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### AB-889 Animal research. (2019-2020)

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AMENDED IN ASSEMBLY APRIL 01, 2019

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

## ASSEMBLY BILL

## No. 889

Introduced by Assembly Member Maienschein

February 20, 2019

An act to amend Sections 1651, 1666, and ~~1669~~ 1667 of, and to add ~~Section~~ Sections 1671 and 1671.5 to, ~~and to repeal Section 1650 of~~, the Health and Safety Code, relating to animal research.

### LEGISLATIVE COUNSEL'S DIGEST

AB 889, as amended, Maienschein. Animal research.

~~Existing law states the policy of the Legislature that the public health and welfare depend on the humane use of animals for scientific research and education.~~ Existing law *prohibits the keeping or use of animals for diagnostic purposes, education, or research without approval by the State Department of Public Health.* Existing law authorizes the ~~State Department of Public Health~~ department to prescribe rules under which ~~approval shall be granted to~~ persons who wish to keep or use animals for ~~diagnostic purposes, education, or research, those purposes may obtain approval from the department,~~ and to promulgate regulations governing ~~this use.~~ *the use of animals for those purposes.* Existing law exempts certain persons from those requirements, including persons who use or keep animals for animal training and animal cosmetics, among other things. A person who violates these provisions is guilty of a misdemeanor.

This bill would ~~delete the policy statement described above. The bill would~~ define "animal" for purposes of these provisions as any live vertebrate nonhuman animal used for diagnostic purposes, education, or research, as specified. The bill would require persons ~~seeking to~~ *who* keep or use animals for those purposes, *including persons who are exempt from department approval,* to submit ~~an application~~ *specified information* to the department ~~annually that includes specified information,~~ *annually,* including the ~~total~~ number of animals kept during the previous year *in various pain and distress categories* and the purposes for which ~~each animal was~~ *animals were* used. The bill would require the department to ~~establish and maintain a publicly accessible online database of information obtained from those applications. The bill would remove the exemption for persons who keep or use animals for animal training and animal cosmetics, among other things.~~ *publish that information in electronic form via the department's internet website, as specified.* By expanding the scope of a crime, this bill would impose a state-mandated 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 Local Program: yes

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

~~SECTION 1. Section 1650 of the Health and Safety Code is repealed.~~

~~SEC. 2.~~**SECTION 1.** Section 1651 of the Health and Safety Code is amended to read:

**1651.** (a) The State Department of Public Health shall administer the provisions of this chapter. Every provision of this chapter shall be liberally construed to protect the interests of all persons and animals affected.

(b) As used in this chapter, the following definitions apply:

(1) A "person" includes a laboratory, firm, association, corporation, copartnership, or educational institution.

(2) The "board" or "department" means the State Department of Public Health.

(3) An "animal" means a live vertebrate nonhuman animal kept or used by a person for the purposes described in this chapter.

~~SEC. 3.~~**SEC. 2.** Section 1666 of the Health and Safety Code is amended to read:

**1666.** ~~(a)~~ A person shall not keep or use animals for diagnostic purposes, education, or research unless approved by the department.

~~(b) A person seeking to use an animal for diagnostic purposes, education, or research shall submit an application to the department, on an annual basis, that includes all of the following information:~~

~~(1) The total number of animals kept or used during the previous year, by species.~~

~~(2) The purposes for which animals were used during the previous year, and the number of animals used for each purpose, by species.~~

~~(3) For the previous year, the common name and number of animals in each pain and distress category defined in paragraphs (5) to (8), inclusive, of Section 2.36(b) of Title 9 of the Code of Federal Regulations.~~

**SEC. 3.** Section 1667 of the Health and Safety Code is amended to read:

**1667.** (a) The ~~board~~ **department** shall prescribe the rules under which approval shall be granted *pursuant to Section 1666*, including the standards regarding the care and treatment of ~~such~~ animals employed. ~~Any~~

(b) A person desiring approval to use animals for the purposes covered by this chapter shall make application to the department for ~~such~~ approval on forms provided by the department. ~~The board~~

(c) *The department* shall grant approval on forms provided by the department to any person who has made application in accordance with the provisions of this article and who is found to be in compliance with the provisions of this chapter and the rules and regulations of the ~~board.~~ *department.* ~~Any~~

