

Date of Hearing: April 19, 2022

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Marc Berman, Chair

AB 1885 (Kalra) – As Introduced February 8, 2022

SUBJECT: Cannabis and cannabis products: animals: veterinary medicine.

SUMMARY: Authorizes a veterinarian to recommend the use of cannabis for use on an animal for potential therapeutic effect or health supplementation purposes, and requires the Veterinary Medical Board to adopt and publish guidelines by January 1, 2024 for veterinarians to follow when recommending cannabis.

EXISTING LAW:

- 1) Establishes the Veterinary Medical Board (Board) under the jurisdiction of the Department of Consumer Affairs, responsible for licensing and regulating veterinarians, registered veterinary technicians, veterinary assistant substance controlled permit holders, and veterinary premises. (Business and Professions Code (BPC) §§ 4800 *et seq.*)
- 2) Requires a veterinarian, each time they initially prescribe, dispense, or furnish a dangerous drug in an outpatient setting, to offer to provide to the client responsible for the animal patient, a consultation, as specified. (BPC § 4829.5)
- 3) Prohibits a licensee from dispensing or administering cannabis or cannabis products to an animal patient. (BPC § 4884(a))
- 4) States that, notwithstanding any other law and absent negligence or incompetence, a licensed veterinarian shall not be disciplined by the Board solely for discussing the use of cannabis on an animal for medical purposes. (BPC § 4884(b))
- 5) Required the Board on or before January 1, 2020 to adopt guidelines for veterinarians to follow when discussing cannabis within the veterinarian-client-patient relationship and post the guidelines on the Board's website. (BPC § 4884(c))
- 6) Authorizes the Board to deny, revoke, or suspend a license or registration or asses a fine for:
 - a. Accepting, soliciting, or offering any form of remuneration from or to a cannabis licensee if the veterinarian or his or her immediate family have a financial interest with the cannabis licensee;
 - b. Discussing cannabis with a client while the veterinarian is employed by, or has an agreement with, a cannabis license;
 - c. Distributing any form of advertising for cannabis in California. (BPC § 4883(p), 4883(q), and 4883(r))
- 7) Establishes the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) to regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both medicinal and adult-use cannabis. (BPC §§ 26000 *et seq.*)

- 8) Defines “cannabis product” as cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients (BPC § 26001(i) and Health and Safety Code (HSC) § 11018.1)
- 9) Defines “edible cannabis product” as a cannabis product that is intended to be used, in whole or in part, for human consumption, excluding food products, as specified. Further clarifies that an edible cannabis product is not considered food. (BPC § 26001(t))
- 10) Defines “cannabis concentrate” as cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. (BPC § 26001(h))
- 11) States that the Department of Cannabis Control (DCC) must promulgate regulations governing the licensing of cannabis manufacturers and standards for the manufacturing, packaging, and labeling of all manufactured cannabis products. (BPC § 26130 (a))

THIS BILL:

- 1) Prohibits the Board from disciplining a veterinarian solely for recommending the use of cannabis on an animal for potential therapeutic effects or health supplementation purposes.
- 2) Requires the Board, on or before January 1, 2024, to adopt and publish on its website guidelines for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship.
- 3) Specifies that the Board may deny, revoke, or suspend a license if a veterinarian is recommending cannabis use with a client while the veterinarian is employed by, or has an agreement with, a cannabis licensee.
- 4) Amends the definition of a “cannabis product” to include cannabis products intended for use on an animal.
- 5) Amends the definition of “edible cannabis product” to include cannabis products intended for consumption by an animal.
- 6) Clarifies that a cannabis concentrate or edible cannabis product is not considered a processed pet food.
- 7) States that if a cannabis product is intended for use on an animal, the product shall conform with any additional relevant standards established by the DCC.
- 8) Defines an animal, for the purpose of MAUCRSA, to include any member of the animal kingdom except for food animals and livestock.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by Legislative Counsel.

COMMENTS:

Purpose. This is an author-sponsored bill. According to the author, “Californians have greater access to cannabis than ever before and many pet owners are already looking to use cannabis-derived CBD to provide therapeutic benefits to their pets. Preliminary research has found that

derivatives of cannabis can be used to address pain, anxiety, inflammation, nausea, loss of appetite and seizures in animals. Therefore, pet owners should be able to seek recommendations from veterinary medical professionals who can better inform their decision to use cannabis on their pets and educate them on safe and responsible application. [This bill] also ensures that these products are accessible to consumers in a regulated market.”

