

TRANSMITTAL

To: **THE COUNCIL**

Date: **07/19/19**

From: **THE MAYOR**

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.

A handwritten signature in blue ink, appearing to be 'Eric Garcetti', written in a cursive style.

(Ana Guerrero) for

ERIC GARCETTI
Mayor

**BOARD OF
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ERIC GARCETTI
MAYOR

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ASSISTANT GENERAL MANAGER
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MELISSA WEBBER
ASSISTANT GENERAL MANAGER
Lifesaving

DR. JEREMY PRUPAS
CHIEF VETERINARIAN

May 30, 2019

The Honorable Eric Garcetti
Mayor, City of Los Angeles
200 N. Spring Street, Room 303
Los Angeles, CA 90012

Attention: Ms. Mandy Morales, Office of the Mayor

RE: RECOMMENDATION TO SUPPORT SENATE BILL NO. 202 (WILK) – ANIMAL BLOOD DONORS

Recommendation for Council Action, subject to the approval of the Mayor:

SUPPORT State Senate Bill No. 202 (Wilk) – Animal Blood Donors, also known as the Doggy Donor Bill.

At its meeting on May 28, 2019, the Board of Animal Services Commissioners considered and approved a recommendation of support for State Senate Bill No. 202 (Wilk). Additional information concerning the Board's recommendation can be found in the attached approved board report.

If you have any questions with regards to the recommendation, please contact LaTonya Dean, Commission Executive Assistant at (213) 482-9597 or via e-mail at LaTonya.Dean@lacity.org.

Respectfully submitted,

Brenda F. Barnette
General Manager

Attachment: May 28, 2019 Board Report – Senate Bill No. 202 (Wilk)

cc: Bryan Oh, Office of the City Administrative Officer

Attachments

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Report to the Board of Animal Services Commissioners

MEETING DATE: May 28, 2019

PREPARED BY: Brenda Barnette

REPORT DATE: May 20, 2019

TITLE: General Manager

SUBJECT: RECOMMENDATION TO SUPPORT SENATE BILL NO. 202 (WILK) – ANIMAL BLOOD DONORS

BOARD ACTION RECOMMENDED:

1. **SUPPORT** State Senate Bill No. 202 (Wilk) – Animal Blood Donors, also known as the Doggy Donor Bill; and
2. **AUTHORIZE** staff to transmit this recommendation to the Mayor and City Council for consideration of adoption in the form of a Resolution by the City Council.

BACKGROUND:

In January 2019, Senator Scott Wilk introduced Senate Bill (SB 202) which would amend sections of the Food and Agricultural Code relative to animal blood donations. The proposed amendments would expand the definition of commercial blood banks for animals, set animal blood donation testing requirements and procedures and increase transparency for the public.

SUMMARY:

Currently, there are two commercial blood banks for animals operating in the State of California which produce animal blood and blood products to market or sell for use in the cure and treatment of animals who have sustained injury, as well as for the prevention or treatment of illnesses or diseases in animals. These commercial blood banks, however, operate "captive closed-colonies" which utilize the same animals for blood draws for months at a time, while limiting the animals' access outside of their kennels. SB 202 would expand the definition of "commercial blood banks for animals" to include blood or blood component products from community-sourced animals to market and sell or use in the cure, mitigation, treatment or prevention of injury or disease in animals, thus offering a more humane and ethical method for animal blood donations.

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SB 202 would also require that blood donations by captive closed-colony animals and community-sourced animals, or those that are voluntarily brought in by their owners for blood donations and are kept, housed and maintained at the residence of their owners, be done under the direct supervision of licensed veterinarians. Additionally, the following conditions are included in the proposed bill to provide protections for the community-sourced animals:

1. Payment to a person who brings in a community-sourced animal to a commercial blood bank for the purposes of donating the animal's blood or blood components would be prohibited.
2. Commercial blood banks that accept donations from a community-sourced animal shall:
 - Obtain and keep a record of the animal owner's consent for the donation; and
 - Ensure that the licensed veterinarian determines through the appropriate testing that the blood and blood components are safe and not injurious to the donor animal's health, and that the donor animal is the appropriate age, a healthy weight, has no history of blood-borne illness and is current on its vaccinations.
3. Commercial blood banks shall maintain a record of the donations collected, units supplied, any adverse events and any complaints from owners.

