

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING**

**Seventy-Eighth Session
May 5, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:41 p.m. on Tuesday, May 5, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Robin L. Titus, Chair
Assemblyman Jim Wheeler, Vice Chair
Assemblyman Nelson Araujo
Assemblywoman Maggie Carlton
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman John Ellison
Assemblyman David M. Gardner
Assemblyman Ira Hansen
Assemblyman James Oscarson
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Senator Mark A. Manendo, Senate District No. 21

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Jim Penrose, Committee Counsel
Donna Ruiz, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Beverlee McGrath, representing American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Nevada Political Action for Animals; Fallon Animal Welfare Group; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Pet Network Humane Society; Lake Tahoe Wolf Rescue; Nevada Humane Society of Carson City; PawPack; and Compassion Charity for Animals
Kevin Ryan, Chief Executive Officer, Nevada Humane Society
Stacia Newman, President, Nevada Political Action for Animals
Robin Reddle, Private Citizen, Las Vegas, Nevada
John Fudenberg, D-ABMDI, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County
Margaret Flint, representing Canine Rehabilitation Center and Sanctuary; and Nevadans for Responsible Wildlife Management
Kristen Ivey, Founder and Executive Director, Canine Rehabilitation Center and Sanctuary
Mary Cannon, Private Citizen, Reno, Nevada
Michelle Ippolito, President, Fallon Animal Welfare Group
Holly Michael Haley, Nevada State Director, The Humane Society of the United States
Michael Ginsburg, Managing Partner, Potencha, LLC, Henderson, Nevada
Karen Jacobs, Private Citizen, Reno, Nevada
Scott F. Gilles, Esq., Legislative Relations Program Manager, Office of the City Manager, City of Reno
Kelly Martinez, Government Affairs Officer, Office of Administrative Services, City of Las Vegas
Shyanne Schull, Director of Regional Animal Services, Washoe County Regional Animal Services
Barbara Deavers, Private Citizen, Reno, Nevada
Vicki Higgins, Private Citizen, Las Vegas, Nevada

Scott Scherer, representing Charles River Laboratories International, Inc.
Robert Stachlewitz, Ph.D., DABT, Senior Site Director, Preclinical Services, Charles River Laboratories International, Inc.
David Reim, DVM, MS, DACLAM, Director, Laboratory Animal Medicine, Preclinical Services, Charles River Laboratories International, Inc.
Walter F. Mandeville, DVM, MS, Interim Director, Attending Veterinarian, Laboratory Animal Medicine, University of Nevada, Reno
Constance Brooks, Vice Chancellor, Nevada System of Higher Education
James L. Kenyon, Ph.D., Professor, Senior Associate Dean for Research, Director of Nevada INBRE, University of Nevada School of Medicine

Chair Titus:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing for Senate Bill 261 (1st Reprint). I will note there is some testimony that has been uploaded to the Nevada Electronic Legislative Information System that was not previously available. Will the presenter for the bill please come forward?

Senate Bill 261 (1st Reprint): Makes various changes relating to certain research facilities. (BDR 50-56)

Senator Mark A. Manendo, Senate District No. 21:

I would like to thank the Committee for giving us an opportunity to present Senate Bill 261 (1st Reprint). We want to thank the 43 members of the Nevada Legislature who signed on to our Homes for Animal Heroes legislation, including Republicans and Democrats and legislators from the north, south, and rural areas. The support is very much appreciated.

Ninety-five percent of dogs in lab testing are beagles. Their docile nature and people-pleasing personality make them good test subjects. However, they are also popular family pets. They are one of the top five most popular family dogs in America. I know my family is blessed to have our dog, Carson, in our lives. Many of you may have met him, as he has visited the Legislature in four consecutive sessions. He is also very popular on social media. He has been on Channel 13 Action News in Las Vegas three or four different times. In fact, when Chuck Callaway was presenting a bill, he mentioned Carson. He is a popular figure and we are proud of him.

There are numerous dog shows held across the country. None is more prestigious than the Westminster Kennel Club Dog Show, now in its 139th year. The Super Bowl of the canine world, it is America's oldest dog show. You may recall, back in February, the winner was a beagle.

I would like to thank the hardworking people, like Margaret Flint of the Canine Rehabilitation Center and Sanctuary (CRCS), who will be testifying today. She has put months and months of dedicated, hard work on this important legislation. Also, Kevin Ryan with the Nevada Humane Society, who is at the table with me, and Beverlee McGrath, with such groups as Nevada Political Action for Animals and Best Friends Animal Society.

We have been working with those in opposition to come as closely as possible to a compromise to bring forward to you today. We want to thank those in opposition who have been willing to meet with us and appreciate those who have compromised. We do appreciate that.

Having worked on hundreds of pieces of legislation over my 21 years serving in this body, I and we respect the legislative process and our legislators. With that said, S.B. 261 (R1) did pass the Senate Committee on Natural Resources on April 9, 2015. That was a day before our committee deadline and the last day our committee was actually meeting. As you can see in the first reprint of the bill, changes have been made. Even though we did not agree to all of them, we felt it was an important enough piece of legislation to not throw in the towel. We wanted to keep the legislation alive to be able to continue negotiating, which is exactly what we did. I am sorry we have been criticized for that, but I do not think compromise and working out the differences with opponents is a negative. Some people do.

We ask you to change the language in the bill back to "shall" instead of "may," which is what we have been working on since the bill passed out of committee. After all, these lab dogs that endure for our products, our drugs, or academic curiosity deserve a life after laboratory in a forever loving home. These research dogs are heroes to countless people and to other animals. We literally owe our lives to them. They need to be rehomed whenever possible when their work is done. We need to demonstrate to the nation that Nevada does care about animal welfare ethics.