Background. *The Medicinal and Adult-Use Cannabis Regulation and Safety Act.* In 1996, California voters approved Proposition 215, known as the Compassionate Use Act, which legalized the use of medicinal cannabis in the state. In October 2015, Governor Jerry Brown signed a legislative package made of AB 243 (Wood, Chapter 688, Statutes of 2015), AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey, and Wood, Chapter 689, Statutes of 2015), and SB 643 (McGuire, Chapter 719, Statutes of 2015) – collectively referred to as the Medical Cannabis Regulation and Safety Act (MCRSA) – which established California’s first comprehensive regulatory framework for medicinal cannabis. In 2016, California voters subsequently approved Proposition 64, the Adult Use of Marijuana Act (AUMA), which aimed to legalize the recreational use of cannabis in the state by 2018. In June 2017, AUMA and MCRSA were combined to form one system for the regulation of cannabis, known as MAUCRSA.

Currently, MAUCRSA is applicable to both recreational and medicinal products. However, it does not specifically address cannabis products intended for use on animal patients. This bill amends the definitions of “cannabis products” and “edible cannabis products” under MAUCRSA to include products that are intended for use on, or consumption by, animals. The bill mandates that cannabis products intended for animals must conform to any additional regulatory standards established by the DCC and other entities involved in regulatory and oversight responsibilities.

Veterinary Medicine. Licensed veterinarians provide health care to several types of animals, from domestic companions such as dogs, cats, rabbits, birds, hamsters and snakes, to agricultural livestock such as cattle, poultry, fish, goats, pigs, and horses. Similar to human medicine, there are recognized specialties within the veterinary profession, including surgery, internal medicine, microbiology, pathology and more. In California, the practice of veterinary medicine is regulated under the Veterinary Practice Act (Act), a set of laws outlining the licensure requirements, scope of practice, and responsibilities of licensed veterinary professionals. The Act is enforced by the Board, a state regulatory agency under the umbrella of the Department of Consumer Affairs which is responsible for the licensing, examination, and enforcement of professional standards of the veterinary profession. In order to obtain a license as a veterinarian, a candidate must generally graduate from an accredited postsecondary institution recognized by the Board, as well as pass a national examination, a state examination, and an examination testing the knowledge of the laws and regulations related to the practice of veterinary medicine in California.

Except under certain circumstances, state law requires a licensed veterinarian to establish a veterinarian-client-patient relationship (VCPR) prior to providing treatment of therapy for an animal. Generally, VCPR is established when the animal owner has authorized the veterinarian to assume responsibility for making medical judgements regarding the health of the animal; when the veterinarian has sufficient knowledge of the animal to initiate at minimum a preliminary diagnosis of potential medical conditions; and when the veterinarian has assumed responsibility for making medical judgements and has communicated with the client a course of treatment appropriate for the animal.

Under the Act, veterinarians can prescribe and administer drugs or medications, but are explicitly prohibited under state law from dispensing or administering cannabis or cannabis products to an animal patient. In addition, the Federal Drug Enforcement Administration (DEA), which has enforcement authority over federal controlled substance regulations, continue to classify cannabis, tetrahydrocannabinol, and other cannabinoids as a Schedule I controlled substances. As such, the DEA does not give health care practitioners, including veterinarians, the authority to possess administer, dispense, recommend, or prescribe cannabis products. In human health care, this issue has led to policy discussions distinguishing between prescribing and recommending cannabis products. For example, the Medical Board of California published in 2017 guidelines for the recommendation of cannabis for medicinal purposes on human patients.

Veterinary Guidelines for Discussing Cannabis Use on Animals. In 2018, the legislature enacted AB 2215 (Kalra, Chapter 819, Statutes of 2018), which authorized veterinarians to “discuss” the use of cannabis on an animal patients for medicinal purposes. The bill also required the Board to adopt and publish guidelines for veterinarians to follow when discussing cannabis within the veterinarian-client-patient-relationship (VCPR) on or before January 1, 2020. In 2019, the Board approved and made available on its website “Guidelines for Veterinarian Discussion of Cannabis within the Veterinarian-Client-Patient Relationship.” Among other items, the guidelines state that:

- A veterinarian should document that an appropriate VCPR is established prior to discussing cannabis with the animal-owner client.
- A documented physical examination and collection of relevant clinical history is required, and should include both subjective and objective data and must obtained prior to discussing cannabis for medical purpose.
- The discussions should be evaluated in accordance with accepted standards of practice as they evolve over time. This documentation may include advice about potential risks of the medical use of cannabis, including the variability of quality, source, safety, and testing of cannabis products; the side effects and signs of overdose of toxicity; and the lack of clinical research regarding dose, toxicity, and efficacy.

