

Date of Hearing: April 29, 2014

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Das Williams, Chair
AB 2431 (Dababneh) – As Introduced: February 21, 2014

SUBJECT: Postsecondary education: animal research.

SUMMARY: Requires any public postsecondary educational institution, or independent institution of higher education as defined, that confines dogs or cats for science research, and purposes and intends to destroy the dog or cat used for those purposes, to first offer the dog or cat to an animal adoption or rescue organization, as defined. Specifically, this bill:

- 1) Requires any public postsecondary educational institution or independent institution of higher education, or employee or student thereof, that confines dogs or cats for the purposes of research (as defined in the Health and Safety Code Section 1650), and intends to destroy a dog or cat that has been used for those purposes, to first offer the dog or cat to an animal adoption organization or animal rescue organization.
- 2) Defines the following terms:
 - a) "Animal adoption organization" or "animal rescue organization" to mean a not-for-profit entity that is exempt from taxation pursuant to the Internal Revenue Code Section 501(c)(3), or a collaboration of individuals with at least one of its purposes being the sale or placement of animals that have been removed from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter, or that have been previously owned by any person;
 - b) "Independent institution of higher education" to mean a nonpublic educational institution as defined; and,
 - c) "Public postsecondary educational institution" to mean any campus of the University of California (UC), the California State University (CSU), or the California Community Colleges.
- 3) Specifies that animals that are irremediably suffering from a serious illness or severe injury shall not be held for owner redemption or adoption and that newborn animals that need maternal care and have been impounded without their mothers may be euthanized without being held for owner redemption or adoption.

EXISTING LAW:

- 1) Specifies that public health and welfare depend on the humane use of animals for scientific advancement in the diagnosis and treatment of human and animal diseases, for education, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and improvement and standardization of laboratory procedures of biologic products, pharmaceuticals, and drugs (Health and Safety Code § 1650).

- 2) Declares the following policies of the state:
 - a) No adoptable animal should be euthanized if it can be adopted into a suitable home. Adoptable animals include only those animals eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future; and,
 - b) No treatable animal should be euthanized. A treatable animal shall include any animal that is not adoptable but that could become adoptable with reasonable efforts (Food and Agricultural Code (FAC) § 17005).
- 3) Specifies that animals that are irremediably suffering from a serious illness or severe injury shall not be held for owner redemption or adoption (FAC § 17006).

FISCAL EFFECT: Unknown

COMMENTS: Background. The Animal Welfare Act (AWA; 7 U.S.C. 2131 et seq.) is intended to ensure the humane treatment of animals that are intended for research, bred for commercial sale, exhibited to the public, or commercially transported. Under the AWA, businesses and others with animals covered by the law must be licensed or registered, and they must adhere to minimum standards of care. The U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS) administers the AWA.

The Act applies to any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or other warm-blooded animal determined by the Secretary of Agriculture to be for research or exhibition, or used as a pet. Additionally, the AWA mandates that all research facilities must be registered with the USDA's APHIS. To note, research facilities include state and local government-run research institutions, drug firms, universities, diagnostic laboratories, and facilities that study marine mammals. Lastly, all research universities in the state, (public and private), are accredited by the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC) and are subject to additional standards that go above the regulatory requirements.

Purpose of this bill. According to the author, this measure seeks to provide for an opportunity for Californians to adopt dogs and cats from research, teaching, and veterinary laboratories in California's postsecondary institutions of higher learning. The bill would facilitate a relationship between these universities and non-profit animal rescue organizations so that when a dog or cat is no longer needed by the laboratory and need not be euthanized to fulfill the objects of the research, that animal be given a chance at adoption instead of being summarily euthanized. The author contends that, "Current federal, state, and educational-institutional policies and regulations covering animals in research provide for every aspect of the animals life from bedding, water access, enrichment, food, pain management, and method of euthanasia, but there exists no guidelines on what to do with the animals once the research has ended. When the research test, procedure, or teaching exercise is over it is up to the discretion of the individual laboratory as to whether they will attempt to place the animal up for public adoption. Current

law provides for no standard in identifying opportunities to provide for a humane post-research life and the mechanism to do so."

To note, it appears that some of the research universities in the state have voluntary internal adoption policies in place, but it is unclear to the extent that all of the research universities have policies in place.

California statistics. Based on 2013 data from the USDA's APHIS, presently, 59% of the dogs and 67% of cats involved in medical research in California would be covered by this bill. According to the National Institutes of Health (NIH), in 2013, California received more grant funding from NIH (for animal research), than any other state. California was awarded grants totaling more than \$3.3 billion. To note, four of the top 15 U.S.-wide NIH awardees in 2013 were California universities: University of California (UC) San Francisco; UC San Diego; UCLA; and, Stanford University.

Efforts by other states. Currently, based on information provided by the author, the states of Nevada, Connecticut, and New York have plans to introduce legislation similar to this measure during their 2014 and 2015 Legislative Sessions. Additionally, on March 20, 2014, House File 3234 (State of Minnesota) (which is similar to this measure) was introduced and is currently going through the Legislative Process.

Arguments in support. According to the Beagle Freedom Project, although some universities have internal adoption policies in place, they are doing so on a voluntary basis. The Beagle Freedom Project argues, "Giving these animals, if healthy and no longer needed for research or post-research purposes, a chance at a family life, should not be discretionary for tax-payer funded institutions. The fact that some of these research facilities state that they have an internal policy in place does not negate the need for a unified, standard, and permanent model."

The American Society for the Prevention of Cruelty to Animals contends that this measure takes a logical step in helping to improve the outcomes of these cats and dogs "subjected to testing".

Arguments in opposition. According to the UC, "The University supports the adoption of dogs and cats used in research when those animals have been deemed suitable for adoption by the expert evaluation of our campus researchers and veterinarians." The UC argues that this measure fails to address the complex human health and safety considerations and related costs that must be contemplated before adoption of research dogs and cats.

The California Biomedical Research Association (CBRA) argues that implementation of this bill will not substantially increase the numbers of research animals adopted instead of euthanized. The CBRA contends that this measure will negatively impact the process of medical research and discovery in California.

Committee consideration. California universities that conduct research on dogs and cats have researchers and laboratory veterinarians that use their best judgment in determining if a dog or cat is adoptable. If the research universities are required to adopt research dogs and cats, that may take away the institutions' ability to use their best judgment, and, therefore create a liability risk for their researchers and universities.

Staff recommends that the author consider amending the measure to address liability concerns. The author may wish to specify in the measure that a research university that is required to attempt to adopt out research dogs or cats to an animal adoption or rescue organization, may enter into a binding agreement or contract; specifying that the agreement or contract entered into with the organization, will transfer any liability from the research university to the adoption or rescue organization.

REGISTERED SUPPORT / OPPOSITION:

Support

American Society for the Prevention of Cruelty to Animals (ASPCA)
Beagle Freedom Project
Best Friends Animal Society
Mary S. Roberts Pet Adoption Center
Molly's Mutts & Meows
Pasadena Humane Society & Society for the Prevention of Cruelty to Animals
Sacramento Society for the Prevention of Cruelty to Animals (SPCA)
Tails of the City Animal Rescue
The Amanda Foundation
The Humane Society of the United States
The Rescue Train
6094 Individuals

Opposition

Association of Independent California Colleges and Universities
California Biomedical Research Association
Stanford University
University of California
University of Southern California

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