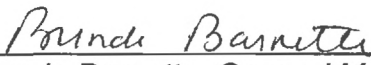
Current law exempts certain records held by the California Department of Food and Agriculture relative to commercial blood banks for animals including applications, fees or inspections from disclosure under the California Public Records Act, except under certain law enforcement officers' jurisdictions. SB 202 would increase transparency requirements for commercial blood banks and require that information be subject to disclosure with exception to the personal information of the owners of community-sourced animals including the donor names, addresses and phone numbers. This exception to disclosure is done so in an attempt to protect the privacy of owners of the donor animals and to encourage their participation in the community-sourced animal blood donation program.

In March 2019, the Board of Animal Services Commissioners approved the support of Assembly Bill 366 proposed by Assembly Member Richard Bloom which like SB 202 promoted the collection of animal donor blood through a community-based, voluntary method. The support of SB 202 is yet another progressive step toward a more humane method of obtaining blood from donor animals.

FISCAL IMPACT:

The support of SB 202 does not impact the General Fund.

Approved:



Brenda Barnette, General Manager

Attachment: SB 202

Report to the Board of Animal Services Commissioners

SUBJECT: RECOMMENDATION TO SUPPORT SENATE BILL NO. 202 (WILK) – ANIMAL BLOOD DONORS

BOARD ACTION:

Passed

Disapproved

Passed with noted modifications

Continued

Tabled

New Date

AMENDED IN SENATE APRIL 30, 2019

AMENDED IN SENATE APRIL 10, 2019

AMENDED IN SENATE MARCH 4, 2019

SENATE BILL

No. 202

Introduced by Senator Wilk

January 31, 2019

An act to amend Sections 9205, 9212, 9221, and 9269 of, and to add Sections ~~9204.5 and 9205.5~~ 9204.5, 9205.5, and 9253 to, the Food and Agricultural Code, relating to animals.

LEGISLATIVE COUNSEL'S DIGEST

SB 202, as amended, Wilk. Animal blood donors.

Existing law prohibits any person from collecting blood from animals, or preparing, testing, processing, storing, or distributing blood or blood component products, as defined, from animals, for retail sale and distribution except in a commercial blood bank for animals that is licensed by the Secretary of Food and Agriculture. Existing law requires a commercial blood bank for animals, as a condition of licensing, to document how the animal donor was acquired and to have a written protocol for, among other things, ongoing veterinary care for animals held in blood donor facilities. Existing law exempts all records held by the Department of Food and Agriculture pursuant to these provisions from disclosure pursuant to the California Public Records Act.

This bill would modify the definition of a commercial blood bank for animals to include establishments that collect blood not only from "captive closed-colony" animals that are kept, housed, or maintained for the purpose of collecting blood, but also "community-sourced" animals, as defined, that are brought by their owners to the commercial

blood bank for animals to have their blood collected. The bill would require a commercial blood bank for animals to include, in its written protocol, bloodborne pathogen testing for all canine and feline blood donors, as provided. *The bill would prohibit a commercial blood bank for animals from providing payment to a person who brings a community-sourced animal to the commercial blood bank for the purpose of donating that animal's blood or blood component products, and would impose specified requirements on a commercial blood bank for animals that accepts a donation from a community-sourced animal.* The bill would delete the above-described exemption from the California Public Records Act, except for *identifying* personal information of owners of community-sourced animal donors, as provided.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Under existing law, a violation of certain provisions of the Food and Agricultural Code relating to animals is a crime.

Because a violation of some of the above provisions would be a crime, this 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.