(d) A person keeping or using animals under the provisions of this chapter shall display in a prominent place the certificate of approval granted ~~for such purpose.~~ ~~Such approval~~

(e) *Approval under this section* shall remain in effect for one fiscal year if not revoked by the ~~board.~~ *department.* ~~If~~

(f) If the ~~board~~ *department* does not *grant approval* within ninety (90) days after the filing of this ~~application~~ *grant approval* ~~it application,~~ *the department* shall state the grounds and reasons for its refusal in writing, serving a copy upon the ~~applicant,~~ *the applicant.* *The* notice may be served by registered mail addressed to the applicant at ~~his~~ *the applicant's* last known address.

~~SEC. 4. Section 1669 of the Health and Safety Code is amended to read:~~

~~1669.(a)This chapter applies to any person or facility using animals for research, testing, or training of scientists or healthcare providers, including a person or facility that is registered with the United States Department of Agriculture or has received an Animal Welfare Assurance from the National Institutes of Health.~~

~~(b)Notwithstanding subdivision (a), this chapter does not apply to a veterinarian licensed to practice veterinary medicine in this state, or to a place of business operated by that veterinarian.~~

**SEC. 4.** Section 1671 is added to the Health and Safety Code, to read:

**1671. (a)** Notwithstanding Section 1669, a person using an animal for diagnostic purposes, education, or research shall submit to the department, on forms approved by the department, all of the following information for the previous calendar year:

(1) The species of animals used or kept.

(2) The total number of animals per species in each of the following categories of pain and distress:

(A) Animals upon which teaching, research, experiments, or tests were conducted involving no pain, distress, or use of pain-relieving drugs, including routine procedures such as injections, tattooing, or blood sampling.

(B) Animals upon which teaching, experiments, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which appropriate anesthetic, analgesic, or tranquilizing drugs were used.

(C) Animals upon which teaching, experiments, research, surgery, or tests were conducted involving accompanying pain or distress to the animals and for which the use of appropriate anesthetic, analgesic, or tranquilizing drugs would have adversely affected the procedures, results, or interpretation of the teaching, research, experiments, surgery, or tests.

(D) Animals that were bred, conditioned, or held for use in teaching, testing, experiments, research, or surgery but not yet used for such purposes.

(3) The total number of animals per species used for each of the following purposes:

(A) Studies of a fundamental nature in science relating to essential structures, functions, or disease processes.

(B) Research and development of treatments, products, or devices for human medicine and dentistry and for veterinary medicine, excluding toxicological and other safety evaluations described in subparagraph (C).

(C) Toxicological and other safety evaluations, including, but not limited to, safety evaluations of products and devices for human medicine, human dentistry, and veterinary medicine.

(D) Quality control of products and devices for human or veterinary medicine.

(E) Education and training of scientists or health care providers.

(F) Any other purpose not described in this paragraph, to be specified by the person providing the information required by this section.

(b) The information specified in subdivision (a) shall be submitted to the department on an annual basis and may be submitted at the same time as the application for approval required by Section 1667.

**SEC. 5.**Section 1671 is added to the Health and Safety Code, to read:

~~1671.(a)On or before August 1, 2021, the department shall establish and maintain a publicly accessible and searchable online database of information contained in applications submitted pursuant to Section 1666.~~

~~(b)For each application, the database shall include all of the following information:~~

~~(1)The name of the applicant.~~

~~(2)The total number of animals kept or used during the previous year, by species.~~

~~(3)The purposes for which animals were used during the previous year, and the number of animals used for each purpose, by species.~~

~~(4)For the previous year, the common name and number of animals in each pain and distress category defined in paragraphs (5) to (8), inclusive, of Section 2.36(b) of Title 9 of the Code of Federal Regulations.~~

~~(c)The department shall make the information in subdivision (b), and a copy of each application in its entirety, available through the database within 60 days after receiving an application.~~

**SEC. 5.** *Section 1671.5 is added to the Health and Safety Code, to read:*

**1671.5.** *The department shall, to the extent permitted by law, make the information submitted to the department pursuant to Sections 1667 and 1671 available to the public in electronic format via the department's internet website within 60 days of receiving the information.*

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