is licensed as a nonresident
40 pharmacy. Furthermore, the license to compound injectable sterile

1 drug products may only be issued to the owner of the nonresident
2 pharmacy license at that location. *If the home state pharmacy*
3 *license of a nonresident pharmacy is revoked or suspended for*
4 *any reason, any license issued pursuant to Section 4112 or this*
5 *section shall be immediately revoked or suspended by operation*
6 *of law.* A license to compound injectable sterile drug products may
7 not be issued or renewed until the board receives the following
8 from the nonresident pharmacy:

9 (1) A copy of an inspection report issued by the pharmacy's
10 licensing agency, or a report from a private accrediting agency
11 approved by the board, in the prior 12 months documenting the
12 pharmacy's compliance with board regulations regarding the
13 compounding of injectable sterile drug products.

14 (2) A copy of the nonresident pharmacy's proposed policies
15 and procedures for sterile compounding.

16 (c) Nonresident pharmacies operated by entities that are licensed
17 as a hospital, home health agency, or a skilled nursing facility and
18 have current accreditation from the Joint Commission on
19 Accreditation of Healthcare Organizations, or other private
20 accreditation agencies approved by the board, are exempt from
21 the requirement to obtain a license pursuant to this section.

22 (d) This section shall become effective on the earlier of July 1,
23 2003, or the effective date of regulations adopted by the board
24 pursuant to Section 4127.

25 *SEC. 3. Section 4127.9 is added to the Business and Professions*
26 *Code, to read:*

27 *4127.9. (a) A pharmacy licensed pursuant to Section 4127.1*
28 *or 4127.2, including a pharmacy that is exempt from licensure*
29 *pursuant to subdivision (d) of Section 4127.1 and subdivision (c)*
30 *of Section 4127.2, that issues a recall notice regarding a sterile*
31 *compounded drug shall, in addition to any other duties, contact*
32 *the recipient pharmacy, prescriber, or patient of the recalled drug*
33 *and the board within 24 hours of the recall notice if both of the*
34 *following apply:*

35 (1) *Use of or exposure to the recalled drug may cause serious*
36 *adverse health consequences or death.*

37 (2) *The recalled drug was dispensed, or is intended for use, in*
38 *this state.*

39 (b) *A recall notice issued pursuant to subdivision (a) shall be*
40 *made as follows:*

1 (1) If the recalled drug was dispensed directly to the patient,
 2 the notice shall be made to the patient.

3 (2) If the recalled drug was dispensed directly to the prescriber,
 4 the notice shall be made to the prescriber, who shall ensure the
 5 patient is notified.

6 (3) If the recalled drug was dispensed directly to a pharmacy,
 7 the notice shall be made to the pharmacy, who shall notify the
 8 prescriber or patient, as appropriate. If the pharmacy notifies the
 9 prescriber, the prescriber shall ensure the patient is notified.

10 SEC. 4. No reimbursement is required by this act pursuant to
 11 Section 6 of Article XIII B of the California Constitution because
 12 the only costs that may be incurred by a local agency or school
 13 district will be incurred because this act creates a new crime or
 14 infraction, eliminates a crime or infraction, or changes the penalty
 15 for a crime or infraction, within the meaning of Section 17556 of
 16 the Government Code, or changes the definition of a crime within
 17 the meaning of Section 6 of Article XIII B of the California
 18 Constitution.

19 SECTION 1. ~~Section 4827 of the Business and Professions~~
 20 ~~Code is amended to read:~~

21 ~~4827. Nothing in this chapter prohibits any person from:~~

22 ~~(a) Practicing veterinary medicine as a bona fide owner of one's~~
 23 ~~own animals. This exemption applies to the following:~~

24 ~~(1) The owner's bona fide employees.~~

25 ~~(2) Any person assisting the owner, provided that the practice~~
 26 ~~is performed gratuitously.~~

27 ~~(b) Lay testing of poultry by the whole blood agglutination test.~~
 28 ~~For purposes of this section, "poultry" means flocks of avian~~
 29 ~~species maintained for food production, including, but not limited~~
 30 ~~to, chickens, turkeys, and exotic fowl.~~

31 ~~(c) Making any determination as to the status of pregnancy,~~
 32 ~~sterility, or infertility upon livestock, equine, or food animals at~~
 33 ~~the time an animal is being inseminated, providing no charge is~~
 34 ~~made for this determination.~~

35 ~~(d) Administering sodium pentobarbital for euthanasia of sick,~~
 36 ~~injured, homeless, or surrendered domestic pets or animals without~~
 37 ~~the presence of a veterinarian when the person is an employee of~~
 38 ~~an animal control shelter and its agencies or humane society and~~
 39 ~~has received proper training in the administration of sodium~~
 40 ~~pentobarbital for these purposes.~~

1 SEC. 2. Section 1834.6 of the Civil Code is amended to read:

2 1834.6. An abandoned animal, as described in Section 1834.5,
3 shall not be used for scientific or any other type of experimentation,
4 nor shall such an abandoned animal be turned over to an animal
5 shelter or animal regulation department of a public agency.

6 SEC. 3. Section 1834.7 of the Civil Code is amended to read:

7 1834.7. (a) In any animal shelter or animal regulation
8 department of a public or private agency where animals are turned
9 over dead or alive to a biological supply facility or a research
10 facility, a sign (measuring a minimum of 28 x 21 cm— 11 x 8 ½
11 inches —with lettering of a minimum of 3.2 cm high and 1.2 cm
12 wide— 1 ¼ x ½ inch —(91 point)) stating:

13 “Animals Turned In To This Shelter May Be Used For Research
14 Purposes or to Supply Blood, Tissue, or Other Biological
15 Products”

16 shall be posted in a place where it will be clearly visible to a
17 majority of persons when turning animals over to the shelter. This
18 statement shall also be included on owner surrender forms. The
19 owner surrender forms shall also include the definition of
20 “biological supply facility” contained in subdivision (c).

21 (b) For purposes of this section, “animal research facility”
22 includes any laboratory, firm, association, corporation,
23 copartnership, and educational institution.

24 (c) For purposes of this section, “biological supply facility”
25 includes any blood bank, laboratory, firm, association, corporation,
26 copartnership, or educational institution that sells biological
27 materials such as blood or animals, either alive or dead, to research
28 facilities, educational institutions, or veterinarians.

29 SEC. 4. Section 1846 of the Civil Code is amended to read:

30 1846. (a) A gratuitous depositary must use, at least, slight care
31 for the preservation of the thing deposited.

32 (b) A gratuitous depositary of a living animal shall provide the
33 animal with necessary and prompt veterinary care, adequate
34 nutrition and water, and shelter, and shall treat it humanely and,
35 if the animal has any identification, make reasonable attempts to
36 notify the owner of the animal’s location. Any gratuitous depositary
37 that does not have sufficient resources or desire to provide that
38 care shall promptly turn the animal over to an appropriate care
39 facility.