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

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

- 1 SECTION 1. Section 9204.5 is added to the Food and
- 2 Agricultural Code, to read:
- 3 9204.5. "Captive closed-colony" means that an animal is kept,
- 4 housed, or maintained in any way for the purpose of collecting its
- 5 blood.
- 6 SEC. 2. Section 9205 of the Food and Agricultural Code is
- 7 amended to read:

1 9205. “Commercial blood bank for animals” means an
2 establishment that produces animal blood or blood component
3 products from captive closed-colony or community-sourced
4 animals to market and sell for use in the cure, mitigation, treatment,
5 or prevention of injury or disease in animals.

6 SEC. 3. Section 9205.5 is added to the Food and Agricultural
7 Code, to read:

8 9205.5. “Community-sourced” means that an animal is both
9 of the following:

10 (a) Kept, housed, and maintained at the residence of its owner.

11 (b) Brought by its owner to a commercial blood bank for animals
12 to have its blood collected.

13 SEC. 4. Section 9212 of the Food and Agricultural Code is
14 amended to read:

15 9212. The secretary shall license establishments as commercial
16 blood banks for animals that meet all of the following:

17 (a) Operate under conditions, and use methods of production,
18 to ensure that the animal blood and blood component products will
19 not be contaminated, dangerous, or harmful.

20 (b) Produce animal blood and blood component products under
21 the direct supervision of a licensed veterinarian.

22 (c) Maintain onsite records containing information documenting
23 how the animal was acquired and any history of blood draws or
24 use of anesthesia on the animal.

25 SEC. 5. Section 9221 of the Food and Agricultural Code is
26 amended to read:

27 9221. An application for a license for any establishment that
28 produces, or proposes to produce, animal blood and blood
29 component products shall be made on forms issued by the
30 secretary. The application shall contain all of the following:

31 (a) The name and address of the person who owns the place,
32 establishment, or institution in which it is proposed to produce
33 animal blood and blood component products.

34 (b) The name and address of the person who shall be in charge
35 of the production of animal blood and blood component products.

36 (c) The type of animal blood and blood component products
37 that shall be produced.

38 (d) A full description of the building, including its location,
39 facilities, equipment, and apparatus to be used in the production
40 of animal blood and blood component products.

1 (e) A written protocol that addresses all of the following:

2 (1) Maximum length of time for donation by captive
3 closed-colony animal donors, and minimum health parameters for
4 animal donors.

5 (2) Frequency and volume of blood collected from animal
6 donors.

7 (3) Socialization and exercise programs for captive
8 closed-colony animal donors.

9 (4) Method of identification of each animal, including microchip
10 or tattoo.

11 (5) Ongoing veterinary care, including an annual physical exam
12 and vaccination schedule for animals held in blood donor facilities.

13 (6) For captive closed-colony animal donors, husbandry
14 standards for feeding, watering, sanitation, housing, handling, and
15 care in transit, with minimums based on the standards set forth
16 pursuant to the federal Animal Welfare Act (7 U.S.C. Sec. 2131
17 et seq.) in Part 3 (commencing with Section 3.1) of Subchapter A
18 of Chapter 1 of Title 9 of the Code of Federal Regulations.

19 (7) Implementation of a permissive adoption program.

20 (8) Bloodborne pathogen testing for all canine and feline blood
21 donors in accordance with the most recent Consensus Statement
22 on blood donor infectious disease screening by the American
23 College of Veterinary Internal Medicine.

24 (f) An “oversight letter” identifying the oversight veterinarian
25 who will be responsible for oversight of the facility. The letter
26 shall be from the oversight veterinarian, and shall be maintained
27 on file by the secretary. Oversight veterinarians shall be licensed
28 to practice veterinary medicine in California. In the event of a
29 change of the oversight veterinarian, it is the oversight
30 veterinarian’s responsibility to give notice to the secretary of the
31 termination of the oversight veterinarian within 30 days of the
32 termination date of the oversight veterinarian. An oversight letter
33 from the incoming oversight veterinarian shall be submitted to the
34 secretary within 30 days of the termination date of the prior
35 oversight veterinarian.

36 (g) Additional information that the secretary finds is necessary
37 for the proper administration and enforcement of this chapter.