This legislation is bigger than any one person or any one organization. I am honored to be here today to start this presentation on this important piece of legislation. I want to thank you personally, Madam Chair, for your leadership and your consideration, and the members of the Committee.

Chair Titus:

Are there any questions for the Senator? [There were none.] Is there any further testimony on this bill?

Beverlee McGrath, representing American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Nevada Political Action for Animals; Fallon Animal Welfare Group; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Pet Network Humane Society; Lake Tahoe Wolf Rescue; Nevada Humane Society of Carson City; PawPack; and Compassion Charity for Animals

There is no program currently in place that allows for dogs to be released from a testing facility. Senate Bill 261 (1st Reprint) contains language that reflects the willingness to reach an agreement that was acceptable to all parties. Charles River Laboratories International, Inc. and Nevada animal and rescue groups participated in these discussions. The two-year limit of testing on a dog or cat has been eliminated. References to a product testing facility, animal shelter, and institution of higher education have been removed. Any reference to destroying a dog or cat has been removed.

Senate Bill 261 (1st Reprint) provides that a research facility may implement a program and offer the dog or cat for adoption to an employee or a technician, or they may enter into an agreement with an animal rescue organization located in Nevada. The bill states that a facility is not required to offer a dog or cat for adoption if the dog or cat is not appropriate for adoption, such as having behavior problems, temperament problems, or a health condition. The facility makes that determination, not an outside source. The bill provides that a facility is immune from any civil liability related to the adoption of a dog or cat.

We appreciate the cooperation Charles River Laboratories extended to us, because they do use dogs in their testing procedures. We did reach out to the University of Nevada, Reno (UNR) and suggested a meeting to discuss the bill, as well as possible language that would be acceptable to all parties. Unfortunately, we were unable to reach an agreement. It should be noted, UNR does not use dogs or cats in their research and education programs, nor do they intend to in the future.

All we are asking for in S.B. 261 (R1) is to allow these dogs, who have provided a wonderful service to society to be adopted to a loving home.

Kevin Ryan, Chief Executive Officer, Nevada Humane Society:

The Nevada Humane Society is Nevada's oldest and one of the most respected animal welfare organizations in the country. We were founded in Reno in 1932. In 2012, Washoe County was declared the safest place to be a dog or cat in the United States. Nevada still holds the highest live-release rate in the country, as well as the highest per capita adoption in the country. I say this because we

like to point that out. I also say this to point out that we are the best at what we do. We have adopted out 70,000 animals since 2007 in Washoe County alone. We now operate the open admission shelters in Washoe County and in Carson City.

The Nevada Humane Society has pledged to work with groups that might make these dogs adoptable after their service to society is complete. We will provide and cover their medical expenses. The Nevada Humane Society already has programs in place, such as our Angel Pets program, which covers the medical expenses of existing medical conditions for animals adopted from our shelter. We also have the behavior expertise to work with animals that might need some behavior modification. Just last week, we had world-renowned animal behavior expert Kelley Bollen in Washoe County and Carson City for four days to train our staff on the latest and greatest shelter enrichment and behavior assessment. Ms. Bollen comes every year, and we have staff members who are devoted to behavior assessment and behavior modification for animals that require it.

At the Nevada Humane Society, as an open admission shelter, as well as a no-kill shelter, we pledge to always take our animals back should they need to be returned. We feel we can be adequate partners for the institutions that might participate in this program. We believe our 100,000-plus supporters are in favor of these animals being adopted. I can tell you from emails I have received, our communities support this bill. I believe it fits in concert with our declaration as the safest place to be a dog or cat. I believe this is one area in which we should improve.

The Nevada Humane Society is proud to support S.B. 261 (R1). We will do whatever it takes to make this process work and to provide protocols that will work, keep our community safe, and make these animals more available for adoption.

Assemblyman Wheeler:

I am one of the sponsors of this bill, so I understand where you are coming from. However, right or wrong, it is currently in law that an animal is the property of the person who owns it. I am wondering if one of you could tell me why we should be able to tell a private company what they must do if we change the language back to "shall"? How is that okay?

Kevin Ryan:

It is our opinion that this is about being reflective of our community. This is what our community expects. While I certainly understand your perspective of telling a private company what to do, I believe we are meeting them more than halfway. I do not think this is government intrusion or government supremacy.

The Nevada Humane Society has pledged to cover the expenses, medical care, and take back the animal. It is more expensive to euthanize a cat than it is to save a cat. That is nationally proven through trap-neuter-return programs.

From my perspective, we are providing an opportunity for these companies to be good corporate citizens and live up to what our community expects. I can show you this is what our community expects. In 2002, Washoe County residents were faced with four bond issues. They only selected one, which was to build a new animal shelter with the expectation that we become a no-kill facility, one of the few in the country. To me, this is meeting the expectations of the community, certainly asking something of the business, and meeting the industry more than halfway by providing for all of the benefits I just described. This is just asking these community businesses to be part of our community and to meet our community's expectations.

Assemblyman Wheeler:

You made an interesting statement: we are providing them an opportunity to be good citizens. Does the word "may" not provide an opportunity to be good citizens, while the word "shall" demands that they be good citizens?

Kevin Ryan:

I certainly understand your perspective, but to me, the laboratory in question has been operating in Washoe County since 1992, and no animals have been adopted out. The opportunity, as pointed out by representatives of UNR, has always been available. As members of UNR told us, they have adopted out animals to staff and students before. Unfortunately, I believe we are shoved into the position of having to have "shall" rather than "may." "Shall" has already existed under law. As pointed out, the dog is property so they can do what they wish with their property. However, here we sit in the safest place in the country to be a dog or cat, and these animals are ultimately euthanized, regardless of their adoptability. We have given the institutions in question all of the authority to deem "adoptableness" and viability in adoption. We have met them more than halfway in providing for the care, but the opportunity has not been taken. I ask my legislators and my government to nudge them in that direction. As Ms. McGrath pointed out, a number of concessions have been made to make this more palatable to the institutions. When I read this, it is a pretty good deal. Unfortunately, I believe if the word is "may" rather than "shall," then we continue on as has always been and there would be no impetus for these dogs to be adopted because there has been no desire to do that in the last 20 years.

