

## **Kensington Veterinary Hospital**

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California State Assembly  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0000

May 21, 2007

**To the attention of Speaker Nunez, Majority Whip Ma, Chief Republican Whips Benoit, Lamalfa, Spitzer, and esteemed Assemblymembers:**

Cc (fax): Rep. Whips Adams, Fuller, DeVore, Gaines; Maj. Leader Bass, Speaker Pro Tempe Lieber, Ass't Speaker Pro Tempe Richardson, Ass't Maj. Leader DeLeon, Dem. Caucus Chair Evans, Min. Floor Leader Villines

### **RE: AB1634 IN OPPOSITION**

We respectfully submit for your thoughtful evaluation the following letter, faxed previously to the Governor and members of the Appropriations Committee. Our concerns regarding this bill continue to grow, for the reasons described below. We request your thoughtful and careful consideration, and your opposition to this bill. Please vote against it.

Patricia J. Ungar DVM, CVA  
Brenda Phillips DVM, ACVIM (Oncology)  
Sharon Vanderlip DVM  
Jean Spengel DVM

Governor Arnold Schwarzenegger  
State Capitol Building  
Sacramento, CA 95814  
Phone: 916-445-2841  
Fax: 916-445-4633

May 10, 2007

**To the attention of The Honorable Governor Arnold Schwarzenegger,**

Cc (fax): Assemblypeople Lloyd Levine, Appropriations Committee Chair Mark Leno, Appropriations Committee Vice-Chair Mimi Walters, Appropriations Committee Members, Senator Christine Kehoe, Assemblywoman Shirley Horton,  
California Veterinary Medical Association President Dr. Ron Faoro

**Re: AB1634**

**We are licensed veterinarians in the State of California, and many of us are also members of the California Veterinary Medical Association (CVMA). We OPPOSE AB1634 for several reasons, detailed below, but first and foremost, we feel this should be an issue resolved at a LOCAL level, not at the STATE level. We are only a small portion of the veterinarians in California who strongly OPPOSE this bill. The issues of concern are NOT statewide issues, and there is no reason to penalize this many people and animals for issues that are more limited in occurrence. We also object to the involvement of our state veterinary association, WITHOUT the input of members.**

**We oppose Bill AB1634 because:**

- **We object to government intervention on this issue**
- **We were not consulted nor informed about this bill during its development**
- **The bill is poorly designed, cannot successfully be enforced and would be extremely costly to attempt to enforce**
- **The bill does not address the true source of pet overpopulation**
- **The bill penalizes responsible citizens**
- **The bill has a significant negative impact of the California economy**

Our concerns regarding AB1634, pending before the State Assembly, include but are not limited to:

1. **Veterinarian recommendation:** We strongly believe that owners should be allowed to choose, with their veterinarian's guidance, whether their dog or cat should be neutered and the appropriate age to do the procedure. This decision should not be mandated by state legislation. There may be health benefits (such as cancer prevention) for dogs that remain intact and legislation that forces owners to neuter could open the door for litigation against the state.
2. **Permits for breeders:** This bill states that the only purebreds eligible for permit would be those working toward a title or those having acquired a title. This will significantly reduce the number of purebreds available in California and limit the gene pool, increasing the incidence of heritable diseases and disorders. Pet owners in California will ultimately be limited to selecting less healthy animals from puppy mills or those that have been smuggled into California. Mixed breed (non-AKC) breeds often make wonderful pets and assistance animals, and this bill would severely limit their availability.
3. **Recommended age for prepubertal gonadectomy:** Many veterinarians consider four months of age to be too young for this surgical procedure. Filing routinely for an "exemption" means more time and paperwork for everyone.
4. **Guide dog programs:** Specifics of the working dogs and Guide Dog Programs are not clearly defined. Would dogs require permits during the one year plus of age necessary to determine whether they are suitable candidates to replace breeding stock for their programs?

**5. Compliance/enforcement:** Veterinarians cannot be expected to assist in enforcing AB1634, or to report violations. This would be an infringement of doctor/client/patient confidentiality and an abuse of trust. In addition, determination of spay status of an adult female cat or dog is difficult, adding to difficulty of enforcement.

**6. Licensing:** Owners of an intact animal that does not have a permit may discontinue licensing their dogs to avoid being reported. Some people may allow their dogs to be impounded for non-compliance or abandon them because they cannot/will not pay to spay or neuter. This will add to the unwanted pet population.

**7. Pet stores:** This bill will increase business for puppy mills as pet stores increase sales to meet the decline in quality pets available from responsible breeders. Guidelines for pet store protocols concerning non-neutered puppies/kittens four months of age have not been addressed. Pet stores may elect to euthanize animals to avoid the expense of spay/neuter or permitting, thereby increasing the number of animals euthanized annually.

**8. Effective animal population control programs exist:** The number of pets received into county animal shelters and euthanized in CA each year has significantly declined over the past 20 years. **San Diego County** already has effective and successful programs that reduce pet overpopulation, including cooperation between the veterinary community and the San Diego County Department of Animal Control, and numerous volunteer programs. In fact, the programs are so effective, that potential pet owners often must bring in dogs from outside the area for adoptions. The San Diego program can be used as a model for other communities to follow.

**Euthanasia rates in San Diego County are far below the State average**

**9. Financial impact:** The pet industry brings significant money into communities. Bill AB1634 could have a significant negative financial impact on California, by eventually reducing the overall pet population, as well as in efforts to enforce this seriously flawed bill. Though there will be a state-mandated law, there will be no state funds provided to enforce this legislation on a local level.

