
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 147
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Version: May 12, 2015
Urgency: No
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Hearing Date: June 17, 2015
Fiscal: Yes

Subject: Postsecondary education: animal research

SUMMARY

This bill requires a public and independent postsecondary institution, as defined, that confines dogs or cats for research purposes, to first offer the dogs or cats to an animal adoption or rescue organization prior to being euthanized, if an institution's existing procedures for adopting the animal have failed and the animal's destruction is not required, as specified.

BACKGROUND

Existing law:

- 1) Specifies that public health and welfare depend on the humane use of animals for scientific advancement in the diagnosis and treatment of human and animal diseases, for education, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and improvement and standardization of laboratory procedures of biologic products, pharmaceuticals, and drugs. (Health and Safety Code §1650)
- 2) Declares that no adoptable animal should be euthanized if it can be adopted into a suitable home. Adoptable animals include only those animals eight weeks of age or older or have manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal, as specified. (Civil Code § 1834.4)
- 3) Specifies, that no treatable animal should be euthanized. A treatable animal includes any animal that is not adoptable but that could become adoptable with reasonable efforts. (Food and Agricultural Code § 17005)
- 4) Specifies that animals that are irremediably suffering from a serious illness or severe injury shall not be held for owner redemption or adoption. (FAC § 17006)

ANALYSIS

This bill:

- 1) Requires a campus of the University of California (UC), California State University (CSU) and California Community Colleges (CCC), an independent institution of higher education, employee or student that confines dogs or cats for research purposes, as specified, to offer the dogs or cats to an animal adoption or rescue organization prior to euthanasia, provided that the institution determines the animal's destruction is not required, the animal is no longer needed, and the institutions existing procedures for adoption have failed.
- 2) Authorizes institutions to enter into agreement with an animal adoption or rescue organization, as specified.
- 3) Specifies, that this bill does not apply to animals that are suffering from serious illness or severe injury and newborn animals that need maternal care and have been impounded without their mothers, as specified in Section 17006 of the Food and Agricultural Code.
- 4) Defines various terms for the purposes of this bill including:
 - a) Animal adoption organization or animal rescue organization to mean, "a not-for-profit entity that is tax exempt per Section 501(c)(3) of the Internal Revenue Code or a collaboration of individuals, with at least one of its purposes being the sale or placement of animals that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter or that have been previously owned by any person."

STAFF COMMENTS

- 1) **Need for the bill:** According to the author current federal and state law, provide regulations concerning a research animal's, bedding, food, water access, enrichment devices, and pain management yet standards regarding how to care for the animal after research and testing are complete remain unaddressed. This bill attempts to establish state standards for adopting research dogs and cats once research is complete by facilitating relationships between university research laboratories and nonprofit animal rescue organizations or a group of individuals with similar experience, as specified.
- 2) **How big is the problem?** According to the National Institutes of Health (NIH), in 2014, California received 7,731 grants, more grant funding from NIH (for animal research), than any other state. California was awarded grants totaling more than \$3.4 billion. To note, four of the top 15 U.S.-wide NIH awardees in 2014 were California universities: UC, Stanford University, University of Southern California, and California Institute of Technology. Specifically, at the UC of the 101 dogs utilized in 2014, 28 dogs used in research were euthanized per the pre-approved research protocol and two dogs remained in research. Of the remaining dogs, 30 were returned to the staff or faculty owner and 41 were placed in permanent adopted homes. According to UC, all of the dogs otherwise covered under this measure were

adopted out. This bill would permit institutions to continue using internal procedures for adopting an animal however should those efforts fail the institutions are subsequently required to offer the dogs or cats to the specified third party organizations.

- 3) **Existing University Policies.** UC's systemwide "Guidance Memo," on adoption of research dogs and cats specifies that dogs and cats used in research or teaching may be adopted as companion animals, if the animals are in good health, have an expectation for a normal quality of life, and have suitable temperaments. Additionally, the memo directs the Campus Attending Veterinarian to adopt locally appropriate procedures including the suitability of animal for placement outside the University, the suitability of the organization or individual adopting the animal, the entity that will bear the costs related to the adoption and conformance with applicable state and federal laws, as specified.