Assemblyman Araujo:

I am looking specifically at section 1, subsection 1, lines 11 through 14: "Any such animal shelter or animal rescue organization must be domiciled in Nevada and exempt from taxation pursuant to 26 U.S.C. § 501(c)(3)." I am looking for clarification on the capacity to limit this to Nevada. I was wondering if there had been discussion about the possibility of making it a preference to select Nevada organizations rather than just limiting it specifically to Nevada.

Kevin Ryan:

I think the thought process was we want the animals to be close to home because they may have medical care and behavior needs. We want to be able to support them and make this program successful. Our concern is if they end up in another state, providing those services will be impossible.

The Nevada Humane Society is unique in the world by covering existing medical conditions. We want to make sure we can provide for these animals. I can tell you from our adoption numbers, the people of Nevada want these animals and would welcome these animals into their homes. I think it is important to note that there are a very few number of no-kill facilities in the United States. If these dogs were adopted outside of Nevada and end up back in a shelter, the chances of them being adopted again is about 58 percent, according to Maddie's Fund. This way, we can guarantee we give them a chance, we support them, and we are able to keep them in our no-kill community.

Assemblyman Hansen:

Currently, the Nevada Humane Society is a no-kill facility. How many dogs and cats are still euthanized in Washoe County?

Kevin Ryan:

The definition of no-kill in our industry means no animals are euthanized due to space, convenience, or cost. The only animals euthanized between Washoe County Regional Animal Services, the Nevada Humane Society, the Society for the Prevention of Cruelty to Animals of Northern Nevada, the Canine Rehabilitation Center and Sanctuary, and Pet Network Humane Society are animals that are too sick to be adopted. At my first day at the Nevada Humane Society, we did four open-heart surgeries. We do a lot medically. If animals are deemed dangerous to the community during the behavior evaluation, that animal is not adopted out. I could get you the exact number of animals euthanized, but I do not know it off the top of my head. Our live-release rate last year was 94 percent, with a total intake of approximately 10,000 or 11,000 animals.

Assemblyman Hansen:

I was just curious because I have a problem changing the language from "may" to "shall." Following up on Assemblyman Wheeler's comments, this is a private business and not a government. For us to force any private business to turn over their property, it also means someone is going to have to monitor what they are doing with those animals. Are you going to force this private business to basically open their doors so you can determine what happened to each animal? Who is the monitor in this situation?

Kevin Ryan:

The way the bill reads, the total ability to make decisions about which animal is adoptable, either medically or behaviorally, is up to the institution. We will not be inspecting them; it is really based on a trust system. I do not have the ability to flash a badge in order to go in. We trust that Charles River, or whoever it may be, will be a trustworthy member of society and follow the laws. When they call us and say they have an animal for adoption, we will believe that is the animal up for adoption.

Assemblyman Hansen:

I understand that as this is currently drafted. However, having been involved with these issues for years and years, I know the track record of most of the organizations represented here today are, in fact, aggressively opposed to any animal testing. Maybe that is not true for the Nevada Humane Society, but for many of the organizations I have watched over the years, they have worked overtime trying to eliminate animal testing in its entirety. I am very suspicious that once you get your foot in the door, the next step will be to increase some sort of police power to monitor the private business and to slowly but surely put them out of business. That has clearly been the attempt for years across this country.

Kevin Ryan:

We understand federal guidelines require animal testing for some drugs. This is not about animal testing. After these animals have given service to society, it is about giving them a chance to live out their lives. In fact, in an article in the *Reno Gazette-Journal* about three weeks ago, I stated that this bill was not about animal testing. We are not opposed to animal testing. We are opposed to the concept that after these animals have given a big chunk of their lives to the advancement of knowledge, understanding, and medical care, they are not given a chance. I am on the record saying this is not about animal testing, and this is not about a slippery slope. I have received a lot of hate mail for stating that, but our focus is simply making sure we give a little back to these dogs. The least we can do for those that can be adopted is to give them a home.

Assemblywoman Swank:

Can you tell me approximately how much it costs for the companies who do work with these dogs to euthanize and dispose of the bodies?

Kevin Ryan:

I cannot tell you exactly because it depends on the contracts they have. I do not know if there are special requirements for animals that have undergone testing. I can tell you there was a national study aimed at feral cats that stated the cost of housing and killing a cat was \$250, where the average to house and release a cat was \$185. It is less expensive. We have a contract with a company for animals who pass away while in our care. I believe we pay approximately \$49 for disposal. That does not include the euthanasia drugs, the technicians, maintaining a Drug Enforcement Administration (DEA) license, et cetera. There are a number of expenses that accrue, but certainly there are expenses associated with euthanasia and disposal, and if the companies were to adopt the animals out, that is a transfer that would be free.

Assemblywoman Swank:

How many animals are we talking about per year?

Kevin Ryan:

From what I understand from their last testimony, Charles River Laboratories has somewhere in the neighborhood of 50 beagles. I can tell you, on average, to get an animal from intake to adoption for the Nevada Humane Society, it costs us about \$250. The beagles have been at the laboratory anywhere from a couple of weeks to ten years. There are probably a number of variables that would affect costs.