1 (e) ~~If the gratuitous depository of a living animal is a public
2 animal shelter, shelter operated by a society for the prevention of
3 cruelty to animals, or humane shelter, the depository shall comply
4 with all other requirements of the Food and Agricultural Code
5 regarding the impounding of live animals.~~

6 ~~SEC. 5. Section 1847 of the Civil Code is amended to read:~~

7 ~~1847. The duties of a gratuitous depository cease:~~

8 ~~(a) Upon restoration by the depository of the thing deposited to
9 its owner.~~

10 ~~(b) Upon reasonable notice given by the depository to the owner
11 to remove it, and the owner failing to do so within a reasonable
12 time. But an involuntary depository, under subdivision (b) of
13 Section 1815, may not give notice until the emergency that gave
14 rise to the deposit is past. This subdivision shall not apply to a
15 public animal shelter, a shelter operated by a society for the
16 prevention of cruelty to animals, or a humane shelter. The duty to
17 provide care, as required by Section 1846, continues until the
18 public or private animal shelter is lawfully relieved of responsibility
19 for the animal.~~

20 ~~SEC. 6. Section 17003 of the Food and Agricultural Code is
21 amended to read:~~

22 ~~17003. (a) Except as provided in this section, this chapter does
23 not affect any law, ordinance, or regulation regarding estrays, the
24 shelter director, or other animal control officer, or a public animal
25 control agency or shelter within the limits of any city or county
26 where those laws, ordinances, or regulations are in force.~~

27 ~~(b) Upon the impounding of any bovine animal, horse, mule,
28 or burro, the shelter director, other animal control officer, or public
29 animal control agency or shelter shall immediately notify the
30 secretary. Upon receipt of that notice, the secretary shall take
31 possession of any bovine animal and shall dispose of it pursuant
32 to this chapter.~~

33 ~~(c) Any city, county, or city and county that establishes or has
34 established laws, ordinances, or regulations regarding estrays, may
35 opt to follow those laws, ordinances, or regulations instead of this
36 chapter in the handling of estrays that are not bovine animals in
37 accordance with the applicable laws, ordinances, or regulations of
38 the city, county, or city and county.~~

39 ~~(d) This section does not authorize any act that violates Section
40 597 of the Penal Code.~~

1 ~~SEC. 7. Section 31607 of the Food and Agricultural Code is~~
2 ~~amended to read:~~

3 ~~31607. “Impounded” means taken into the custody of the public~~
4 ~~animal shelter or animal control department or provider of animal~~
5 ~~control services to the city or county where the potentially~~
6 ~~dangerous or vicious dog is found.~~

7 ~~SEC. 8. Section 31621 of the Food and Agricultural Code is~~
8 ~~amended to read:~~

9 ~~31621. If an animal control officer or a law enforcement officer~~
10 ~~has investigated and determined that there exists probable cause~~
11 ~~to believe that a dog is potentially dangerous or vicious, the chief~~
12 ~~officer of the public animal shelter or animal control department~~
13 ~~or his or her immediate supervisor or the head of the local law~~
14 ~~enforcement agency, or his or her designee, shall petition the~~
15 ~~superior court of the county wherein the dog is owned or kept for~~
16 ~~a hearing for the purpose of determining whether or not the dog~~
17 ~~in question should be declared potentially dangerous or vicious.~~
18 ~~A proceeding under this section is a limited civil case. A city or~~
19 ~~county may establish an administrative hearing procedure to hear~~
20 ~~and dispose of petitions filed pursuant to this chapter. Whenever~~
21 ~~possible, any complaint received from a member of the public~~
22 ~~which serves as the evidentiary basis for the animal control officer~~
23 ~~or law enforcement officer to find probable cause shall be sworn~~
24 ~~to and verified by the complainant and shall be attached to the~~
25 ~~petition. The chief officer of the public animal shelter or animal~~
26 ~~control department or head of the local law enforcement agency~~
27 ~~shall notify the owner or keeper of the dog that a hearing will be~~
28 ~~held by the superior court or the hearing entity, as the case may~~
29 ~~be, at which time he or she may present evidence as to why the~~
30 ~~dog should not be declared potentially dangerous or vicious. The~~
31 ~~owner or keeper of the dog shall be served with notice of the~~
32 ~~hearing and a copy of the petition, either personally or by first-class~~
33 ~~mail with return receipt requested. The hearing shall be held~~
34 ~~promptly within no less than five working days nor more than 10~~
35 ~~working days after service of notice upon the owner or keeper of~~
36 ~~the dog. The hearing shall be open to the public. The court may~~
37 ~~admit into evidence all relevant evidence, including incident reports~~
38 ~~and the affidavits of witnesses, limit the scope of discovery, and~~
39 ~~may shorten the time to produce records or witnesses. A jury shall~~
40 ~~not be available. The court may find, upon a preponderance of the~~

1 evidence, that the dog is potentially dangerous or vicious and make
2 other orders authorized by this chapter.

3 SEC. 9. ~~Section 31622 of the Food and Agricultural Code is~~
4 ~~amended to read:~~

5 31622. ~~(a) After the hearing conducted pursuant to Section~~
6 ~~31621, the owner or keeper of the dog shall be notified in writing~~
7 ~~of the determination and orders issued, either personally or by~~
8 ~~first-class mail postage prepaid by the court or hearing entity. If a~~
9 ~~determination is made that the dog is potentially dangerous or~~
10 ~~vicious, the owner or keeper shall comply with Article 3~~
11 ~~(commencing with Section 31641) in accordance with a time~~
12 ~~schedule established by the chief officer of the public animal shelter~~
13 ~~or animal control department or the head of the local law~~
14 ~~enforcement agency, but in no case more than 30 days after the~~
15 ~~date of the determination or 35 days if notice of the determination~~
16 ~~is mailed to the owner or keeper of the dog. If the petitioner or the~~
17 ~~owner or keeper of the dog contests the determination, he or she~~
18 ~~may, within five days of the receipt of the notice of determination,~~
19 ~~appeal the decision of the court or hearing entity of original~~
20 ~~jurisdiction. The fee for filing an appeal, payable to the clerk of~~
21 ~~the court, is as provided in subdivision (b) of Section 70626 of the~~
22 ~~Government Code. If the original hearing held pursuant to Section~~
23 ~~31621 was before a hearing entity other than a court of the~~
24 ~~jurisdiction, appeal shall be to the superior court. If the original~~
25 ~~hearing was held in the superior court, appeal shall be to the~~
26 ~~superior court before a judge other than the judge who originally~~
27 ~~heard the petition. The petitioner or the owner or keeper of the dog~~
28 ~~shall serve personally or by first-class mail, postage prepaid, notice~~
29 ~~of the appeal upon the other party.~~

