

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 06/13/2012
POSITION: Neutral
SPONSOR: City of Hesperia, Town of Apple Valley

BILL NUMBER: SB 1162
AUTHOR: Runner, Sharon

BILL SUMMARY: Animal control: tranquilizers.

This bill, an urgency measure, would permit an animal control or humane officer, who has completed specified training, to administer a tranquilizer containing a controlled substance in order to gain control of a wild, stray, or abandoned animal in emergency situations.

FISCAL SUMMARY

The Veterinary Medical Board (Board) indicates that any costs resulting from this bill would be minor and absorbable within existing resources, as there is no requirement for the Board to provide training in the administration of tranquilizers but only to approve the training which will be provided by licensed veterinarians.

COMMENTS

The Department of Finance is neutral on this bill that could increase public and animal safety by allowing specified animal control and humane officers to use tranquilizers to subdue animals as opposed to deadly force.

Existing law permits any animal control officer, humane society officer, or peace officer to take possession of a stray or abandoned animal and to provide care and treatment for the animal until it is deemed to be in suitable condition to be returned to the animal's owner. Existing law regulates the distribution of controlled substances, including but not limited to authorizing certain practitioners, such as physicians and veterinarians, or their authorized agents (in their presence) to administer controlled substances.

Attorney General opinion 08-505 dated December 22, 2011 concluded that current law does not give animal control officers independent authority to administer controlled substances to capture or treat animals in the field.

This bill would authorize an animal control officer or a humane officer, in emergency situations, to possess and administer a tranquilizer with direct or indirect supervision, as determined by a licensed veterinarian, to a wild, stray, or abandoned animal if the officer meets the following training and authorization requirements:

- Has received Board-approved training in the administration of tranquilizers from a licensed veterinarian.
Has successfully completed the firearms component of a course relating to the exercise of police powers.
Is authorized by his or her agency or organization to possess and administer the tranquilizer in accordance with the entity's policy and approved by the veterinarian who obtained the controlled substance.

Analyst/Principal (0234) J.Carosone Date Program Budget Manager Lisa Ann Mangat Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

Runner, Sharon

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**COMMENTS** (continued)

- Has successfully completed euthanasia training, as specified.
- Has completed a state and federal fingerprinting background check and does not have any drug- or alcohol-related convictions.

The Senate committee analysis states that the federal Drug Enforcement Administration (DEA) has recently become concerned about controlled substances provided to licensed registrants (practitioners) being stored outside of the registrant's place of business. Although animal control officers may store their tranquilizers in a location other than the place of business of the veterinarians they contract with, it is not clear if this situation would be an issue with the DEA.

The author's office indicates that, in practice, a licensed veterinarian is not always available during urgent situations where animal control officers have to act quickly to protect an animal and/or the public. As such, the necessity of having a veterinarian supervise when administering the tranquilizer could jeopardize public safety or the safety of an animal. Although animal control officers, as a last resort, may take the life of an animal if it is injured or posing an immediate threat to public safety, the author's office believes that limited authorization to use tranquilizers is more humane and would better protect public safety. The author's office notes that in cases where the animal is a protected species, such as a mountain lion, a depredation permit may be required before taking the life of the animal which would create further delays.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)						Fund Code
	LA	(Dollars in Thousands)						
	CO	PROP						
	RV	98	FC	2011-2012 FC	2012-2013 FC	2013-2014		
1110/ConAfr-ReqBd	SO	No		-----	No/Minor Fiscal Impact	-----	0777	
<u>Fund Code</u>	<u>Title</u>							
0777	Veterinary Medical Board Contingent Fund							