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AB-147 Postsecondary education: animal research. (2015-2016)

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Assembly Bill No. 147

CHAPTER 551

An act to add Section 66017.7 to the Education Code, relating to postsecondary education.

[Approved by Governor October 07, 2015. Filed with Secretary of State October 07, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 147, Dababneh. Postsecondary education: animal research.

Existing law establishes a state policy that no adoptable animal should be euthanized if it can be adopted into a suitable home.

Existing law authorizes the State Department of Public Health to prescribe rules under which approval shall be granted to persons who wish to keep or use animals for diagnostic purposes, education, or research. Existing law authorizes the State Department of Public Health to make, promulgate, modify, amend, or rescind reasonable rules and regulations relating to the use of animals in diagnostic procedures and medical research. A person who violates these provisions is guilty of a misdemeanor.

Under existing law, the segments of postsecondary education in this state include the University of California, the California State University, the California Community Colleges, and independent institutions of higher education, as defined.

This bill would require a campus of the University of California, the California State University, or the California Community Colleges, or an independent institution of higher education, as defined, or an employee or student thereof, that confines dogs or cats for science or research purposes, if the institution assesses the health of an animal and determines, after the completion of any testing or research, that the animal is suitable for adoption, the animal's destruction is not required, and the animal is no longer needed, and if the institution's existing procedures for adopting the animal do not result in an adoption, to offer the dog or cat to an animal adoption organization or animal rescue organization, as defined, prior to euthanizing the animal. The bill would not apply to animals suffering from a serious illness or severe injury, or to newborn animals that need maternal care and have been impounded without their mothers.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 66017.7 is added to the Education Code, to read:

66017.7. (a) A public postsecondary educational institution or independent institution of higher education, or employee or student thereof, that confines dogs or cats for the purposes set forth in Section 1650 of the Health and Safety Code, if the institution assesses the health of an animal and determines, after the completion of any testing or research, that the animal is suitable for adoption, the animal's destruction is not required, and the animal is no longer needed, and if the institution's existing procedures for adopting the animal do not result in an adoption, shall offer the dogs or cats to an animal adoption organization or animal

rescue organization for adoption prior to euthanizing those animals. A public postsecondary educational institution or independent institution of higher education that is required to offer dogs or cats to an animal adoption organization or animal rescue organization under this section may enter into an agreement with an animal adoption organization or animal rescue organization for the implementation of this section.

(b) For purposes of this section, the following definitions shall apply:

(1) "Animal adoption organization" or "animal rescue organization" means a not-for-profit entity that is exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code established for purposes of rescuing animals in need and finding permanent, adoptive homes for those animals and that maintain records pursuant to Section 32003 of the Food and Agriculture Code.

(2) "Independent institution of higher education" means a nonpublic educational institution as defined in subdivision (b) of Section 66010.

(3) "Public postsecondary educational institution" means any campus of the University of California, the California State University, or the California Community Colleges.

(c) This section does not apply to animals within the meaning of Section 17006 of the Food and Agricultural Code.