



September 20, 2018

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VIA E-MAIL AND FEDERAL EXPRESS

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Re: Contemplated Proposal Restricting Shelter Dogs to Vegan-Only Diet

Dear Messrs. Feuer and Singer:

I write on behalf of the California Veterinary Medical Association (“CVMA”) by way of follow-up to my December 22, 2017 letter concerning the Vegan-Only Proposal currently under consideration by the City of Los Angeles Board of Animal Service Commissioners (“Board”). A copy of that letter (without exhibits) is enclosed herewith.

As we understand it, the Vegan-Only Proposal is still under consideration. More specifically, we are informed that the “feasibility study” commissioned by the Board late last year has been reviewed by Mr. Feuer’s office, and is currently before the Mayor. We further understand that the Vegan-Only Proposal will come before the Board for a vote, likely in October.

The purpose of this letter is to reiterate the fact that the adoption and enforcement of the Vegan-Only Proposal will run afoul of California Business and Professions Code section 460. In that regard, Section 460’s provisions establish, without exception, that a municipality may not prohibit a professional licensee from engaging in “any portion of” that person’s profession, and further may not prohibit “a healing arts professional”—including a veterinarian—“from engaging *in any act* or performing procedure that falls within the professionally recognized scope of practice of that licensee.” As detailed in my prior correspondence, it is beyond any legitimate debate that the selection of an appropriate diet for shelter animals falls squarely within the ambit of a veterinarian’s scope of practice.

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Since the transmission of my December 2017 letter, the CVMA has been made aware of commentary from certain proponents of the Vegan-Only Proposal that because the City of West Hollywood was—eleven years ago—able to ward off a Section 460-based challenge to a veterinarian-directed ordinance, the Vegan-Only Proposal would also survive such a challenge. What those proponents fail to mention is that since the West Hollywood matter concluded, the language of Section 460 was amended to close *any* loophole that would previously have allowed for municipal regulation of a healing arts professional's practice. Given that amendment, I can imagine no circumstance under which the Vegan-Only Proposal would be deemed lawful and, to the extent the Board is still considering adoption of the proposal, I am mystified as to how the legal authorities within the City have allowed that consideration to proceed this far. This is not an issue of philosophy, politics, ethics, or altruism, but law...and in this instance, the law is very clear.

In closing, we would urge you and your colleagues to prevail upon the Board regarding the inappropriateness of the Vegan-Only Proposal. Should that not occur, and should the Board enact the Vegan-Only Proposal, the CVMA will immediately file suit to halt any enforcement thereof, and to have the Vegan-Only Proposal removed from the books.

Thank you very much for your attention and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel L. Baxter", with a stylized flourish at the end.

Daniel L. Baxter

Enclosure (December 22, 2017 D. Baxter Letter)
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