

Introduced by Senator Glazer

(Principal coauthors: Assembly Members Baker and Steinorth)

(Coauthors: Assembly Members Cervantes and Mullin)

February 16, 2018

An act to add Section 1799.109 to the Health and Safety Code, relating to emergency preveterinary services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, as introduced, Glazer. Emergency preveterinary services: immunity.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (the act), establishes the Emergency Medical Services Authority to coordinate and integrate all state activities concerning emergency medical services, including, among other duties, establishing training standards for specified emergency services personnel. The act provides a qualified immunity for public entities and emergency rescue personnel providing emergency services. The act provides other exemptions from liability for specified professionals rendering emergency medical services.

Existing law, the Veterinary Medicine Practice Act, governs the practice of veterinary medicine in this state and makes it unlawful for any person to practice veterinary medicine in this state without a valid license issued pursuant to the act. For purposes of the act, the practice of veterinary medicine includes, among other things, administering a drug, appliance, or treatment for the cure or relief of a wound, fracture, or bodily injury of an animal.

This bill would authorize an emergency medical services provider, as defined, to provide preveterinary emergency care, as defined, to a dog or cat, to the extent the provider has received commensurate training

and is authorized by the employer to provide that care. The bill would exempt that provider and his or her employer from liability for civil damages, and would exempt the provider from other disciplinary action, for providing that care, except as specified. The definition of “preveterinary emergency care” for purposes of these provisions would specifically include, among other acts, administering oxygen, immobilizing fractures, and bandaging. The bill would also exempt a licensed veterinarian who acts in good faith from liability for an act or omission authorized by the bill, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 1799.109 is added to the Health and
2 Safety Code, to read:
3 1799.109. (a) The Legislature finds and declares all of the
4 following:
5 (1) California residents receive comfort and unconditional love
6 on a daily basis from their household pets, particularly dogs and
7 cats.
8 (2) California residents benefit from the special support, comfort,
9 guidance, companionship, and therapy provided by dogs and cats.
10 (3) Pets provide critical support to many California residents
11 with disabilities.
12 (4) Pets provide assistance and aid in the official duties of
13 military personnel, peace officers, law enforcement agencies, fire
14 departments, and search-and-rescue agencies.
15 (5) Personnel of some fire districts and other first responder
16 agencies currently provide stabilizing, life-saving emergency care
17 to dogs and cats, which violates the Veterinary Medicine Practice
18 Act.
19 (6) In enacting this section, it is the intent of the Legislature to
20 authorize emergency medical service providers to provide, on a
21 voluntary basis, emergency preveterinary care for dogs and cats
22 in accordance with policies and procedures designed and
23 implemented by the employers of those emergency medical
24 services providers.
25 (b) Notwithstanding any other law, including the Veterinary
26 Medicine Practice Act, as set forth in Chapter 11 (commencing

1 with Section 4800) of Division 2 of the Business and Professions
2 Code, an emergency medical services provider may provide
3 preveterinary emergency care to the extent the provider has
4 received commensurate training and is authorized by the employer
5 to provide the care. Requirements governing the circumstances
6 under which emergency medical services providers may provide
7 preveterinary emergency care to dogs and cats may be specified
8 in the employer’s policies governing the provision of care.

9 (c) (1) An emergency medical services provider and his or her
10 employer are not liable for civil damages, and an emergency
11 medical services provider is not subject to criminal prosecution or
12 professional disciplinary action, for an act or omission resulting
13 from the provision of preveterinary emergency care pursuant to
14 this section, unless the act or omission constitutes willful or wanton
15 misconduct.

16 (2) A licensed veterinarian who acts in good faith in accordance
17 with this section is not liable for damages, and is not subject to a
18 civil action, criminal prosecution, or professional disciplinary
19 action, for an act or omission that is authorized by this section.

20 (d) Notwithstanding any other law, this section does not impose
21 a duty or obligation upon an emergency medical services provider
22 to provide care to a dog or cat.

23 (e) For purposes of this section, the following definitions apply:

24 (1) “Cat” means a small domesticated feline animal that is kept
25 as a pet. “Cat” does not include nondomesticated wild animals.

26 (2) “Dog” means a domesticated canine animal owned for
27 companionship, service, therapeutic, or assistance purposes.

28 (3) “Emergency medical services provider” means a person who
29 is certified or licensed to provide emergency medical services.

30 (4) “Employer” means an entity or organization that employs
31 or enlists the services of an emergency medical services provider.

32 (5) (A) “Preveterinary emergency care” means the immediate
33 medical stabilization of a dog or cat by an emergency medical
34 services provider, in an emergency situation to which the
35 emergency medical services provider is responding, through means
36 that include, but are not limited to, all of the following:

37 (i) Administering oxygen.

38 (ii) Opening and manually maintaining an airway.

39 (iii) Giving mouth-to-snout or mouth-to-barrier ventilation.

40 (iv) Managing ventilation by mask.

- 1 (v) Controlling hemorrhage with direct pressure.
- 2 (vi) Immobilizing fractures.
- 3 (vii) Bandaging.
- 4 (viii) Administering naloxone hydrochloride, if administering
- 5 the drug is either in accordance with a written protocol established
- 6 and provided by, or pursuant to a consultation with, a veterinarian
- 7 licensed in this state.
- 8 (B) “Preveterinary emergency care” is intended to enable the
- 9 dog or cat to be transported as soon as practical to a veterinarian
- 10 for treatment. “Preveterinary emergency care” does not include
- 11 care provided in response to an emergency call made solely for
- 12 the purpose of tending to an injured dog or cat, unless a person’s
- 13 life could be placed in danger attempting to save the life of the
- 14 dog or cat.