Assemblywoman Swank:

If we put the "shall" back in the bill, it would allow these labs to save money by not having to euthanize these animals because adopting them out through a nonprofit would be free for them. Is that correct?

Kevin Ryan:

Yes. We would absorb the medical costs, long-term behavior assessments, and anything else required for the adoption to be successful.

Assemblywoman Swank:

Despite the fact that these are private companies, we would be letting these private companies save money by putting in the word "shall." We would be encouraging them to save money and increase their profits.

Kevin Ryan:

I definitely agree. From our conversations, the private entities do not oppose the language change from "may" to "shall." Again, the concessions were made during the negotiations prior to this hearing.

Assemblyman Edwards:

If I understood your earlier statement correctly, your organization deals with about 12,000 animals in Washoe County per year and has a 94 percent adoption rate. Is that correct?

Kevin Ryan:

Since taking over Carson City, we deal with approximately 16,000 animals. That includes Washoe County Regional Animal Services as well. Animals euthanized on either side of our building count against the live-release rate.

Assemblyman Edwards:

You have to euthanize approximately 800 animals per year. You also said the institution involved here has about 50 beagles. I am wondering why the Legislature is dealing with such a small number of animals when it is my understanding there is already an adoption program for as many of the animals they can allow to be adopted. What is the need to come to the Legislature to get a new law for something that is already being done?

Senator Manendo:

There are 65,000 dogs used in testing across the United States. There are 3,000 dogs in 13 different laboratories in Minnesota, and Minnesota passed this particular law. When we met with Charles River Laboratories, we were told they have about 50 dogs. I think that number is going to increase. I give them a lot of credit; they do not have an in-house adoption program, but they are working on one. Over time, I believe that is going to happen. There might be a time when there will not be enough employees to take those animals. They will have an option to work with local people to make sure there is a rehoming program in addition to their own in-house program. I am sure they can answer questions related to what their intentions are when they testify today. We have worked with them on this legislation and believe they are still in support.

Assemblyman Edwards:

Even at 50 per year, if they were all to be euthanized, the Humane Society is already euthanizing many more animals than that. I do not understand the need for the Legislature to have a specific law for a specific private company to do something they are already aiming to do, especially when it does in fact refer to their own private property and assets. It seems to me this is government overreach that does not seem necessary.

Senator Manendo:

They have not created this in-house program in Nevada yet, and maybe they will not. I am hoping they will, but this bill, if passed, will be in place and it gives them an option in case they cannot get to that in-house adoption program.

Assemblyman Edwards:

I do not think this is going to be much more of an option than what they already have in their hands to do. I think this is government overreach into a private industry. After talking with them, I believe their heart is in the right place, and their intentions are in the right place. I believe they will do this without the government having to create laws and then perform monitoring. I do not believe it is a problem, and I do not want to pass laws simply for hypotheticals that do not exist.

Beverlee McGrath:

Perhaps you do not consider it a problem, but we do because we feel these animals have served society. They have been undergoing pain and stress under every kind of test imaginable, every 26 weeks over and over for their lifetime. We feel there has to be a point when they can be in a loving, caring home. Private industry does not oppose this bill.

Assemblyman Edwards:

What I am trying to say is they are already doing this in-house. So far, it is my understanding they have not had to euthanize any of the animals that could have been adopted because they adopted them in-house. For those animals that could not be adopted, I believe they are supposed to be working toward some kind of adoption into the community.

Beverlee McGrath:

By their own admission, Charles River Laboratories has never adopted out a dog. The dog is utilized over and over for its lifetime while it is still healthy. If is not healthy, it is euthanized.

Assemblyman Edwards:

I would like to get clarification on that because of my conversations with them.

Beverlee McGrath:

They will be coming to the table.

Assemblyman Hansen:

In light of some of the questions and answers, if in fact the lab would save money by not euthanizing the dogs, and in fact they are a private business, and it is my understanding private businesses are there for profit, perhaps in light of

this new understanding, we would not need the law because they would save so much money by going through this program. Again, it seems we are trying to create a problem that does not exist. We are talking only 50 dogs. We are going to pass a bill telling the lab what to do when they are already doing it. If there were a reason for them to go with the program you are trying to force on them, if anything, it would be that they would make a profit. I do not understand the need for the law, especially if we are going to make it mandatory. It would seem to me they would be most interested in making a profit. Obviously, the public relations side is a big concern. What is the genesis? You keep bringing them up as if they are a part of this program. Did they come to you to ask you to bring this bill forward?

Senator Manendo:

No, they did not. We brought this piece of legislation forward, and we have been negotiating with them on language. I believe they will come to the table either in support or as neutral.

Chair Titus:

For clarification, to my knowledge, there is only one private lab in the state of Nevada currently doing animal testing. The universities do not do live-animal testing. This bill affects one private entity.

Senator Manendo:

This legislation only applies to dogs and cats.

Chair Titus:

Is there anyone in Las Vegas wishing to testify in favor of the bill?

Stacia Newman, President, Nevada Political Action for Animals:

Many of the members with our organization would have liked to be here in support of S.B. 261 (R1), but were unable to get off work. I am here also representing many concerned constituents.

We are in favor of S.B. 261 (R1), but I would like to suggest changing the word "may" back to "shall." I feel these animals deserve and have earned a kind and compassionate adoption program be available to them. In response to viewing Charles River Laboratories as being a private industry, Nevada currently promotes other companies to come into our state and start businesses. We pride ourselves on doing that. Right now, there are only a few, but that is not to predict even the numbers of the animals that will be in these facilities that are testing. I would like to bring that back to the forefront.

These animals should have the opportunity to a life after laboratory testing on them is completed. I am asking you to please change the word "may" to "shall."