AB 2215 also enacted a number of conflict of interest provisions, and authorized the Board to take disciplinary actions against veterinarians accepting, soliciting, or offering any form of remuneration from or to a cannabis licensee if the veterinarian or his or her immediate family have a financial interest with the cannabis licensee. AB 2215 also prohibited a veterinarian from discussing cannabis with a client while the veterinarian is employed by, or has an agreement with, a cannabis licensee, and prohibited a veterinarian from distributing any form of advertising for cannabis in California.

Current Related Legislation.

AB 384 (Kalra, 2021): Almost identical legislation to AB 1885 (Kalra), with the exception of the implementation date and urgency clause. Would have made clear and authorized a veterinarian to recommend cannabis use by an animal for potential therapeutic effect of health supplementation purposes. Also would have required the Board to adopt and publish guidelines by January 1, 2023 for veterinarians to follow when recommending cannabis. Also amended the definition of a “cannabis product” and “edible cannabis product” under the Medicinal and Adult-

Use Cannabis Regulation and Safety Act to include cannabis products intended for use on, or consumption by, an animal.

Prior Related Legislation.

AB 2215 (Kalra, Chapter 819, Statutes of 2018): Prohibits the Board from disciplining, or denying, revoking, or suspending the license of, a licensed veterinarian solely for discussing the use of cannabis on an animal for medicinal purposes, absent negligence or incompetence. Required the board to adopt guidelines for these discussions on or before January 1, 2020, and would require the board to post the guidelines on its Internet Web site. Authorized the board to revoke or suspend a veterinarian license, or to assess a fine, for accepting, soliciting, or offering any form of remuneration from or to a Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) licensee if the veterinarian or his or her immediate family has a financial interest, as defined.

SB 627 (Galgiani, 2019): Would have required the Board to adopt guidelines for veterinarians to follow when recommending cannabis within the veterinarian-client-patient relationship. Would have authorized a licensed veterinarian to discuss the use of medicinal cannabis or cannabis products on an animal patient and, after guidelines are adopted, allows a veterinarian to recommend the use of medicinal cannabis or cannabis products under certain conditions. Would have adjusted other cannabis-related statutes to accommodate medicinal use on an animal patient by adults who are 21 years of age and older.

ARGUMENTS IN SUPPORT:

The California Veterinary Medical Association writes in support: “What we have learned since the passage of AB 2215-Kalra (2018) is that more and more pet owners are purchasing cannabis products for their pets and are then bringing them in to the veterinary hospital, seeking help from their veterinarian regarding dosing questions. This is a very common scenario in veterinary practices and veterinarians would like to have the ability to look at the product, discuss the potential impact of the product on the animal, and then suggest a safe dose, if applicable. Without the guidance of a veterinary medical professional, the animal-owning client is left to make his or her own “guesstimate” regarding dosing; or more troubling, they might seek dosing information from a cannabis dispensary clerk. The veterinary medicine community is very active in its exploration of the impact of cannabis in pets through its work with our national association, continuing education opportunities with leading experts, and medical reports. As we continue to monitor the issue, AB 1885 becomes an important next step in bringing clinical discussions between veterinarians and their animal-owning pets together in a safe setting, to contemplate reasonable recommendations for usage.”

The California Cannabis Industry Association (CCIA) write in support that it “is pleased to support of AB 1885 (Kalra), which prohibits the Board from disciplining a veterinarian for recommending cannabis for animals for potential therapeutic effect or health supplementation purposes and requires the Board to adopt guidelines for veterinarians to follow when recommending cannabis by January 1, 2024. AB 1885 further permits the manufacture and sale of cannabis pet products as prescribed under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and requires that cannabis products intended for animals comply with concentration and other standards adopted by regulations of the Department of Cannabis Control.”

ARGUMENTS IN OPPOSITION:

None on file.

POLICY ISSUE(S) FOR CONSIDERATION:

As noted in this analysis, clinical research on the use of cannabis on animal patients is still nascent. While available studies are considered promising and continue to make important breakthroughs, the veterinary medical community has not yet reached a broad consensus on the appropriate use, potential side effects, and other medical considerations related to cannabis treatments.

REGISTERED SUPPORT:

Best Friends Animal Society
The California Cannabis Industry Association (CCIA)
The California Veterinary Medical Association (CVMA)
California NORML
Good Farmers Great Neighbors
The Parent Company
VetCBD
Woman United for Animal Welfare (WUFAW)

REGISTERED OPPOSITION:

None on file.

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