30 ~~(b) The court hearing the appeal shall conduct a hearing de~~
31 ~~novo, without a jury, and make its own determination as to~~
32 ~~potential danger and viciousness and make other orders authorized~~
33 ~~by this chapter, based upon the evidence presented. The hearing~~
34 ~~shall be conducted in the same manner and within the time periods~~
35 ~~set forth in Section 31621 and subdivision (a). The court may admit~~
36 ~~all relevant evidence, including incident reports and the affidavits~~
37 ~~of witnesses, limit the scope of discovery, and may shorten the~~
38 ~~time to produce records or witnesses. The issue shall be decided~~
39 ~~upon the preponderance of the evidence. If the court rules the dog~~
40 ~~to be potentially dangerous or vicious, the court may establish a~~

1 ~~time schedule to ensure compliance with this chapter, but in no~~
2 ~~case more than 30 days subsequent to the date of the court's~~
3 ~~determination or 35 days if the service of the judgment is by~~
4 ~~first-class mail.~~

5 SEC. 10. ~~Section 32001 of the Food and Agricultural Code is~~
6 ~~amended to read:~~

7 32001. ~~All public animal shelters, shelters operated by societies~~
8 ~~for the prevention of cruelty to animals, and humane shelters, that~~
9 ~~contract to perform public animal control services, shall provide~~
10 ~~the owners of lost animals and those who find lost animals with~~
11 ~~all of the following:~~

12 ~~(a) Ability to list the animals they have lost or found on "Lost~~
13 ~~and Found" lists maintained by the animal shelter.~~

14 ~~(b) Referrals to animals listed that may be the animals the~~
15 ~~owners or finders have lost or found.~~

16 ~~(c) The telephone numbers and addresses of other animal~~
17 ~~shelters in the same vicinity.~~

18 ~~(d) Advice as to means of publishing and disseminating~~
19 ~~information regarding lost animals.~~

20 ~~(e) The telephone numbers and addresses of volunteer groups~~
21 ~~that may be of assistance in locating lost animals.~~

22 ~~The duties imposed by this section are mandatory duties for~~
23 ~~public entities for all purposes of the Government Code and for~~
24 ~~all private entities with which a public entity has contracted to~~
25 ~~perform those duties.~~

26 SEC. 11. ~~Section 32003 of the Food and Agricultural Code is~~
27 ~~amended to read:~~

28 32003. ~~All public and private animal shelters shall keep~~
29 ~~accurate records on each animal taken up, medically treated, or~~
30 ~~impounded. The records shall include all of the following~~
31 ~~information and any other information required by the California~~
32 ~~Veterinary Medical Board:~~

33 ~~(a) The date the animal was taken up, medically treated,~~
34 ~~ethanized, or impounded.~~

35 ~~(b) The circumstances under which the animal was taken up,~~
36 ~~medically treated, euthanized, or impounded.~~

37 ~~(c) The names of the personnel who took up, medically treated,~~
38 ~~euthanized, or impounded the animal.~~

39 ~~(d) A description of any medical treatment provided to the~~
40 ~~animal and the name of the veterinarian of record.~~

1 ~~(e) The final disposition of the animal, including the name of~~
2 ~~the person who euthanized the animal or the name and address of~~
3 ~~the adopting party. These records shall be maintained for three~~
4 ~~years after the date the animal's impoundment ends.~~

5 ~~SEC. 12. Section 121916 of the Health and Safety Code is~~
6 ~~amended to read:~~

7 ~~121916. (a) Any person or owner of an attack, guard, or sentry~~
8 ~~dog that operates or maintains a business to sell, rent, or train an~~
9 ~~attack, guard, or sentry dog shall obtain a permit from the local~~
10 ~~public agency or private society or animal shelter contracting with~~
11 ~~the local public agency for animal care or protection services.~~

12 ~~(b) Each local agency shall adopt and implement a permit~~
13 ~~program for the administration of subdivision (a) by the local~~
14 ~~agency or private society or animal shelter contracting with the~~
15 ~~local public agency for animal care or protection services. A local~~
16 ~~agency may charge a fee for the issuance or renewal of a permit~~
17 ~~required under this section. The fee shall not exceed the actual~~
18 ~~costs for the implementation of the permit program.~~

19 ~~(c) For purposes of this section, "local public agency" means~~
20 ~~a city, county, or city and county.~~

21 ~~SEC. 13. Section 122322 of the Health and Safety Code is~~
22 ~~amended to read:~~

23 ~~122322. (a) Any person violating any provision of this chapter~~
24 ~~shall be subject to a civil penalty of up to one thousand dollars~~
25 ~~(\$1,000) per violation. The action may be prosecuted in the name~~
26 ~~of the people of the State of California by the district attorney for~~
27 ~~the county where the violation occurred in the appropriate court~~
28 ~~or by the city attorney in the city where the violation occurred.~~

29 ~~(b) Nothing in this chapter limits or authorizes any act or~~
30 ~~omission that violates Section 597 of the Penal Code.~~

31 ~~(c) Nothing in this chapter shall authorize the seizure of an~~
32 ~~unweaned bird by a peace officer, officer of a humane society, or~~
33 ~~officer of an animal shelter or animal regulation department of a~~
34 ~~public agency.~~

35 ~~SEC. 14. Section 597 of the Penal Code is amended to read:~~

36 ~~597. (a) Except as provided in subdivision (c) of this section~~
37 ~~or Section 599c, every person who maliciously and intentionally~~
38 ~~maims, mutilates, tortures, or wounds a living animal, or~~
39 ~~maliciously and intentionally kills an animal, is guilty of a crime~~
40 ~~punishable pursuant to subdivision (d).~~

1 ~~(b) Except as otherwise provided in subdivision (a) or (c), every~~
2 ~~person who overdrives, overloads, drives when overloaded,~~
3 ~~overworks, tortures, torments, deprives of necessary sustenance,~~
4 ~~drink, or shelter, cruelly beats, mutilates, or cruelly kills any~~
5 ~~animal, or causes or procures any animal to be so overdriven,~~
6 ~~overloaded, driven when overloaded, overworked, tortured,~~
7 ~~tormented, deprived of necessary sustenance, drink, shelter, or to~~
8 ~~be cruelly beaten, mutilated, or cruelly killed; and whoever, having~~
9 ~~the charge or custody of any animal, either as owner or otherwise,~~
10 ~~subjects any animal to needless suffering, or inflicts unnecessary~~
11 ~~cruelty upon the animal, or in any manner abuses any animal, or~~
12 ~~fails to provide the animal with proper food, drink, or shelter or~~
13 ~~protection from the weather, or who drives, rides, or otherwise~~
14 ~~uses the animal when unfit for labor, is, for each offense, guilty~~
15 ~~of a crime punishable pursuant to subdivision (d).~~