Robin Reddle, Private Citizen, Las Vegas, Nevada:

I am 100 percent in support of S.B. 261 (R1) and also in support of changing the wording from "may" to "shall." I believe these beloved animals have given the ultimate sacrifice and should be granted the privilege of being given love; kindness; the ability to walk, run, and play in the sun; and have the love a family would give them. By passing this bill, you will afford them the opportunity to not be euthanized after they have been tested on, but to be given a loving family. I hope you will treat them more as just property, even though that is the law, and I am respectful of that. If we were able to help just one loving dog get to a kind and caring family, that would be much appreciated.

Chair Titus:

Is there anyone else in Las Vegas wishing to testify in support? [There was no one.] Is there anyone in Carson City wishing to testify in support?

John Fudenberg, D-ABMDI, Coroner, Government Affairs, Office of the Coroner/Medical Examiner, Clark County:

I would like to state for the record that Clark County does support this bill, specifically as written with the word "may."

Margaret Flint, representing Canine Rehabilitation Center and Sanctuary; and Nevadans for Responsible Wildlife Management:

One of the things I would like to talk about is the opinion poll ([Exhibit C](#)) that was conducted on the Legislature's website. I believe it is important that you look at the opinion poll because this bill has now become the fifth highest with people supporting the bill. Out of over 500 opinions posted on this opinion page, there were only two who posted against. I believe this is important in light of the fact that the Nevada System of Higher Education representatives who have been opposed to the bill, and who do not test on cats and dogs, are from a publicly funded institution. This is the general public coming out to say they like it and support it. I believe you should take that into consideration.

I also want to touch on the private property issue. I am a private businessperson, too. We are not talking about inanimate objects, like a car or a boat. We are talking about living, breathing creatures that have feelings. These living, breathing creatures have done a service for us in order for us to learn something and advance. I believe that needs to be taken into very serious consideration. We are talking about creatures we share this planet with and

who were brought here for reasons, too. I cannot help but feel some sympathy and hope you do, too.

If you will turn your attention to the video presentation ([Exhibit D](#)), I will tell you about a dog named Calvin. Calvin was brought into Canine Rehabilitation Center and Sanctuary (CRCS) last summer. I personally had the opportunity to work with Calvin, who came from a research laboratory in California. He had been given up on. The CRCS had asked to be given a chance to work with this dog. The first part of the video showed how Calvin was when he came in. He would not make eye contact, turn around, or respond. This is Calvin after he was taught some social skills. Other dogs help in teaching social skills to these dogs. You will shortly see Calvin with the founder's ten-year-old daughter. Calvin not only learned social skills with other animals; he learned social skills with a ten-year-old girl. This is a dog that came from a research laboratory.

I would like to introduce Kristen Ivey, who is the founder of CRCS. She will tell you a little bit about our facility. We operate a very special facility. This facility does not just deal with dogs who were surrendered by their owners; we deal with some very special cases. We have a wonderful success rate. Ms. Ivey will touch on those issues. Also here is Mary Cannon, who adopted Calvin. She will tell you a little more about Calvin.

Kristen Ivey, Founder and Executive Director, Canine Rehabilitation Center and Sanctuary:

We are located here in northern Nevada. We are a little different because we are a recovery and rehabilitation center for dogs that have been through trauma. We are a support system for the Nevada Humane Society and the Society for the Prevention of Cruelty to Animals (SPCA). We take in dogs just like Calvin, dogs who have been through too much and have been labeled as unadoptable with other organizations. We provide rescue, socialization, training, recovery, medical care, and very specialized placement.

I have met the people from Charles River Laboratories and invited them to an event of ours. They are wonderful people and they care for dogs deeply. I think we share the same concern that they do, which is when these dogs are done with their service, where can they go? Who can provide them correct placement and care?

I would like to touch on the subject of property. No new systems need to be put in place. We are already up and running and have a facility here. We focus on dogs that need very special care. We are ready and willing to work with Charles River Laboratories. We would welcome the opportunity to have each of

the Committee members and the people at Charles River Laboratories come out to our facility to learn about who we are and what we do. We want to work together to provide an opportunity and an option for these dogs.

Assemblyman Edwards:

I am glad to learn about your facility and what it can do. Because you have already met with the folks from Charles River Laboratories, why do you simply not have a memorandum of agreement with them to adopt the dogs that can be adopted? That seems to be a possible solution that does not require a completely new law. Have you pursued that track?

Kristen Ivey:

We would certainly welcome the opportunity to work with them in whatever capacity we are able because we serve as a support system for dogs that other organizations need help with.

Assemblyman Edwards:

Could there be a mutually agreeable private solution between the institution and your organization?

Kristen Ivey:

Feasibly, we could serve as that support system. In order to take away the aspect of having to deal with their own internal adoption process, providing medical care, euthanizing, et cetera, we would work directly with them and be that support system to take the animals that have provided service to our community and they deem able to be adopted.

Assemblyman Edwards:

The solution is right there then.

Assemblywoman Dooling:

How long have you been in existence and how many adoptions have you been involved with?

Kristen Ivey:

We have been doing this for a number of years. The CRCS has been a 501(c)(3) organization for five years. We do provide behavior help, training, and support for all of our adopters for the life of the dog. We have a 100 percent success rate with dogs that have been through trauma and placing them back into the community.

Assemblywoman Dooling:

Approximately how many adoptions?

Kristen Ivey:

In the beginning when we did not have a facility, there were about 20 per year. We are now up to well over 100 adoptions per year. We do not have the numbers the Nevada Humane Society does because we provide such specialized care and placement.

Assemblywoman Swank:

This question may be for someone from the laboratory. How long have they been in existence? Why have they not come to you before to adopt out their animals? If it saves them money, it sounds like a win-win for everyone.

