



April 5, 2024

The Honorable Marc Berman
Chair, Assembly Committee on Business and Professions
1020 N Street, Room 379
Sacramento, CA 95814

**RE: Assembly Bill 2265 – Animals: spaying, neutering, and euthanasia. (McCarty) -
OPPOSE**

Dear Chair Berman,

On behalf of San Diego Humane Society (SDHS), I write to express our strong opposition to **AB 2265 (McCarty)**.

San Diego Humane Society has been serving San Diego County since 1880 and is the contracted agency to provide animal care and control for 13 municipalities in San Diego County as well as five Native American reservations. One of the largest humane societies in the United States, SDHS operates campuses in San Diego, El Cajon, Escondido, Oceanside, and Ramona, with services that strengthen the human-animal bond, prevent cruelty/neglect, provide medical care, educate the community on the humane treatment of animals, enforce local, state, and federal animal protection laws, and provide safety net services for pet families needing assistance in keeping their pets.

Since the onset of the COVID-19 pandemic, the entire animal welfare sector has faced a wave of related and compounding difficulties. SDHS has proudly stayed at zero euthanasia of healthy or treatable shelter animals since 2002. However, for more than a year, we have received more animals than our facilities are designed for; we are experiencing longer lengths of stay making it harder to manage the spread of contagious diseases and putting immense stress on staff and our animals.

In the last year alone, SDHS, which serves more than 3 million residents in San Diego County and beyond, has seen a 20% uptick in lost pets who were never picked up by their owners. Since animals can't tell us their story, we can only speculate as to why these families have had to part ways with their animals. Based on discussions with people who surrender their animals directly to us, we know that they are being crushed by soaring pet care costs, housing issues from unaffordability to unavailability and restrictions on keeping pets in rentals, and a critical shortage of access to veterinarians in every community throughout California.

At SDHS we have expanded beyond our shelter care work to implement programs that keep pet families together. Such solutions include offering affordable veterinary care along with

SAN DIEGO HUMANE SOCIETY

5500 Gaines St., San Diego, CA 92110

Campus locations in El Cajon, Escondido, Oceanside, Ramona and San Diego

SDHUMANE.ORG | 619-299-7012

spay/neuter services, establishing resource centers employing case workers who can problem solve with families, and providing free pet food and supplies to those in need. In alignment with our mission to create a more humane world by inspiring compassion and advancing the welfare of animals and people, we have sponsored or supported legislation to increase access to veterinary care, increase operational transparency, remove barriers to pet-friendly housing, and secure critical funding for shelters across the state.

We acknowledge that there are very real and complex issues facing pet owners and consequently animal shelters, but we appeal to you to reject AB 2265 as the provisions will, without question, exacerbate shelter overcrowding, increase animal suffering, jeopardize the safety of the public, and decrease positive outcomes for animals and people. In short, this bill will make it more difficult to keep pet families together, the exact opposite of its intention.

AB 2265 strips away a shelter's ability to make critical decisions in the best interest of animal welfare and public safety. The bill's provisions remove important industry-recognized, statutory standards like "adoptable and treatable," and redefines state policy to say all animals should be released for adoption or rescue transfer except those suffering from the most extreme health or behavioral afflictions. Under AB 2265, to humanely euthanize for behavior, a shelter must first declare the dog vicious under a rarely used state law. Setting aside the fact that most municipalities rely instead on more comprehensive local ordinances for their designations of dangerous or vicious dogs, this provision ignores that, as with people, behavior is a spectrum not a black and white edict.

Even more concerning, the exemption for animals with a vicious declaration appears to only apply to dogs with an owner. This doesn't account for unowned dogs in shelter care that display behaviors that pose a risk to animals or people. Staff routinely and expertly balance decisions in both the best interest of animal welfare and public safety. Policies that demand the release of dangerous animals for adoption or transfer only serve to erode the public's trust, their safety, and their interest in adopting shelter animals.

There are many factors that go into making humane euthanasia decisions for behavior. For example, a dog can have a multitude of dispositions that alone would not equate dangerous or vicious, but combined, would make placement in a home and community unsafe. Further, our process for evaluating behavior is rigorous and performed by staff with extensive training in animal behavior. A unique and holistic behavioral profile is created for each individual animal, through collecting specific and detailed information about an animal's behavior at the time of intake and throughout their stay at our shelter. Collecting information about an animal's behavior helps to determine appropriate animal pathways (i.e. adoption, foster, rescue, behavior modification, humane euthanasia) and shapes adoption recommendations or stipulations. If it is determined that an animal's behavior poses a risk, and after diligent case review by two members of SDHS' leadership team, humane euthanasia will take place. Only in the cases of urgent humane euthanasia can the two-signature process be waived.