16 ~~(e) Every person who maliciously and intentionally maims,~~
17 ~~mutilates, or tortures any mammal, bird, reptile, amphibian, or~~
18 ~~fish, as described in subdivision (e), is guilty of a crime punishable~~
19 ~~pursuant to subdivision (d).~~

20 ~~(d) A violation of subdivision (a), (b), or (c) is punishable as a~~
21 ~~felony by imprisonment pursuant to subdivision (h) of Section~~
22 ~~1170, or by a fine of not more than twenty thousand dollars~~
23 ~~(\$20,000), or by both that fine and imprisonment, or alternatively,~~
24 ~~as a misdemeanor by imprisonment in a county jail for not more~~
25 ~~than one year, or by a fine of not more than twenty thousand dollars~~
26 ~~(\$20,000), or by both that fine and imprisonment.~~

27 ~~(e) Subdivision (e) applies to any mammal, bird, reptile,~~
28 ~~amphibian, or fish which is a creature described as follows:~~

29 ~~(1) Endangered species or threatened species as described in~~
30 ~~Chapter 1.5 (commencing with Section 2050) of Division 3 of the~~
31 ~~Fish and Game Code.~~

32 ~~(2) Fully protected birds described in Section 3511 of the Fish~~
33 ~~and Game Code.~~

34 ~~(3) Fully protected mammals described in Chapter 8~~
35 ~~(commencing with Section 4700) of Part 3 of Division 4 of the~~
36 ~~Fish and Game Code.~~

37 ~~(4) Fully protected reptiles and amphibians described in Chapter~~
38 ~~2 (commencing with Section 5050) of Division 5 of the Fish and~~
39 ~~Game Code.~~

1 ~~(5) Fully protected fish as described in Section 5515 of the Fish
2 and Game Code.~~

3 ~~This subdivision does not supersede or affect any provisions of
4 law relating to taking of the described species, including, but not
5 limited to, Section 12008 of the Fish and Game Code.~~

6 ~~(f) For the purposes of subdivision (e), each act of malicious
7 and intentional maiming, mutilating, or torturing a separate
8 specimen of a creature described in subdivision (e) is a separate
9 offense. If any person is charged with a violation of subdivision
10 (e), the proceedings shall be subject to Section 12157 of the Fish
11 and Game Code.~~

12 ~~(g) (1) Upon the conviction of a person charged with a violation
13 of this section by causing or permitting an act of cruelty, as defined
14 in Section 599b, all animals lawfully seized and impounded with
15 respect to the violation by a peace officer, officer of a humane
16 society, or officer of an animal shelter or animal regulation
17 department of a public agency shall be adjudged by the court to
18 be forfeited and shall thereupon be awarded to the impounding
19 officer for proper disposition. A person convicted of a violation
20 of this section by causing or permitting an act of cruelty, as defined
21 in Section 599b, shall be liable to the impounding officer for all
22 costs of impoundment from the time of seizure to the time of proper
23 disposition.~~

24 ~~(2) Mandatory seizure or impoundment shall not apply to
25 animals in properly conducted scientific experiments or
26 investigations performed under the authority of the faculty of a
27 regularly incorporated medical college or university of this state.~~

28 ~~(h) Notwithstanding any other law, if a defendant is granted
29 probation for a conviction under this section, the court shall order
30 the defendant to pay for, and successfully complete, counseling,
31 as determined by the court, designed to evaluate and treat behavior
32 or conduct disorders. If the court finds that the defendant is
33 financially unable to pay for that counseling, the court may develop
34 a sliding fee schedule based upon the defendant's ability to pay.
35 An indigent defendant may negotiate a deferred payment schedule,
36 but shall pay a nominal fee if the defendant has the ability to pay
37 the nominal fee. County mental health departments or Medi-Cal
38 shall be responsible for the costs of counseling required by this
39 section only for those persons who meet the medical necessity
40 criteria for mental health managed care pursuant to Section~~

1 1830.205 of Title 9 of the California Code of Regulations or the
2 targeted population criteria specified in Section 5600.3 of the
3 Welfare and Institutions Code. The counseling specified in this
4 subdivision shall be in addition to any other terms and conditions
5 of probation, including any term of imprisonment and any fine.
6 This provision specifies a mandatory additional term of probation
7 and is not to be utilized as an alternative in lieu of imprisonment
8 pursuant to subdivision (h) of Section 1170 or county jail when
9 that sentence is otherwise appropriate. If the court does not order
10 custody as a condition of probation for a conviction under this
11 section, the court shall specify on the court record the reason or
12 reasons for not ordering custody. This subdivision shall not apply
13 to cases involving police dogs or horses as described in Section
14 600.

15 SEC. 15. Section 597.1 of the Penal Code is amended to read:

16 597.1. (a) (1) Every owner, driver, or keeper of any animal
17 who permits the animal to be in any building, enclosure, lane,
18 street, square, or lot of any city, county, city and county, or judicial
19 district without proper care and attention is guilty of a
20 misdemeanor. Any peace officer, humane society officer, or animal
21 control officer shall take possession of the stray or abandoned
22 animal and shall provide care and treatment for the animal until
23 the animal is deemed to be in suitable condition to be returned to
24 the owner. When the officer has reasonable grounds to believe that
25 very prompt action is required to protect the health or safety of the
26 animal or the health or safety of others, the officer shall
27 immediately seize the animal and comply with subdivision (f). In
28 all other cases, the officer shall comply with the provisions of
29 subdivision (g). The full cost of caring for and treating any animal
30 properly seized under this subdivision or pursuant to a search
31 warrant shall constitute a lien on the animal and the animal shall
32 not be returned to its owner until the charges are paid, if the seizure
33 is upheld pursuant to this section.