Kristen Ivey:

I would hope so. I have met with them and respect what they do very much. We want to be able to be their support system. It is possible they did not know we existed.

Chair Titus:

In the interest of time, we will have them answer those questions. Is there anyone else wishing to testify in support of the bill?

Mary Cannon, Private Citizen, Reno, Nevada:

My family supports S.B. 261 (R1) because we love beagles and we support medical research. In July 2014, we adopted a medical lab beagle named Rescue from the CRCS. To date, Calvin loves to play with kids, and he went on his first duck-hunting trip this last fall. He loves to play in the lawn with his black Labrador sister, Jessie. Calvin is an amazing dog with a resilient heart and has even earned the nickname "The Warrior." Calvin has given so much in the name of science and medicine that adoption was the only ethical choice for us.

With appreciation and respect, S.B. 261 (R1) is asking that these dogs would be first offered to an adoption or rescue organization before being euthanized. This bill is a tremendous opportunity for researchers and rescue groups to work together and give these heroes a forever loving home.

Michelle Ippolito, President, Fallon Animal Welfare Group:

We are a small rescue organization of volunteers. We were founded in 2010, and we received 501(c)(3) status from the Internal Revenue Service (IRS) that same year. Our goal is to reduce the number of dogs and cats going into the City of Fallon Animal Shelter. Our goal is very focused and very narrow. I do get phone calls and talk to people about all sorts of animal issues. We do pay attention to our city council and county commission and the animal ordinances they pass. I receive many calls from people asking me what is going on in Carson City. That is why I am here.

I was very excited when I first read S.B. 261 (R1). I thought it was a great bill, and I thought it was wonderful that such a large percentage of the legislators had sponsored the bill. I was rather upset when I saw the resulting bill after it had been amended, changing "shall" to "may." I think there have been enough amendments to the bill. There are now enough conditions. The research facilities can decide which animals are going to be available for adoption and if an animal is going to be available for adoption. There has been an entire section added to the bill giving immunity to the research facilities for everyone from the chief executive officer down to an unpaid intern. I do not think there are any liability issues associated with releasing these dogs. I know the people I have spoken to in Fallon are all very much in favor of this bill.

Holly Michael Haley, Nevada State Director, The Humane Society of the United States:

Senate Bill 261 (1st Reprint) simply provides an opportunity for dogs and cats to live a life in a home as an adopted pet once their time in a laboratory has come to an end. There are a number of research facilities across the United States that have instituted successful adoption programs for dogs, cats, and other animals, demonstrating the ability to carry out such programs. Senate Bill 261 (1st Reprint) ensures the authority still rests with the research institutions themselves when a dog or cat is determined to be no longer needed for scientific research. The fiscal note on this bill indicates it is not expected to materially affect state finances. Finally, adoption programs, in addition to benefiting the animals, can decrease stress and improve morale among laboratory workers. Senate Bill 261 (1st Reprint) is a win-win solution for dogs and cats in Nevada, the laboratories, and the workers who form bonds with these animals.

Assemblyman Edwards:

You represent the national organization, correct?

Holly Haley:

Yes, I do.

Assemblyman Edwards:

Can you tell us, nationally, how many research organizations with which you may have some kind of memorandum of agreement or a relationship where they provide the animals to you after they are done with the research?

Holly Haley:

We do not have any brick-and-mortar shelters. We are an organization that attacks animal cruelty with policy reform.

Chair Titus:

How many states actually have this type of legislation?

Holly Haley:

I am uncertain, but I can get back with you.

Chair Titus:

The response from Senator Manendo was that there is one other state that has this legislation.

Assemblyman Hansen:

In our minds, when we talk about the Nevada Humane Society, we know they handle animal shelters. Is The Humane Society of the United States strictly political, with no actual facilities to deal with dogs and cats?

Holly Haley:

We have five sanctuaries that handle larger animals, such as elephants, rhinoceroses, giraffes, et cetera.

Assemblyman Hansen:

You are not considered a humane society like the Nevada Humane Society dealing with the adoption of dogs and cats, euthanasia, and those types of things. Is that correct?

Holly Haley:

Correct. We are different.

Michael Ginsburg, Managing Partner, Potentia, LLC, Henderson, Nevada:

I will try to address some of the concerns Committee members have raised. I have a unique perspective on this. I am the owner and adopter of three rescue beagles. This photograph ([Exhibit E](#)) is of Darwin. It is fitting you are hearing this bill today because, as it turns out, May 5, 2014, is when he was freed from the lab. It was the first time he had been outside of the cage or done anything a normal dog would do. Yes, he had some issues to begin with. He was shy and very much afraid. He has fit into the pack quite nicely, and he is a great little dog.

I was incredibly excited when Senator Manendo brought this bill forward. I thank him for doing so, and I thank him for working with all of the parties to get compromise language that everyone can accept. Like everyone else, I am also hoping this Committee will change the word "may" to "shall," and remove the prohibition on out-of-state organizations from accepting these animals to adopt out.

In the United States, animals are considered property by law. I have no desire to change that. Our garbage is also property and belongs to us until we throw it away. Most municipalities have laws that govern how we do that. They encourage us to reduce, reuse, and recycle. In the research community, there is a similar intent. We still make those laws. I think it is appropriate for us to have a law in the state of Nevada that does something we basically would not think twice about doing with the disposal of garbage. These are living, breathing creatures, and they do feel pain. They have given their lives in service for biomedical and vanity purposes.

I think the word "shall" is important. I think removing that limitation on out-of-state organizations would also be incredibly helpful. I would not have Darwin if it were not for an out-of-state organization. Another thing the out-of-state organizations can offer us is their experience. They have been working in nearly every state in the country. There are thousands of successful adoptions to their credit. The other thing they offer is a guarantee, even before we started examining these laws, of confidentiality. I cannot tell you where Darwin came from or what was done to him. I know he came from a research facility probably somewhere in the Midwest. That is the only detail I have, only because I could look at a map and figure out how long the van ride took for him to get here.