38 *SEC. 6. Section 9253 is added to the Food and Agricultural*
39 *Code, to read:*

1 9253. (a) (1) *A commercial blood bank for animals licensed*
2 *under this chapter shall not provide payment to a person who*
3 *brings a community-sourced animal to the commercial blood bank*
4 *for the purpose of donating that animal's blood or blood*
5 *component products.*

6 (2) *For purposes of this section, "payment" means the transfer*
7 *by a commercial blood bank for animals licensed under this*
8 *chapter to a person of money or other valuable consideration that*
9 *can be converted to money by the recipient. For purposes of this*
10 *section, "payment" does not include fees for veterinary tests,*
11 *screenings, or services that benefit the health of the*
12 *community-sourced animal from which the blood or blood*
13 *component products were taken.*

14 (b) *A commercial blood bank for animals licensed under this*
15 *chapter that accepts a donation from a community-sourced animal*
16 *shall do all of the following:*

17 (1) *Obtain the written consent of the owner of the*
18 *community-sourced animal and keep a record of that consent.*

19 (2) *Ensure that the licensed veterinarian providing direct*
20 *supervision determines that production of blood and blood*
21 *component products is safe and not injurious to the*
22 *community-sourced animal's health, including ensuring that the*
23 *community-sourced animal is all of the following:*

24 (A) *An appropriate age to donate.*

25 (B) *A healthy weight to donate.*

26 (C) *Has no history of bloodborne illness.*

27 (D) *That the community-sourced animal is current on*
28 *vaccinations.*

29 (c) *A commercial blood bank for animals licensed under this*
30 *chapter shall maintain a record of the donations collected, units*
31 *supplied, any adverse events, and any complaints from owners*
32 *regarding community-sourced animals that donate blood or blood*
33 *component products.*

34 (d) *A violation of this section shall constitute a cause for*
35 *discipline by the board.*

36 ~~SEC. 6:~~

37 *SEC. 7. Section 9269 of the Food and Agricultural Code is*
38 *amended to read:*

39 9269. (a) *Except as provided in subdivision (b), all records*
40 *held by the department relating to this chapter, including, but not*

1 limited to, records relating to applications, fees, or inspections
2 required by this chapter, shall be subject to disclosure under the
3 California Public Records Act contained in Chapter 3.5
4 (commencing with Section 6250) of Division 7 of Title 1 of the
5 Government Code.

6 (b) Except as provided in subdivision (c), identifying personal
7 information that is contained in records described in subdivision
8 (a) due to a person's status as the owner of a community-sourced
9 animal donor, including, but not limited to, the person's name,
10 address, and phone number, shall be confidential and not subject
11 to disclosure under the California Public Records Act (Chapter
12 3.5 (commencing with Section 6250) of Division 7 of Title 1 of
13 the Government Code).

14 (c) Records held by the department relating to this chapter shall
15 be accessible to law enforcement officers with jurisdiction over
16 any matter covered by this chapter.

17 ~~SEC. 7.~~

18 *SEC. 8.* The Legislature finds and declares that Section-6 7 of
19 this act, which amends Section 9269 of the Food and Agricultural
20 Code, imposes a limitation on the public's right of access to the
21 meetings of public bodies or the writings of public officials and
22 agencies within the meaning of Section 3 of Article I of the
23 California Constitution. Pursuant to that constitutional provision,
24 the Legislature makes the following findings to demonstrate the
25 interest protected by this limitation and the need for protecting
26 that interest:

27 In order to protect the privacy of owners of community-sourced
28 animal donors and encourage their participation in animal blood
29 donation programs, it is necessary to limit the public's right of
30 access to their personal information.

31 *SEC. 9.* *No reimbursement is required by this act pursuant to*
32 *Section 6 of Article XIII B of the California Constitution because*
33 *the only costs that may be incurred by a local agency or school*
34 *district will be incurred because this act creates a new crime or*
35 *infraction, eliminates a crime or infraction, or changes the penalty*
36 *for a crime or infraction, within the meaning of Section 17556 of*
37 *the Government Code, or changes the definition of a crime within*

1 *the meaning of Section 6 of Article XIII B of the California*
2 *Constitution.*

O