34 (2) Notwithstanding any other law, if an animal control officer
35 or humane officer, when necessary to protect the health and safety
36 of a wild, stray, or abandoned animal or the health and safety of
37 others, seeks to administer a tranquilizer that contains a controlled
38 substance, as defined in Division 10 (commencing with Section
39 11000) of the Health and Safety Code, to gain control of that
40 animal, he or she may possess and administer that tranquilizer with

1 ~~direct or indirect supervision as determined by a licensed~~
2 ~~veterinarian, provided that the officer has met each of the following~~
3 ~~requirements:~~

4 ~~(A) Has received training in the administration of tranquilizers~~
5 ~~from a licensed veterinarian. The training shall be approved by~~
6 ~~the California Veterinary Medical Board.~~

7 ~~(B) Has successfully completed the firearms component of a~~
8 ~~course relating to the exercise of police powers, as set forth in~~
9 ~~Section 832.~~

10 ~~(C) Is authorized by his or her agency or organization to possess~~
11 ~~and administer the tranquilizer in accordance with a policy~~
12 ~~established by the agency or organization and approved by the~~
13 ~~veterinarian who obtained the controlled substance.~~

14 ~~(D) Has successfully completed the euthanasia training set forth~~
15 ~~in Section 2039 of Title 16 of the California Code of Regulations.~~

16 ~~(E) Has completed a state and federal fingerprinting background~~
17 ~~check and does not have any drug- or alcohol-related convictions.~~

18 ~~(b) Every sick, disabled, infirm, or crippled animal, except a~~
19 ~~dog or cat, that is abandoned in any city, county, city and county,~~
20 ~~or judicial district may be humanely euthanized by the officer if,~~
21 ~~after a reasonable search, no owner of the animal can be found. It~~
22 ~~shall be the duty of all peace officers, humane society officers,~~
23 ~~and animal control officers to cause the animal to be humanely~~
24 ~~euthanized or rehabilitated and placed in a suitable home on~~
25 ~~information that the animal is stray or abandoned. The officer may~~
26 ~~likewise take charge of any animal, including a dog or cat, that by~~
27 ~~reason of lameness, sickness, feebleness, or neglect, is unfit for~~
28 ~~the labor it is performing, or that in any other manner is being~~
29 ~~cruelly treated, and provide care and treatment for the animal until~~
30 ~~it is deemed to be in a suitable condition to be returned to the~~
31 ~~owner. When the officer has reasonable grounds to believe that~~
32 ~~very prompt action is required to protect the health or safety of an~~
33 ~~animal or the health or safety of others, the officer shall~~
34 ~~immediately seize the animal and comply with subdivision (f). In~~
35 ~~all other cases, the officer shall comply with subdivision (g). The~~
36 ~~full cost of caring for and treating any animal properly seized under~~
37 ~~this subdivision or pursuant to a search warrant shall constitute a~~
38 ~~lien on the animal and the animal shall not be returned to its owner~~
39 ~~until the charges are paid.~~

1 ~~(e) (1) Any peace officer, humane society officer, or animal~~
2 ~~control officer shall convey all injured cats and dogs found without~~
3 ~~their owners in a public place directly to a veterinarian known by~~
4 ~~the officer to be a veterinarian who ordinarily treats dogs and cats~~
5 ~~for a determination of whether the animal shall be immediately~~
6 ~~and humanely euthanized or shall be hospitalized under proper~~
7 ~~care and given emergency treatment.~~

8 ~~(2) If the owner does not redeem the animal within the locally~~
9 ~~prescribed waiting period, the veterinarian may personally perform~~
10 ~~euthanasia on the animal. If the animal is treated and recovers from~~
11 ~~its injuries, the veterinarian may keep the animal for purposes of~~
12 ~~adoption, provided the responsible animal control agency has first~~
13 ~~been contacted and has refused to take possession of the animal.~~

14 ~~(3) Whenever any animal is transferred to a veterinarian in a~~
15 ~~clinic, such as an emergency clinic that is not in continuous~~
16 ~~operation, the veterinarian may, in turn, transfer the animal to an~~
17 ~~appropriate facility.~~

18 ~~(4) If the veterinarian determines that the animal shall be~~
19 ~~hospitalized under proper care and given emergency treatment,~~
20 ~~the costs of any services that are provided pending the owner's~~
21 ~~inquiry to the responsible agency, department, or society shall be~~
22 ~~paid from the dog license fees, fines, and fees for impounding dogs~~
23 ~~in the city, county, or city and county in which the animal was~~
24 ~~licensed or, if the animal is unlicensed, shall be paid by the~~
25 ~~jurisdiction in which the animal was found, subject to the provision~~
26 ~~that this cost be repaid by the animal's owner. The full cost of~~
27 ~~caring for and treating any animal seized under this subdivision~~
28 ~~shall constitute a lien on the animal and the animal shall not be~~
29 ~~returned to the owner until the charges are paid. No veterinarian~~
30 ~~shall be criminally or civilly liable for any decision that he or she~~
31 ~~makes or for services that he or she provides pursuant to this~~
32 ~~subdivision.~~

33 ~~(d) An animal control agency that takes possession of an animal~~
34 ~~pursuant to subdivision (e) shall keep records of the whereabouts~~
35 ~~of the animal from the time of possession to the end of the animal's~~
36 ~~impoundment, and those records shall be available for inspection~~
37 ~~by the public upon request for three years after the date the animal's~~
38 ~~impoundment ended.~~

39 ~~(e) Notwithstanding any other provision of this section, any~~
40 ~~peace officer, humane society officer, or any animal control officer~~

1 may, with the approval of his or her immediate superior, humanely
2 euthanize any stray or abandoned animal in the field in any case
3 where the animal is too severely injured to move or where a
4 veterinarian is not available and it would be more humane to
5 euthanize the animal.

6 ~~(f) Whenever an officer authorized under this section seizes or
7 impounds an animal based on a reasonable belief that prompt action
8 is required to protect the health or safety of the animal or the health
9 or safety of others, the officer shall, prior to the commencement
10 of any criminal proceedings authorized by this section, provide
11 the owner or keeper of the animal, if known or ascertainable after
12 reasonable investigation, with the opportunity for a postseizure
13 hearing to determine the validity of the seizure or impoundment,
14 or both.~~

15 ~~(1) The agency shall cause a notice to be affixed to a
16 conspicuous place where the animal was situated or personally
17 deliver a notice of the seizure or impoundment, or both, to the
18 owner or keeper within 48 hours, excluding weekends and holidays.
19 The notice shall include all of the following:~~

20 ~~(A) The name, business address, and telephone number of the
21 officer providing the notice.~~

22 ~~(B) A description of the animal seized, including any
23 identification upon the animal.~~

24 ~~(C) The authority and purpose for the seizure or impoundment,
25 including the time, place, and circumstances under which the
26 animal was seized.~~

27 ~~(D) A statement that, in order to receive a postseizure hearing,
28 the owner or person authorized to keep the animal, or his or her
29 agent, shall request the hearing by signing and returning an
30 enclosed declaration of ownership or right to keep the animal to
31 the agency providing the notice within 10 days, including weekends
32 and holidays, of the date of the notice. The declaration may be
33 returned by personal delivery or mail.~~

34 ~~(E) A statement that the full cost of caring for and treating any
35 animal properly seized under this section is a lien on the animal
36 and that the animal shall not be returned to the owner until the
37 charges are paid, and that failure to request or to attend a scheduled
38 hearing shall result in liability for this cost.~~

39 ~~(2) The postseizure hearing shall be conducted within 48 hours
40 of the request, excluding weekends and holidays. The seizing~~

1 agency may authorize its own officer or employee to conduct the
2 hearing if the hearing officer is not the same person who directed
3 the seizure or impoundment of the animal and is not junior in rank
4 to that person. The agency may utilize the services of a hearing
5 officer from outside the agency for the purposes of complying with
6 this section.