The reason many of these companies probably do not do voluntary adoption programs is because when they do so, they have no guarantee that they will not be sued for what the animal does after it leaves their facility. The language in section 1, subsection 2, codifies that waiver of liability.

I hate to bring up the name of Charles River Laboratories because this is not an anti-Charles River Laboratories bill. Unfortunately, sometimes they have become the punching bag. They may not be the only one. There may be others, and there will probably be others that come after them. There are also many other U.S. Department of Agriculture (USDA) licensed holders in the state of Nevada. There are magicians who have animals. Zoos and other facilities use animals, such as the Mirage in Las Vegas. When they are ready to "retire" these animals, they can just kill them. It would be a public relations nightmare for them if they did, especially some of the larger ones, so that is probably why they do not.

Changing the language, which I hope the Committee will do, will address these concerns. I think this is a smart solution for us to do as a state.

Karen Jacobs, Private Citizen, Reno, Nevada:

I am a retired police officer from the state of Nevada. I am here in support of S.B. 261 (R1). Let me acknowledge a thank you to all the animals that have done medical testing so we can have a better quality of life through medicine or medical devices. It is my belief that once the testing is done, the animals should be allowed to be released to a foundation that can find them a forever home so they can live out the rest of their lives in a loving home and run and play in the warm sun and fresh air. All lives matter, from a little mouse to cats and dogs and beyond. We, as people, are the diplomats who are put in charge of the welfare of all animals. Showing kindness at the end of medical testing by releasing them to a forever home is a very basic kindness we can give them.

The value of a nation can be viewed by the way we treat our animals. Please change the wording in S.B. 261 (R1) from "may" to "shall."

Scott F. Gilles, Esq., Legislative Relations Program Manager, Office of the City Manager, City of Reno:

The City of Reno supports S.B. 261 (R1), including an amendment to change the word "may" to "shall."

Assemblyman Edwards:

If you are speaking on behalf of the City of Reno, can you tell me what advantage the city would have from this bill?

Scott Gilles:

I am not sure the Reno City Council, when they decided to support this legislation, looked at it from the point of view of what advantage there would be to the city. The discussion that happened publicly on this bill was really more to the benefits of the mandatory offering of the animals to the Nevada Humane Society.

Assemblyman Edwards:

When I say city, I do not necessarily mean the city council or government; I am talking about the residents of the City of Reno.

Scott Gilles:

That is what I was getting at. I am sorry if I misspoke. There really was no discussion about the advantage to the city; it was really more about the treatment of the animals. When the city took that position, there had been no indication at that point that Charles River Laboratories had any opposition to this bill. The city has not been involved in the discussions on this bill.

**Kelly Martinez, Government Affairs Officer, Office of Administrative Services,
City of Las Vegas:**

We echo our colleague from the north and support this bill and its passage.

**Shyanne Schull, Director of Regional Animal Services, Washoe County Regional
Animal Services:**

We are here in support of S.B. 261 (R1) as proposed.

Barbara Deavers, Private Citizen, Reno, Nevada:

I do have a rescue dog I got from the Nevada Humane Society. He was skinny and had no idea how to be a dog. Eight or nine months later, he now goes out and plays with other dogs. He received 30 likes on Facebook.

The reason I am testifying on this bill is because I like the bill, and it is a good idea to have it be a law. We do not know what is going to happen in the future. Charles River Laboratories has been very supportive, but their staff will change. If staff changes, is the philosophy of that facility going to change? In order to help these dogs in the future, we should at least make sure something is in writing and in place. Currently, Charles River only has 50 dogs, but that number could increase. There may be other laboratories coming into the state of Nevada in the future. I am here in support of S.B. 261 (R1).

Chair Titus:

We have another person in Las Vegas wishing to testify in support of the bill.

Vicki Higgins, Private Citizen, Las Vegas, Nevada:

I am a pet parent and have adopted rescue animals in the past. I think we need to keep the word "shall" in the proposed bill. There are times we need to remind people of their moral responsibility. These are vulnerable creatures who have given of themselves. I believe they deserve to be adopted out. I very much support much of what was said. Creating a waiver of responsibility for those providing the animals to be adopted is a good thing and would relieve them of any liability.

Scott Scherer, representing Charles River Laboratories International, Inc.:

We support S.B. 261 (R1) in its current form. We would obviously want to see any amendments that are proposed. If the amendment is only to change the word "may" to "shall," that fits with the agreement we made in the Senate. There was more objectionable language removed from the bill. The lack of liability protection is one of the things that stops laboratories from voluntarily entering into these agreements. Having that language put into the bill, removing the two-year limitation, and other things that were done was why we agreed to the word "shall" in the bill.

With me at the table today is Dr. Robert Stachlewitz, who is the site director of Charles River Laboratories facilities in Reno, and Dr. David Reim, who is the head veterinarian for the facility. I can have Dr. Stachlewitz give you an overview of what Charles River Laboratories does in Reno and how that lab operates if you would like, or we could simply answer questions, whichever you prefer.

Chair Titus:

I believe a quick overview would be very appropriate because you are really the subject of this conversation.

Robert Stachlewitz, Ph.D., DABT, Senior Site Director, Preclinical Services, Charles River Laboratories International, Inc.:

Charles River Laboratories International, Inc. is a global contract research organization that works with academic institutions and large and small pharmaceutical companies in the area of drug discovery, research, safety assessment, and clinical and manufacturing support.

