
UNFINISHED BUSINESS

Bill No: SB 1305
Author: Glazer (D), et al.
Amended: 8/23/18
Vote: 21

SENATE HEALTH COMMITTEE: 9-0, 4/4/18
AYES: Hernandez, Nguyen, Leyva, Mitchell, Monning, Newman, Nielsen, Pan, Roth

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 9-0, 4/16/18
AYES: Hill, Fuller, Dodd, Galgiani, Glazer, Hernandez, Newman, Pan, Wilk

SENATE JUDICIARY COMMITTEE: 7-0, 4/24/18
AYES: Jackson, Moorlach, Anderson, Hertzberg, Monning, Stern, Wieckowski

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 39-0, 5/31/18
AYES: Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, Wilk

ASSEMBLY FLOOR: 80-0, 8/30/18 - See last page for vote

SUBJECT: Emergency medical services providers: dogs and cats

SOURCE: Author

DIGEST: This bill permits an emergency responder to provide basic first aid, as specified, to a dog or a cat, without being in violation of the Veterinary Medicine Practice Act.

Assembly Amendments (1) delete naming the bill the Sutter Brown Act; (2) delete mouth-to-snout or mouth-to-barrier ventilation from the definition of “basic first aid to dogs and cats”; (3) delete the new civil liability immunity provision from the bill, and instead cross-reference immunity provisions in existing law that would apply to the provisions of this bill; (4) clarify that the basic first aid is intended to stabilize the dog or cat so that the dog or cat can be transported by the owner to a veterinarian for further treatment; and (5) make other technical and clarifying changes.

ANALYSIS:

Existing law:

- 1) Establishes the Emergency Medical Services Authority (EMSA) within the California Health and Human Services Agency, and requires EMSA, among other things, to develop planning and implementation guidelines for EMS systems which address specified components, including manpower and training, communications, transportation, system organization and management, data collection and evaluation, and disaster response. [HSC §1797.100 et. seq.]
- 2) Establishes the EMS Commission within the California Health and Human Services Agency, and requires the EMS Commission to review and approve regulations, standards and guidelines to be developed by EMSA for implementation of the EMS System and the Prehospital Emergency Medical Care Personnel Act. [HSC §1799 et. seq.]
- 3) Defines “Emergency Medical Technician-I” or “EMT-I” as an individual trained in all facets of basic life support, as specified. Defines an “Emergency Medical Technician-II,” “EMT-II,” “Advanced Emergency Medical Technician,” or “Advanced EMT” as an EMT-I with additional training in limited advanced life support according to specified standards. Both EMT-Is and EMT-IIs are certified at the local level. [HSC §1797.170 and 1797.171]
- 4) Defines “Emergency Medical Technician-Paramedic,” “EMT-P,” “paramedic” or “mobile intensive care paramedic” as an individual whose scope of practice includes the ability to provide advanced life support, as specified, including administering specified medications. EMT-Ps are licensed and regulated at the state level through EMSA. [HSC §1797.172]
- 5) Limits the civil liability for any act or omission, other than an act or omission constituting gross negligence or willful or wanton misconduct, of any person

who, in good faith and not for compensation, renders emergency medical or nonmedical care or assistance at the scene of an emergency (known as the Good Samaritan Law). [HSC §1799.102]

- 6) Limits the civil liability of various types of professionals who render EMS at the scene of an emergency, including EMS providers, law enforcement officers, firefighters, and registered nurses, so that these professionals are only liable for acts or omissions performed in a grossly negligent manner or for acts or omissions not performed in good faith. Specifies that a public agency employing these personnel are not liable for civil damages if the person providing the EMS is not liable. [HSC §1799.106]
- 7) Establishes the Veterinary Medicine Practice Act, and prohibits any person from practicing veterinary medicine unless the person holds a valid, unexpired, and unrevoked license as a veterinarian, or is the bona fide owner of the animal. [BPC §4811 and 4825]
- 8) Defines the practice of veterinary medicine as including, among other things, administering a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals. [BPC §4826]
- 9) Establishes that a violation of the Veterinary Medicine Practice Act is a misdemeanor, and is punishable by a fine of between \$500 and \$2,000, or by imprisonment in a county jail for up to one year, or both. [BPC §4831]

This bill:

- 1) Permits an emergency responder, notwithstanding the Veterinary Medicine Practice Act, to provide basic first aid to dogs and cats to the extent the provision of that care is not prohibited by the responder's employer, and prohibits the responder from being subject to criminal prosecution for violation the Veterinary Medicine Practice Act.
- 2) Specifies that civil liability for a person who provides care to a pet or other domesticated animal during an emergency is governed by existing provisions of law, including provisions of law exempting emergency personnel who administer emergency assistance at the scene of an emergency from civil liability as long as the scene of the emergency is not an emergency department or other location where medical care is usually offered.