AB 2265 also impacts lifesaving foster programs. As veterinary care access issues become more and more acute in California, animals may await spay/neuter surgeries for weeks, or even months. It is well documented that California, like other states, is experiencing a veterinary

shortage¹ and that deficit is felt significantly in less populated and already under-resourced areas. While there is no evidence to suggest that animals in foster care are contributing to animal overpopulation, AB 2265 also ignores the current state of veterinary care. The restrictions this bill places on shelter and foster caregivers would essentially eliminate these lifesaving programs.

If a foster caregiver is unable to secure a spay/neuter appointment within the arbitrary and nearly impossible to meet timeframe outlined in AB 2265, animals being cared for in foster homes will be forced to re-enter an animal shelter. It is difficult to comprehend what this provision is attempting to solve, as it will most certainly result in further crowding shelters and contributing to illness, stress, and poor outcomes.

We categorically reject the narrative that animal shelters simply want to kill animals who come into their care. We make significant efforts that begin when the animal first arrives, to reunify them with their families, place them in loving homes, partner with rescues and plan for contingencies if these efforts fail.

California animal shelters, along with our rescue partners, communities, volunteers, and donors, have made tremendous lifesaving progress. The number of dogs and cats entering our state's shelters fell by more than 50% between 2001 and 2021 (800,000 to 366,000), with euthanasia falling from around 60 percent to under 15 percent.

These results *would not be possible* without healthy shelter and rescue group partnerships that comprise the safety net for animals in need throughout our state. Rescue groups with cooperative agreements with shelters can transfer out animals any time after the initial hold period, and puppies and kittens are immediately available.

AB 2265's requirement for a 24-72 hour mandated hold period on animals scheduled for euthanasia fails to consider that euthanasia decisions are rarely made before all other options for live exits have been exhausted. This requirement isn't as easy as just "planning ahead" or being more transparent; it's a one-size-fits-all mandate that will have negative consequences. The appeal of the "hurry, this animal is about to die" promotion is understandable, but we make real progress when we *minimize* the length of stay for animals, and don't wait until euthanasia is imminent to do everything possible to adopt or foster that animal.

Public shelters and contracted nonprofit shelters need to pivot quickly when intake outpaces space. To consistently meet the requirements under AB 2265, shelters will need to redefine what it means to be "full." California shelters are currently operating over capacity and only make difficult humane euthanasia decisions when absolutely necessary.

Further, as this bill sets a new policy for the state that no animals shall be euthanized except in the most egregious circumstances; it appears to require that shelters unnecessarily extend animal suffering after a qualified professional determines that euthanasia is in the animal's best interest for health or behavioral reasons. This is truly unconscionable and cruel.

Finally, AB 2265 will require government and government-contracted animal shelters to provide

¹ <https://www.sheltermedicine.com/study-confirms-statewide-veterinary-shortage/>

public notice and ultimately a public hearing if they want to change any policy, practice, or protocol specific to Food and Agriculture SEC. 12. Section 32005 (2). The laws that govern the work done by government animal shelters span a variety of code sections. They are diverse, complicated, and can be hard for the public to understand. As a perfect example, this section of the bill references a variety of codes that are suspended every year that the legislature does not appropriate funding in the budget for shelters to be able to comply. These laws have been suspended by the legislature through the state budget process every year for more than a dozen years. On top of this, this bill will significantly handicap shelters from running their programs with professional discretion and seriously impinges on the very practices shelters are in business to perform.

Animal lifesaving fundamentally depends on some level of flexibility, discretion, and leadership. As an industry, we are always looking for ways to improve care and increase positive outcomes. We support accountability, transparency, and we value public participation. But we do not support efforts to restrict our ability to quickly adjust to constantly changing circumstances. Conversely, we do not support any animal shelter adopting policies in violation of operational state statutes. Providing a pathway for legally skirting California animal welfare laws seems completely counter to increasing lifesaving in our state.

Unfortunately, the provisions in AB 2265 show a profound lack of the most basic understanding of animal shelter operations, current law, and how the practical outcomes of this bill will lead to more overcrowding, cause more harm, higher euthanasia numbers, and reduced public safety.

Our staff work tirelessly to treat every animal as an individual with independent needs. Lifesaving is a collaboration, and we welcome opportunities for productive conversations around solutions that create positive outcomes and greater support for animals and their people in California. Last year we were proud to co-sponsor legislation that expanded access to veterinary care by expanding telehealth options, and a bill that would have eased the student debt burden for veterinarians who elect to practice in California shelters or underserved communities. And this year we are proud to support legislation aimed at improving transparency, continuing state-level funds for spay/neuter programs, and accelerating training for high-quality, high-volume spay/neuter. As such, we are actively campaigning and advocating for solutions that *can* help address the challenges we are collectively facing, not bills like AB 2265 that will make these challenges far worse.

We will continue to work openly with lawmakers and partners in animal welfare to reach the outcomes we all desire most, and while we do, we respectfully request your no vote on AB 2265.

Sincerely,

A handwritten signature in blue ink that reads "Julianna Tetlow". The signature is fluid and cursive, with the first name being more prominent.

Julianna Tetlow
Senior Director of Government Relations
San Diego Humane Society