7 (3) Failure of the owner or keeper, or of his or her agent, to
8 request or to attend a scheduled hearing shall result in a forfeiture
9 of any right to a postseizure hearing or right to challenge his or
10 her liability for costs incurred.

11 (4) The agency, department, or society employing the person
12 who directed the seizure shall be responsible for the costs incurred
13 for caring and treating the animal, if it is determined in the
14 postseizure hearing that the seizing officer did not have reasonable
15 grounds to believe very prompt action, including seizure of the
16 animal, was required to protect the health or safety of the animal
17 or the health or safety of others. If it is determined the seizure was
18 justified, the owner or keeper shall be personally liable to the
19 seizing agency for the full cost of the seizure and care of the
20 animal. The charges for the seizure and care of the animal shall
21 be a lien on the animal. The animal shall not be returned to its
22 owner until the charges are paid and the owner demonstrates to
23 the satisfaction of the seizing agency or the hearing officer that
24 the owner can and will provide the necessary care for the animal.

25 (g) Where the need for immediate seizure is not present and
26 prior to the commencement of any criminal proceedings authorized
27 by this section, the agency shall provide the owner or keeper of
28 the animal, if known or ascertainable after reasonable investigation,
29 with the opportunity for a hearing prior to any seizure or
30 impoundment of the animal. The owner shall produce the animal
31 at the time of the hearing unless, prior to the hearing, the owner
32 has made arrangements with the agency to view the animal upon
33 request of the agency, or unless the owner can provide verification
34 that the animal was humanely euthanized. Any person who
35 willfully fails to produce the animal or provide the verification is
36 guilty of an infraction, punishable by a fine of not less than two
37 hundred fifty dollars (\$250) nor more than one thousand dollars
38 (\$1,000).

39 (1) The agency shall cause a notice to be affixed to a
40 conspicuous place where the animal was situated or personally

1 deliver a notice stating the grounds for believing the animal should
2 be seized under subdivision (a) or (b). The notice shall include all
3 of the following:

4 (A) The name, business address, and telephone number of the
5 officer providing the notice.

6 (B) A description of the animal to be seized, including any
7 identification upon the animal.

8 (C) The authority and purpose for the possible seizure or
9 impoundment.

10 (D) A statement that, in order to receive a hearing prior to any
11 seizure, the owner or person authorized to keep the animal, or his
12 or her agent, shall request the hearing by signing and returning the
13 enclosed declaration of ownership or right to keep the animal to
14 the officer providing the notice within two days, excluding
15 weekends and holidays, of the date of the notice.

16 (E) A statement that the cost of caring for and treating any
17 animal properly seized under this section is a lien on the animal,
18 that any animal seized shall not be returned to the owner until the
19 charges are paid, and that failure to request or to attend a scheduled
20 hearing shall result in a conclusive determination that the animal
21 may properly be seized and that the owner shall be liable for the
22 charges.

23 (2) The preseizure hearing shall be conducted within 48 hours,
24 excluding weekends and holidays, after receipt of the request. The
25 seizing agency may authorize its own officer or employee to
26 conduct the hearing if the hearing officer is not the same person
27 who requests the seizure or impoundment of the animal and is not
28 junior in rank to that person. The agency may utilize the services
29 of a hearing officer from outside the agency for the purposes of
30 complying with this section.

31 (3) Failure of the owner or keeper, or his or her agent, to request
32 or to attend a scheduled hearing shall result in a forfeiture of any
33 right to a preseizure hearing or right to challenge his or her liability
34 for costs incurred pursuant to this section.

35 (4) The hearing officer, after the hearing, may affirm or deny
36 the owner's or keeper's right to custody of the animal and, if
37 reasonable grounds are established, may order the seizure or
38 impoundment of the animal for care and treatment.

39 (h) If any animal is properly seized under this section or pursuant
40 to a search warrant, the owner or keeper shall be personally liable

1 to the seizing agency for the cost of the seizure and care of the
2 animal. Further, if the charges for the seizure or impoundment and
3 any other charges permitted under this section are not paid within
4 14 days of the seizure, or if the owner, within 14 days of notice of
5 availability of the animal to be returned, fails to pay charges
6 permitted under this section and take possession of the animal, the
7 animal shall be deemed to have been abandoned and may be
8 humanely euthanized by the seizing agency.

9 (i) If the animal requires veterinary care and the humane society
10 or public agency is not assured, within 14 days of the seizure of
11 the animal, that the owner will provide the necessary care, the
12 animal shall not be returned to its owner and shall be deemed to
13 have been abandoned and may be disposed of by the seizing
14 agency. A veterinarian may humanely euthanize an impounded
15 animal without regard to the prescribed holding period when it has
16 been determined that the animal has incurred severe injuries or is
17 incurably crippled. A veterinarian also may immediately humanely
18 euthanize an impounded animal afflicted with a serious contagious
19 disease unless the owner or his or her agent immediately authorizes
20 treatment of the animal by a veterinarian at the expense of the
21 owner or agent.

22 (j) No animal properly seized under this section or pursuant to
23 a search warrant shall be returned to its owner until the owner can
24 demonstrate to the satisfaction of the seizing agency or hearing
25 officer that the owner can and will provide the necessary care for
26 the animal.

27 (k) (1) In the case of cats and dogs, prior to the final disposition
28 of any criminal charges, the seizing agency or prosecuting attorney
29 may file a petition in a criminal action requesting that, prior to that
30 final disposition, the court issue an order forfeiting the animal to
31 the city, county, or seizing agency. The petitioner shall serve a
32 true copy of the petition upon the defendant and the prosecuting
33 attorney.

34 (2) Upon receipt of the petition, the court shall set a hearing on
35 the petition. The hearing shall be conducted within 14 days after
36 the filing of the petition, or as soon as practicable.

37 (3) The petitioner shall have the burden of establishing beyond
38 a reasonable doubt that, even in the event of an acquittal of the
39 criminal charges, the owner will not legally be permitted to retain
40 the animal in question. If the court finds that the petitioner has met

1 its burden, the court shall order the immediate forfeiture of the
2 animal as sought by the petition.

