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SB-1305 Emergency medical services providers: dogs and cats. (2017-2018)

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Senate Bill No. 1305

CHAPTER 900

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

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1305, Glazer. Emergency medical services providers: dogs and cats.

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 responder, as defined, to provide basic first aid to dogs and cats, as defined, to the extent that the provision of that care is not prohibited by the responder's employer. The bill would limit civil liability for specified individuals who provide care to a pet or other domesticated animal during an emergency by applying existing provisions of state law. The definition of "basic first aid to dogs and cats" for purposes of these provisions would specifically include, among other acts, administering oxygen and bandaging for the purpose of stopping bleeding.

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

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

SECTION 1. Section 1799.109 is added to the Health and Safety Code, to read:

1799.109. (a) The Legislature finds and declares all of the following:

- (1) California residents receive comfort and unconditional love on a daily basis from their household pets, particularly dogs and cats.
- (2) California residents benefit from the special support, comfort, guidance, companionship, and therapy provided by dogs and cats.

(3) Pets provide critical support to many California residents with disabilities.

(4) Pets provide assistance and aid in the official duties of military personnel, peace officers, law enforcement agencies, fire departments, and search-and-rescue agencies.

(5) 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.

(6) In enacting this section, it is the intent of the Legislature to authorize emergency responders to provide, on a voluntary basis, basic first aid to dogs and cats without exposure to criminal prosecution or professional discipline for the unlawful practice of veterinary medicine.

(b) Notwithstanding the Veterinary Medicine Practice Act, as set forth in Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code, an emergency responder may provide basic first aid to dogs and cats to the extent that the provision of that care is not prohibited by the responder's employer, and the responder shall not be subject to criminal prosecution for a violation of Section 4831 of the Business and Professions Code.

(c) Civil liability for a person who provides care to a pet or other domesticated animal during an emergency is governed by the following:

(1) Section 4826.1 of the Business and Professions Code governs care provided by a veterinarian.

(2) Subdivision (a) of Section 1799.102 governs care provided by an emergency responder, or law enforcement and emergency personnel specified in this chapter.

(3) Subdivision (b) of Section 1799.102 governs care provided by any person other than an individual described in paragraph (1) or (2).

(d) Notwithstanding any other law, this section does not impose a duty or obligation upon an emergency responder or any other person to transport or provide care to an injured pet or other domesticated animal during an emergency.

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

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

(2) "Dog" means a domesticated canine animal owned for companionship, service, therapeutic, or assistance purposes.

(3) "Emergency responder" means a person who is certified or licensed to provide emergency medical services.

(4) "Employer" means an entity or organization that employs or enlists the services of an emergency responder.

(5) "Basic first aid to dogs and cats" means 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.

(E) Bandaging for the purpose of stopping bleeding.

(f) This section does not require or authorize 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.