

VETERINARY MEDICAL BOARD

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Protection of the public shall be the highest priority for the Veterinary Medical Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

— Business and Professions Code section 4800.1

The California Veterinary Medical Board (VMB) is a consumer protection agency within the Department of Consumer Affairs (DCA). Pursuant to the Veterinary Medicine Practice Act (VMPA), Business and Professions Code section 4800 et seq., VMB licenses doctors of veterinary medicine (DVMs) and registered veterinary technicians (RVTs); establishes the scope and standards of practice of veterinary medicine; and investigates complaints and takes disciplinary action against licensees, as appropriate. VMB's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR).

VMB is comprised of eight members—four veterinarians, one registered veterinary technician (RVT), and three public members. The Governor appoints all of the Board's DVM members, the RVT member, and one of the public members. In addition, the Senate Rules Committee and the Assembly Speaker each appoint one public member. Board members serve four-year terms and are limited to two consecutive terms. There is currently one vacant position on the Board.

Pursuant to Business and Professions Code section 4809.8, VMB maintains a nine-member Veterinary Medicine Multidisciplinary Committee (MDC) whose purpose is to “assist, advise, and make recommendations for the implementation of rules and regulations necessary to ensure proper

administration and enforcement” of the VMPA. Committee members serve three-year terms and are limited to two consecutive terms.

There were no appointments during the coverage period. There is currently one vacancy on MDC.

HIGHLIGHTS

Veterinary Medical Board Proposes Rulemaking That Would Remove Barriers to Issuing Citations

On August 4, 2022, VMB published [notice](#) of its intent to amend section 2043 of Article 5.5 of Division 20 of Title 16 of CCR. The purpose of this proposed change is to allow VMB to perform its duty of protecting the public by removing restrictions in which VMB may issue citations.

According to the [Initial Statement of Reasons](#), current law, Business and Professions Code section 4800.1, mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. The Business and Professions Code section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinary Medicine Practice Act (Practice Act).

Section 2043, Title 16 of the CCR hinders the Board’s ability to fulfill its consumer protection mandate by unnecessarily limiting its citation and fine authority to violations occurring “while engaged in the practice.” Many violations occur outside of actual practice, but the current language forces VMB to either close cases with clear violations and take no action or pursue disciplinary action.

This [proposed regulatory language](#) is intended to address that problem by removing this limiting language from existing regulation and thereby enhancing VMB's enforcement mechanisms and consumer protection by incentivizing compliance for less egregious violations. This regulatory proposal will amend section 2043 to allow the Board to utilize citations and administrative fines in line with their intended purpose: as an enforcement tool to incentivize compliance when violations warrant more than an educational letter but do not rise to the level of formal discipline. This rulemaking would remove the limitation to addressing violations by striking the language "while engaged in the practice of veterinary medicine" from the current regulation, which will allow the Board to exercise the broader authority provided in Business and Professions Code section 125.9 to issue citations for any violations of the Practice Act.

VMB anticipates that citation and fine revenues will be about \$37,500 annually. VMB anticipates the proposed regulation would not result in costs or savings in federal funding to the state.

Governor Newsom Signs Bill to Protect Dogs and Cats from Toxicity Testing

On September 26, 2022, Governor Newsom signed [SB 879 \(Wiener\) \(Chapter 551, Statutes of 2022\)](#) into law. This bill added section 1834.9.3 to the Civil Code related to animal testing. This bill prohibits a contract testing facility from conducting a canine or feline toxicological experiment, defined as any test or study of any duration that seeks to determine the effect of the application or exposure of any amount of a chemical substance on a dog or cat, unless the experiment is conducted for specified purposes. This bill authorizes the Attorney General, the district attorney of the county in which the violation is alleged to have occurred, or the city attorney in certain instances to bring a civil action for a violation of these provisions, punishable by a civil

penalty, not to exceed \$5,000 for each day that each dog or cat is used in a canine or feline toxicological experiment.

Before this bill, existing law prohibited manufacturers and contract testing facilities from using traditional animal test methods within the state for which an appropriate alternative test method had been scientifically validated and recommended by the Inter-Agency Coordinating Committee for the Validation of Alternative Methods. Existing law exempted certain animal tests from those provisions, including animal tests performed for the purpose of medical research.

LEGISLATION

- [AB 1885 \(Kalra\)](#), as amended August 24, 2022, amended sections 4883, 4884, 26000, 26001, and 26130 of the Business and Professions Code to prohibit disciplinary action against a veterinarian solely for discussing or recommending the use of cannabis for an animal for therapeutic effects or health supplementation purposes. The bill also required VMB to create and adopt guidelines for veterinarians to follow when discussing cannabis within the veterinarian-client-patient relationship (VCPR) by January 2024. The bill also amended the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to revise definitions of cannabis products to include those that are intended to be used by an animal. Under the bill, animal cannabis products would be tested for safety, pesticides, and potency. The bill also required that cannabis products for animals comply with additional concentration and other manufacturing, packaging, and labeling standards adopted by department regulations. Governor Newsom signed AB 1885 into law on September 18, 2022 (Chapter 389, Statutes of 2022).

- [SB 1495 \(Roth\)](#), as amended August 29, 2022, and as it applies to VMB, amends section 4846.5 of the Business and Professions Code to delete an obsolete provision related to

continuing education hours earned by attending certain courses. Governor Newsom signed SB 1443 into law on September 23, 2022 (Chapter 511, Statutes of 2022).

- The following bills reported in Volume 27, Issue 2 (Spring 2022), died in committee or otherwise failed to be enacted: [AB 2606 \(Carrillo\)](#), declawing cats procedures; [AB 1881 \(Santiago\)](#), dog and cat bill of rights.