3 ~~(4) Nothing in this subdivision is intended to authorize a seizing~~
4 ~~agency or prosecuting attorney to file a petition to determine an~~
5 ~~owner's ability to legally retain an animal pursuant to paragraph~~
6 ~~(3) of subdivision (l) if a petition has previously been filed pursuant~~
7 ~~to this subdivision.~~

8 ~~(l) (1) Upon the conviction of a person charged with a violation~~
9 ~~of this section, or Section 597 or 597a, all animals lawfully seized~~
10 ~~and impounded with respect to the violation shall be adjudged by~~
11 ~~the court to be forfeited and shall thereupon be transferred to the~~
12 ~~impounding officer or appropriate public entity for proper adoption~~
13 ~~or other disposition. A person convicted of a violation of this~~
14 ~~section shall be personally liable to the seizing agency for all costs~~
15 ~~of impoundment from the time of seizure to the time of proper~~
16 ~~disposition. Upon conviction, the court shall order the convicted~~
17 ~~person to make payment to the appropriate public entity for the~~
18 ~~costs incurred in the housing, care, feeding, and treatment of the~~
19 ~~seized or impounded animals. Each person convicted in connection~~
20 ~~with a particular animal may be held jointly and severally liable~~
21 ~~for restitution for that particular animal. The payment shall be in~~
22 ~~addition to any other fine or sentence ordered by the court.~~

23 ~~(2) The court may also order, as a condition of probation, that~~
24 ~~the convicted person be prohibited from owning, possessing, caring~~
25 ~~for, or residing with, animals of any kind, and require the convicted~~
26 ~~person to immediately deliver all animals in his or her possession~~
27 ~~to a designated public entity for adoption or other lawful disposition~~
28 ~~or provide proof to the court that the person no longer has~~
29 ~~possession, care, or control of any animals. In the event of the~~
30 ~~acquittal or final discharge without conviction of the person~~
31 ~~charged, if the animal is still impounded, the animal has not been~~
32 ~~previously deemed abandoned pursuant to subdivision (h), the~~
33 ~~court has not ordered that the animal be forfeited pursuant to~~
34 ~~subdivision (k), the court shall, on demand, direct the release of~~
35 ~~seized or impounded animals to the defendant upon a showing of~~
36 ~~proof of ownership.~~

37 ~~(3) Any questions regarding ownership shall be determined in~~
38 ~~a separate hearing by the court where the criminal case was finally~~
39 ~~adjudicated and the court shall hear testimony from any persons~~
40 ~~who may assist the court in determining ownership of the animal.~~

1 ~~If the owner is determined to be unknown or the owner is~~
2 ~~prohibited or unable to retain possession of the animals for any~~
3 ~~reason, the court shall order the animals to be released to the~~
4 ~~appropriate public entity for adoption or other lawful disposition.~~
5 ~~This section is not intended to cause the release of any animal,~~
6 ~~bird, reptile, amphibian, or fish seized or impounded pursuant to~~
7 ~~any other statute, ordinance, or municipal regulation. This section~~
8 ~~shall not prohibit the seizure or impoundment of animals as~~
9 ~~evidence as provided for under any other provision of law.~~

10 ~~(m) It shall be the duty of all peace officers, humane society~~
11 ~~officers, and animal control officers to use all currently acceptable~~
12 ~~methods of identification, both electronic and otherwise, to~~
13 ~~determine the lawful owner or caretaker of any seized or~~
14 ~~impounded animal. It shall also be their duty to make reasonable~~
15 ~~efforts to notify the owner or caretaker of the whereabouts of the~~
16 ~~animal and any procedures available for the lawful recovery of the~~
17 ~~animal and, upon the owner's and caretaker's initiation of recovery~~
18 ~~procedures, retain custody of the animal for a reasonable period~~
19 ~~of time to allow for completion of the recovery process. Efforts to~~
20 ~~locate or contact the owner or caretaker and communications with~~
21 ~~persons claiming to be the owner or caretaker shall be recorded~~
22 ~~and maintained and be made available for public inspection.~~

23 ~~SEC. 16. Section 597.2 of the Penal Code is amended to read:~~

24 ~~597.2. (a) It shall be the duty of an officer of an animal shelter,~~
25 ~~a humane society, or an animal regulation department of a public~~
26 ~~agency to assist in a case involving the abandonment or voluntary~~
27 ~~relinquishment of an equine by the equine's owner. This section~~
28 ~~does not require an animal shelter, a humane society, or an animal~~
29 ~~regulation department of a public agency to take actual possession~~
30 ~~of the equine.~~

31 ~~(b) If an animal shelter, a humane society, or an animal~~
32 ~~regulation department of a public agency sells an equine at a private~~
33 ~~or public auction or sale, it shall set the minimum bid for the sale~~
34 ~~of the equine at a price above the current slaughter price of the~~
35 ~~equine.~~

36 ~~(c) (1) This section does not prohibit an animal shelter, a~~
37 ~~humane society, or an animal regulation department of a public~~
38 ~~agency from placing an equine through an adoption program at an~~
39 ~~adoption fee that may be set below current slaughter price.~~

1 ~~(2) A person adopting an equine under paragraph (1) shall~~
2 ~~submit a written statement declaring that the person is adopting~~
3 ~~the equine for personal use and not for purposes of resale, resale~~
4 ~~for slaughter, or holding or transporting the equine for slaughter.~~

5 ~~SEC. 17. Section 597e of the Penal Code is amended to read:~~

6 ~~597e. Any person who impounds, or causes to be impounded~~
7 ~~in any animal shelter, any domestic animal, shall supply it during~~
8 ~~confinement with a sufficient quantity of good and wholesome~~
9 ~~food and water, and in default thereof, is guilty of a misdemeanor.~~
10 ~~In case any domestic animal is at any time so impounded and~~
11 ~~continues to be without necessary food and water for more than~~
12 ~~12 consecutive hours, it is lawful for any person, from time to~~
13 ~~time, as may be deemed necessary, to enter into and upon any~~
14 ~~animal shelter in which the animal is confined, and supply it with~~
15 ~~necessary food and water so long as it remains so confined. That~~
16 ~~person is not liable for the entry and may collect the reasonable~~
17 ~~cost of the food and water from the owner of the animal, and the~~
18 ~~owner of the animal is subject to enforcement of a money judgment~~
19 ~~for the reasonable cost of food and water.~~