10. We interpret this legislation to be an example of government tampering with personal rights and property; these are issues that should be addressed on a **community level, according to the specific needs of the community**. It is not appropriate that responsible breeders pay to correct the government's inability to control the feral cat population, educate the public, provide low-cost spay/neuter programs, and prosecute animal smugglers and fighting dog breeders.

**11. Public health impact:** Most puppies and kittens are vaccinated for Rabies at approximately 4 months of age. If clients are concerned that they will be reported to the authorities for non-compliance of the spay/neuter law, they may not comply with Rabies vaccination.

**12. Pet health impact:** If owners of non-permitted intact dogs or cats are concerned that they will be reported to authorities for non-compliance, they may not visit their veterinarian for regular health check-ups. This is not in the best interest of the pet-owning public nor the pets.

**Address the true source of the animal overpopulation problem:**

- 1. Educate the public about the causes and problems of the animal overpopulation problem.**
- 2. Penalize irresponsible owners who allow their pets to stray and do not keep them safely confined.**
- 3. More veterinarians can volunteer more time or be provided tax incentives to provide spay/neuters free, or at a discount, according to their communities' needs.**
- 4. Encourage the development of win/win partnerships between animal rescue and professional organizations (such as we have in San Diego) to help resolve the problem.**
- 5. Conduct well-designed studies to accurately determine the major sources of unwanted animals. There is no proof that they are coming from responsible breeders. Many of these animals originate from puppy mills, many in the San Diego area have been smuggled by the hundreds/thousands from puppy mills in Mexico. A large number of dogs in animal shelters are pit bulls and pit-bull mixes, fighting animals from illegal gambling operations, and many with behavioral disorders. Some studies indicate that 86% of owned cats are neutered in the US, indicating that a large part of the cat over-population problem stems from feral cats, not owned intact ones.**

We the undersigned represent only a small portion of the veterinarians who oppose AB1634. As members of CVMA, we strongly resent the misrepresentation implied by this bill.

Respectfully yours,

Patricia J. Ungar DVM, CVA  
Kensington Veterinary Hospital, past-President SDCVMA  
Calif lic 8755; CVMA member

Brenda Phillips, DVM, ACVIM (Oncology)  
1733 Nautilus St  
La Jolla, CA 92037  
Calif lic 12738; soon to be ex-CVMA member

Jean Spengel, D.V.M.  
La Jolla Veterinary Hospital  
Cal. License 6394  
CVMA Member

Sharon Vanderlip, D.V.M.,  
Director, ICSB-San Diego,  
CA. license 7846

Jack Vanderlip, D.V.M.,  
Veterinary Consultant,  
CA License #2499, not a CVMA member.

Victoria Jordan DVM, CVA  
Kensington Veterinary Hospital  
CA license 7062

Michelle Zoe Mason, DVM  
Kensington Veterinary Hospital (or Relief)  
California Veterinary Number 10326

Melissa Vollaire DVM  
Kensington Veterinary Hospital (or Relief)  
CA license 15581

Rosanne Brown, DVM  
Calif. lic #8869  
Rancho San Diego Animal Hospital  
CVMA member

Ira Feinswog DVM  
Pet Emergency & Specialty Center  
CA License number 9386



Reid Shufer, D.V.M.  
Alta Rancho Pet & Bird Hospital  
California license 9036

Kevin F. Mallery, DVM, DACVIM  
California Veterinary Specialists  
California license number 14288

'I am writing this e-mail to you in support of the letter which has been written in opposition to AB1634. I couldn't agree with you more and feel that this bill is a typical governmental attempt to "do something", rather than actually deal appropriately with a problem. I am a veterinary surgeon, a CVMA member, and fully opposed to this bill. Please add my name to any lists of veterinarian's in opposition.'

Sincerely,  
Christian Osmond, DVM, DACVS  
California license number: 14514  
CVMA member

Mark Handel DVM  
Palomar Animal Hospital  
CA Lic # 8238

Valerie Ewell  
CA license # 006733  
La Jolla Veterinary Hospital

Monica Laflin, DVM  
Cardiff Animal Hospital, INC  
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David A. Knox DVM, MS  
Companion Animal Clinic  
Calif lic 11741; CVMA member

Laurel Bowman, D.V.M  
La Jolla Veterinary Hospital  
California License 14188

Marilyn Seals, D.V.M.  
La Jolla Veterinary Hospital  
California License 9504

Ann D. Middleton, DVM  
(owner, Cheshire Cat Clinic)  
CA Lic # 10064  
Current CVMA member since 1988

Keith Richter, DVM, Diplomate ACVIM  
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Town and Country Animal Hospital, Bonita, Ca.  
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SDCVMA member  
non-member CVMA

**May 16, 2007**

**These are the additional signatures to date IN OPPOSITION TO AB1634. Please see the attached page for reference to the original letter, faxed to your office 5/12/07. Opposition to this bill continues to grow within the veterinary community.**

**Respectfully,**

**Patricia Ungar DVM, CVA    Brenda Phillips DVM, ACVIM    Sharon Vanderlip DVM**

**\*\*Additional signatures to follow**

Gina Rochelle Brinton, DVM  
Relief Veterinary Services  
8810  
NOT a CVMA member!!!

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Debbie Wu DVM  
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CVMA member since 2000