- 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 purposes.
- 4) Defines “emergency responder” as a person who is certified or licensed to provide emergency medical services, and defines “employer” as an entity or organization that employs or enlists the services of an emergency responder.
- 5) Defines “basic first aid to dogs and cats” to mean providing immediate medical care to a dog or cat by an emergency responder, in an emergency situation to which the emergency responder is responding, that is intended to stabilize the dog or cat so that the dog or cat can be transported by the owner as soon as practical to a veterinarian for treatment and which is provided through the following means:
 - a) Administering oxygen;
 - b) Managing ventilation by mask;
 - c) Manually clearing the upper airway, not including tracheal intubation or surgical procedures;
 - d) Controlling hemorrhage with direct pressure; and
 - e) Bandaging for purposes of stopping bleeding.
- 6) Prohibits this bill from requiring or authorizing the provision of emergency services to dogs or cats in response to a telephone call to the 911 emergency system, and is not a basis for liability for the failure to provide emergency services to dogs or cats in response to a telephone call to the 911 emergency system.
- 7) Prohibits this bill, notwithstanding any other provision of law, from imposing a duty or obligation upon an EMS provider or any other person to transport or provide care to an injured pet or other domesticated animal during an emergency.
- 8) 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 emergency responders to provide, on a voluntary basis, emergency

basic first aid for dogs and cats without exposure to criminal prosecution or professional discipline.

Comments

- 1) *Author's statement.* According to the author, 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. As a result, some first responders are hesitant to provide assistance due to liability for civil damages, criminal prosecution, or professional disciplinary action. The Veterinary Medicine Practice Act of the Business and Professions Code makes it unlawful for any person to practice veterinary medicine in California unless they are a licensed veterinarian. Any person who violates this Act is guilty of a misdemeanor punishable by a fine of \$500 to \$2,000, or by imprisonment in a county jail for up to one year, or by both a fine and imprisonment. This bill allows first responders to provide pre-veterinary care for dogs and cats in accordance with policies and procedures designed and implemented by the employers of those first responders. Further, this bill protects first responders by making explicit that an EMS provider and his or her employer are not liable for civil damages, and an EMS provider is not subject to criminal prosecution or professional disciplinary action for administering pre-veterinary emergency care.

- 2) *Article on 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."

3) *Similar law recently enacted in Ohio.* In 2016, Ohio enacted legislation that is very similar to this bill. The Ohio statute has the same list of medical interventions as proposed by this bill, and the immunity provisions are very similar. While the Ohio statute permits a veterinarian to establish written protocols with first responders, the only requirement to perform the listed interventions is that the EMS provider must be authorized to provide the corresponding form of the service on human patients.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, negligible state costs.

SUPPORT: (Verified 8/30/18)

American Society for the Prevention of Cruelty to Animals
California Fire Chiefs Association
California Veterinary Medical Association
Fire Districts Association of California
San Diego Humane Society
San Francisco SPCA

OPPOSITION: (Verified 8/30/18)

None received

ARGUMENTS IN SUPPORT: The American Society for the Prevention of Cruelty to Animals (ASPCA) states in support that a guiding principle of ASPCA is that animals deserve freedom from pain, injury and disease by prevention or rapid diagnosis and treatment. Therefore, ASPCA supports this bill to alleviate or prevent unnecessary suffering of dogs and cats injured in emergency situations. The San Diego Humane Society (SDHS) and the San Francisco SPCA state in support that veterinarians are not among the personnel who respond to calls for emergencies like home fires, even though more California households include dogs and cats than children. The San Francisco SPCA and SDHS state that in San Francisco alone, of the more than 120,000 calls that the San Francisco Fire Department responds to each year, thousands of those calls involve firefighters rescuing animals trapped in burning structures. The San Francisco SPCA states that it led a fundraiser that led to outfitting by donation 70 fire department ambulances with lifesaving masks for dogs and cats. The California Fire Chiefs Association and the Fire Districts Association of California write in support that this bill is needed to allow first responders to provide preveterinary care if they choose to in accordance with policies and procedures designed by their employers.

ASSEMBLY FLOOR: 80-0, 8/30/18

AYES: Acosta, Aguiar-Curry, Travis Allen, Arambula, Baker, Berman, Bigelow, Bloom, Bonta, Brough, Burke, Caballero, Calderon, Carrillo, Cervantes, Chau, Chávez, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Dahle, Daly, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez Fletcher, Gray, Grayson, Harper, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager-Dove, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Quirk-Silva, Reyes, Rivas, Rodriguez, Rubio, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, Wood, Rendon

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111
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