20 ~~SEC. 18. Section 597f of the Penal Code is amended to read:~~

21 ~~597f. (a) Every owner, driver, or possessor of any animal, who~~
22 ~~permits the animal to be in any building, enclosure, lane, street,~~
23 ~~square, or lot, of any city, city and county, or judicial district,~~
24 ~~without proper care and attention, shall, on conviction, be deemed~~
25 ~~guilty of a misdemeanor. And it shall be the duty of any peace~~
26 ~~officer, officer of the humane society, or officer of an animal shelter~~
27 ~~or animal regulation department of a public agency, to take~~
28 ~~possession of the animal so abandoned or neglected and care for~~
29 ~~the animal until it is redeemed by the owner or claimant, and the~~
30 ~~cost of caring for the animal shall be a lien on the animal until the~~
31 ~~charges are paid. Every sick, disabled, infirm, or crippled animal,~~
32 ~~except a dog or cat, which shall be abandoned in any city, city and~~
33 ~~county, or judicial district, may, if after due search no owner can~~
34 ~~be found therefor, be humanely euthanized by the officer; and it~~
35 ~~shall be the duty of all peace officers, an officer of that society, or~~
36 ~~officer of an animal shelter or animal regulation department of a~~
37 ~~public agency to cause the animal to be humanely euthanized on~~
38 ~~information of that abandonment. The officer may likewise take~~
39 ~~charge of any animal, including a dog or cat, that by reason of~~
40 ~~lameness, sickness, feebleness, or neglect, is unfit for the labor it~~

1 is performing, or that in any other manner is being cruelly treated;
2 and, if the animal is not then in the custody of its owner, the officer
3 shall give notice thereof to the owner, if known, and may provide
4 suitable care for the animal until it is deemed to be in a suitable
5 condition to be delivered to the owner, and any necessary expenses
6 which may be incurred for taking care of and keeping the animal
7 shall be a lien thereon, to be paid before the animal can be lawfully
8 recovered.

9 (b) (1) ~~It shall be the duty of all officers of animal shelters or~~
10 ~~humane societies, and animal regulation departments of public~~
11 ~~agencies to convey, and for police and sheriff departments, to cause~~
12 ~~to be conveyed all injured cats and dogs found without their owners~~
13 ~~in a public place directly to a veterinarian known by the officer or~~
14 ~~agency to be a veterinarian that ordinarily treats dogs and cats for~~
15 ~~a determination of whether the animal shall be immediately and~~
16 ~~humanely euthanized or shall be hospitalized under proper care~~
17 ~~and given emergency treatment.~~

18 (2) ~~If the owner does not redeem the animal within the locally~~
19 ~~prescribed waiting period, the veterinarian may personally perform~~
20 ~~euthanasia on the animal; or, if the animal is treated and recovers~~
21 ~~from its injuries, the veterinarian may keep the animal for purposes~~
22 ~~of adoption, provided the responsible animal control agency has~~
23 ~~first been contacted and has refused to take possession of the~~
24 ~~animal.~~

25 (3) ~~Whenever any animal is transferred pursuant to this~~
26 ~~subdivision to a veterinarian in a clinic, such as an emergency~~
27 ~~clinic which is not in continuous operation, the veterinarian may,~~
28 ~~in turn, transfer the animal to an appropriate facility.~~

29 (4) ~~If the veterinarian determines that the animal shall be~~
30 ~~hospitalized under proper care and given emergency treatment,~~
31 ~~the costs of any services which are provided pending the owner's~~
32 ~~inquiry to the agency, department, or society shall be paid from~~
33 ~~the dog license fees, fines, and fees for impounding dogs in the~~
34 ~~city, county, or city and county in which the animal was licensed~~
35 ~~or if the animal is unlicensed the jurisdiction in which the animal~~
36 ~~was found, subject to the provision that this cost be repaid by the~~
37 ~~animal's owner. No veterinarian shall be criminally or civilly liable~~
38 ~~for any decision which he or she makes or services which he or~~
39 ~~she provides pursuant to this section.~~

1 ~~(e) An animal control agency which takes possession of an~~
2 ~~animal pursuant to subdivision (b), shall keep records of the~~
3 ~~whereabouts of the animal for a 72-hour period from the time of~~
4 ~~possession and those records shall be available to inspection by~~
5 ~~the public upon request.~~

6 ~~(d) Notwithstanding any other provisions of this section, any~~
7 ~~officer of an animal shelter or animal regulation department or~~
8 ~~humane society, or any officer of a police or sheriff's department~~
9 ~~may, with the approval of his or her immediate superior, humanely~~
10 ~~euthanize any abandoned animal in the field in any case where the~~
11 ~~animal is too severely injured to move or where a veterinarian is~~
12 ~~not available and it would be more humane to euthanize the animal.~~

13 ~~SEC. 19.— Section 597u of the Penal Code is amended to read:~~

14 ~~597u. (a) No person, peace officer, officer of a humane society,~~
15 ~~or officer of an animal shelter or animal regulation department of~~
16 ~~a public agency shall kill any animal by using any of the following~~
17 ~~methods:~~

18 ~~(1) Carbon monoxide gas.~~

19 ~~(2) Intracardiac injection of a euthanasia agent on a conscious~~
20 ~~animal, unless the animal is heavily sedated or anesthetized in a~~
21 ~~humane manner, or comatose, or unless, in light of all the relevant~~
22 ~~circumstances, the procedure is justifiable.~~

23 ~~(b) With respect to the killing of any dog or cat, no person,~~
24 ~~peace officer, officer of a humane society, or officer of an animal~~
25 ~~shelter or animal regulation department of a public agency shall~~
26 ~~use any of the methods specified in subdivision (a) or any of the~~
27 ~~following methods:~~

28 ~~(1) High-altitude decompression chamber.~~

29 ~~(2) Nitrogen gas.~~

30 ~~SEC. 20.— Section 597v of the Penal Code is amended to read:~~

31 ~~597v. No person, peace officer, officer of a humane society,~~
32 ~~or officer of an animal shelter or animal regulation department of~~
33 ~~a public agency shall kill any newborn dog or cat whose eyes have~~
34 ~~not yet opened by any other method than by the use of chloroform~~
35 ~~vapor or by inoculation of barbiturates.~~

36 ~~SEC. 21.— Section 599e of the Penal Code is amended to read:~~

37 ~~599e. Every animal which is unfit, by reason of its physical~~
38 ~~condition, for the purpose for which those animals are usually~~
39 ~~employed, and when there is no reasonable probability of that~~
40 ~~animal ever becoming fit for the purpose for which it is usually~~

1 employed, shall be by the owner or lawful possessor of the same,
2 deprived of life within 12 hours after being notified by any peace
3 officer, officer of said society, or employee of an animal shelter
4 or animal regulation department of a public agency who is a
5 veterinarian, to kill the same, and the owner, possessor, or person
6 omitting or refusing to comply with the provisions of this section
7 shall, upon conviction, be deemed guilty of a misdemeanor, and
8 after that conviction the court or magistrate having jurisdiction of
9 that offense shall order any peace officer, officer of said society,
10 or officer of an animal shelter or animal regulation department of
11 a public agency, to immediately kill that animal; provided, that
12 this shall not apply to an owner keeping any old or diseased animal
13 belonging to him or her on his or her own premises with proper
14 care.

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