

SENATE THIRD READING
 SB 1305 (Glazer)
 As Amended August 23, 2018
 Majority vote

SENATE VOTE: 39-0

Committee	Votes	Ayes	Noes
Business & Professions	17-0	Low, Brough, Baker, Bloom, Chen, Chiu, Cunningham, Eggman, Fong, Gipson, Grayson, Irwin, McCarty, Medina, Mullin, Obernolte, Ting	
Judiciary	10-0	Mark Stone, Cunningham, Chau, Chiu, Holden, Kalra, Kiley, Maienschein, Reyes, Gabriel	
Appropriations	17-0	Gonzalez Fletcher, Bigelow, Bloom, Bonta, Brough, Calderon, Carrillo, Chau, Eggman, Fong, Friedman, Gallagher, Eduardo Garcia, Nazarian, Obernolte, Quirk, Reyes	

SUMMARY: Authorizes an emergency medical services provider to provide basic first aid to dogs and cats as long as the employer authorizes that care and would exempt the provider and their employer from civil damages. Specifically, **this bill:**

- 1) Permits an EMS provider to provide basic first aid to dogs and cats, as defined, to the extent the provider is authorized by the employer to provide the care.
- 2) Provides that the employer may determine the circumstances under which EMS providers may provide basic first aid to dogs and cats.
- 3) Defines, for purposes of this bill, a "cat" as "a small domesticated feline animal that is kept as a pet," and excludes from this definition nondomesticated wild animals, and defines "dog" as "a domesticated canine animal owned for companionship, service, therapeutic, or assistance purpose."
- 4) Defines "Emergency medical services provider" as a person who is certified or licensed to provide EMS and defines "employer" as an entity or organization that employs or enlists the services of an EMS provider.
- 5) Defines "basic first aid to dogs and cats" to mean the immediate medical care to a dog or cat by an EMS provider, in an emergency situation to which the EMS provider is responding, through means that include all of the following:
 - a) Administering oxygen;

- b) Manually clearing an airway;
 - c) Giving mouth-to-snout or mouth-to-barrier ventilation;
 - d) Managing ventilation by mask;
 - e) Controlling hemorrhage with direct pressure; and,
 - f) Bandaging for purpose of stopping bleeding.
- 6) Specifies that "basic first aid to dogs and cats is intended to enable the dog or cat to be transported as soon as practical to a veterinarian for treatment."
- 7) Provides that basic first aid to dogs and cats does not include care provided in response to an emergency call made solely for the purpose of tending to an injured dog or cat, unless a person's life could be placed in danger attempting to save the life of the dog or cat.
- 8) Exempts an EMS provider and his or her employer from liability for civil damages and specifies an EMS provider is not subject to criminal prosecution or professional disciplinary action, for an act or omission resulting from the provision of basic first aid to dogs and cats pursuant to this bill, unless the act or omission constitutes willful or wanton misconduct.
- 9) Specifies that this bill, notwithstanding any other provision of law, does not impose a duty or obligation upon an EMS provider to provide care to a dog or cat.
- 10) Makes various legislative findings and declarations, including that personnel of some fire districts and other first responder agencies currently provide stabilizing, life-saving emergency care to dogs and cats, which violates the Veterinary Medicine Practice Act, and that it is the intent of the Legislature to authorize EMS providers to provide, on a voluntary basis, basic first aid for dogs and cats in accordance with policies and procedures designed and implemented by the employers of those EMS providers.
- 11) Limits liability for EMS provider that provides care to a pet or other domesticated animal during an emergency.
- 12) Clarifies mouth-to-mouth ventilation rather than "mouth-to-snout"

FISCAL EFFECT: According to the Senate Committee on Appropriations, negligible state costs, pursuant to Senate Rule 28.8.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author, "While most first responders will administer emergency medical care to animals, it is technically not legal for them to do so in California. Current law does not allow personnel of fire districts and other first responder agencies to provide stabilizing, life-saving emergency care to dogs and cats. SB 1305, the Sutter Brown Act, authorizes first responders to provide basic first aid for dogs and cats in need in accordance with policies and procedures designed and implemented by the employers of the first responders. Furthermore, the bill protects first responders from being held liable for civil damages and criminal prosecution for administering aid to these animals."

Background.

Current Expectations. There is a tension in current law between Good Samaritan laws, the Veterinary Medicine Practice Act, and current practice by EMS providers. EMS providers commonly treat animals in emergency situations yet lack protections against potential liability. Good Samaritan laws may not apply in animal care cases and the Veterinary Medicine Practice Act explicitly prohibits medical care of animals without an active veterinary license. In such instances, the EMS provider may be subject to a fine of up to \$2,000 and/or imprisonment up to one year. In this potentially murky environment, this bill seeks to provide clarity for EMS providers.

EMS Treatment of Dogs and Cats Involved in Fires. The Journal of Emergency Medical Services published an article in November of 2016, entitled "*EMS Assessment and Treatment of Dogs and Cats Involved in Fires.*" According to this article, given the high numbers of domesticated animals in the U.S. and the speed at which today's structure fires develop, the chance of encountering an injured pet on scene is very real. According to this article, any dog or cat exposed to smoke in a structure fire should receive oxygen therapy as soon as possible, and that many departments carry special oxygen masks on their EMS or fire apparatus that can be used on pets. This article notes that animals are unpredictable, and even a seemingly friendly animal will defend itself when it feels threatened or is injured, and that the go-to defense mechanism in dogs and cats is to bite. With regard to legal considerations, an attorney and EMT/firefighter from Pennsylvania was quoted in the article saying that there has been "little to no litigation in the area of treating a pet in an emergency situation. It's important to understand the specific laws of your state and to have a policy in place that was drafted with these laws in mind."

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