According to CSU, they do not have any research activities involving dogs and cats on its campuses, but several campuses have policies. Similarly, CCCs that use animals for teaching purposes have adoption policies in place.

According to the Association of Independent California Colleges and Universities all of its institutions covered by this bill have policies and practices in place regarding animal care, research, euthanasia and the adoption of health dogs and cats.

This bill specifies that prior to offering the dogs or cats for adoption; the institutions must first determine if the animal's destruction is required and whether the animal is no longer needed. For purposes of clarifying, that the animal is suitable for adoption **staff recommends the bill be amended** to specify that it is the role of the institutions to also determine if the animal is appropriate for adoption.

- 4) **Similar Legislation in Other States.** Similar to this bill, Minnesota House File 3172 (chapter 3123, Statutes of 2014) which sunsets July 1, 2015, requires a higher education research facility that receives public money that confines dogs or cats for science, education, or research purposes and plans on euthanizing a dog or cat for other than science, education, or research purposes must first offer the dog or cat to a nonprofit organization incorporated for the purpose of rescuing animals in need and finding permanent, adoptive homes for the animals. Further, authorizes a facility to enter into agreement with the animal rescue organization and for the purposes of protecting the facility specifies that the facility is immune from any civil liability that otherwise might result from its actions. Two other states Nevada (SB 261, 2015) and Connecticut (H.B. 5707, 2015) introduced similar legislation to ensure adoptable research animals find permanent homes.
- 5) **Federal Animal Welfare Act (AWA).** The federal Animal Welfare Act (AWA; 7 U.S.C. 2131 et seq.) establishes a regulatory framework for the use and role of animals in research. AWA was signed into law in 1966 seeks to ensure the humane treatment of animals that are intended for research, bred for commercial sale, exhibited to the public, or commercially transported.

Under the Act, public and private research facilities using animals for research, testing, teaching, or experimentation must be registered with the U.S. Department of

Agriculture (USDA) as a “research facility,” and must adhere to minimum standards of care. Among other things the act requires each facility to have an attending veterinarian to provide adequate veterinary care to the animals. Additionally, these facilities must submit an annual report identifying the number of regulated animals used and if any painful experiments were conducted. All research universities in the state, (public and private), are accredited by the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC) and are subject to additional standards that go above the regulatory requirements.

This bill defines animal adoption or rescue organization as a registered nonprofit organization; however, it also loosely defines these organizations to mean a “collaboration of individuals.” For purposes of ensuring the dogs and cats are offered to organizations focused on placing animals in permanent adoptive homes **staff recommends the bill be amended** as follows:

- a) “Animal adoption organization,” or “animal rescue organization,” means a not for profit entity that is exempt from taxation pursuant to Section 501 (c)(3) of the Internal Revenue code ~~or a collaboration of individuals, with at least one of its purposes being the sale or placement of animals that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter, or that have been previously owned by any person.~~ *established for the purpose of rescuing animals in need and finding permanent, adoptive homes for such animals and maintain records pursuant to Food and Agricultural Code Section 32003.*

6) PRIOR LEGISLATION

AB 2431 (Dababneh, 2014), similar to this measure, required any postsecondary educational institution that confines dogs or cats for research purposes and intends to destroy the dog or cat to first offer the dog or cat to an animal adoption or animal rescue organization. AB 2431 did not include language related to the institutions determining if the animal is no longer needed or exhausting its existing procedures. AB 2431 died in Assembly Appropriations Committee.

SUPPORT

American Society for the Prevention of Cruelty to Animals (ASPCA)
 Animal Human Society of Minnesota
 Barks of Love
 Best Friends Animal Society
 Molly’s Mutts and Meows
 Numerous Individuals
 Pasadena Humane Society & SPCA
 Pine Animal Hospital, Inc.
 Priceless Pets
 Sacramento SPCA
 San Francisco SPCA
 Sonoma Humane Society
 Tails of the City Animal Rescue

The Amanda Foundation
The Rescue Train

OPPOSITION

Association of Independent California Colleges and Universities (AICCU)
California Biomedical Research Association
Stanford University
University of California
University of Southern California

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