The Reno site of Charles River is specifically focused on the research and safety assessment and clinical support aspects of new prescription pharmaceutical research and development. Our Nevada facility has been in operation since 1992, and employs over 450 people in the state. The research done in our Reno site is funded almost exclusively by private pharmaceutical companies. Scientific research done at our facility uses cells, tissues, and animal models for the determination of safety and activity of experimental medicines, and is required by federal law for the submission and approval of new experimental medicines to progress into human clinical trials and as part of new drug applications to the Federal Drug Administration (FDA).

It should be recognized that Charles River is the only private company in the state of Nevada that would be impacted by S.B. 261 (R1) if it were to become law. Our research with dogs is entirely funded by private pharmaceutical companies. We are highly regulated by the FDA and USDA.

The Federal Animal Welfare Act, first introduced in 1966 and continuously updated, governs, among other animals, dogs and cats in research. The Animal Welfare Act is 164 pages of USDA regulations governing use, along with an additional 424 pages that comprise the USDA's animal welfare guide, which is used by the USDA's Animal and Plant Health Inspection Service to inspect facilities that use animals in research.

The Animal Welfare Act and the USDA regulations require registration and licensing of the entities using animals in research, perform annual inspections of

the facilities, and generally govern all aspects of humane care, including handling, housing, space, feeding, veterinary care, sanitization, shelter, and handling in transit. Nevada state law also requires licensing.

Additionally, Charles River, as a global company and specifically at its site in Reno, maintains a voluntary accreditation with the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC), which is a premier private, nonprofit organization that works to ensure humane treatment of the animals used in scientific research.

Association for Assessment and Accreditation of Laboratory Animal Care International accredited institutions must demonstrate they meet or exceed the standards outlined in the AAALAC's 247-page guide for the care and use of laboratory animals. The AAALAC standards are generally considered to go above and beyond what is required by law. The AAALAC guide is written by the National Research Council and the U.S. National Academy of Sciences. Maintenance of this accreditation is an expectation of the vast majority of the pharmaceutical clients that place work with us, and our Nevada facility has proudly held this accreditation since 1997.

We are extremely committed to the welfare of all of the animals in our care at Charles River. We were last inspected by the USDA in March 2015. It was determined during that two-day inspection that we are in full compliance with the federal laws enforced by the USDA, because there were no findings from the USDA at our site. The health and welfare of the animals in our care is an absolute requirement so the data generated in support of the efficacy and safety of the experimental medicines that we work on is of high quality.

I want to speak to the fact that dogs are used in our facility. We obtain all of our animals from breeders who provide animals specifically for scientific research, and we have a rigorous program in place for vetting and auditing our animal suppliers on a routine basis. Beagles that are purpose-bred for research are typically group-housed at our facilities with pens that are cleaned daily. All animals in the facility are observed by a veterinarian or veterinarian technician every day. Health and welfare checks are done on the animals twice per day. We have behavioral and technical staff who work with the animals to acclimate the animals to study procedure. We have exercise programs for our animals and a human interaction program to ensure our animals are healthy and well socialized. Toys are available for our dogs at all times. Treats are part of enrichment and reinforcement for the human interaction program so we have positive interaction between our technical staff, who perform the procedures with the animals, and the dogs.

We do not keep extra animals at our facility. Remember, animals for us are a very precious resource and an expense to a for-profit business. We only order animals on an as-needed basis when a study is placed with us. We consider the use of animals in research as a privilege and do our utmost to ensure the animals in our care are happy, well cared for, and treated with compassion.

Because large animals are such a precious organism, I want it noted that no large animal in our facility is humanely euthanized and discarded without being used. The FDA requires pathology as an end point in many of our tests. Euthanasia is required as part of collecting the tissues needed for pathology to evaluate the safety of those medicines for use in clinical trials. There should not be an expectation that when we are finished with the animal we euthanize them and discard them without using the tissues further. Every animal in our facility is a precious resource. Frankly, every animal costs us money.

Assemblyman Carrillo:

You mentioned that the last inspection by the USDA was done in March 2015. Is that information available to the general public?

Robert Stachlewitz:

That information will be available to the general public.

David Reim, DVM, MS, DACLAM, Director, Laboratory Animal Medicine, Preclinical Services, Charles River Laboratories International, Inc.:

That information is posted on a USDA website three weeks after the inspection.

Assemblyman Carrillo:

Is there any way you could get the Committee a copy of the last inspection?

David Reim:

I can send you a link to the site. Anyone who has Internet access can access that site.

Assemblyman Carrillo:

I am curious to see how the whole process works. Not being subjected to this on a daily basis, it would be interesting to see what the last inspection result was.

Assemblywoman Swank:

Charles River used the phrase "global company." I have a couple of questions regarding funding for the global company. I know you talked about the Reno location being specifically funded. I did a little research and I saw that in 2006, Charles River received a \$111.6 million grant from the National Cancer Institute,

which is great. I am sure you do a lot of work to help cure cancer, which is an amazing thing to be working on. In this industry, is this the average federal grant obtained annually? What percentage for Charles River, as a global company, is funded by either federal or state grants?

Robert Stachlewitz:

We have different parts of the business. Being a global organization with research models and genetically engineered models, different parts of our business do business within facilities for the federal government or for some state governments. The Reno facility does not participate in those and does not get federal funding. It is a minor portion of the business. We are primarily funded by private pharmaceutical companies that would like us to be a partner in developing their compounds, for either nonclinical or clinical development.

Assemblywoman Swank:

I know that one of my colleagues talked about government overreach. I feel a company that is, in part, funded by federal or state grants, asking them, nudging them, or even to the extent of requiring them to make sure the animals that have done such great work in helping us cure cancer, I do not see that as government overreach. If you are getting grants from the government, we can put in place some requirements.

Assemblyman Oscarson:

This has certainly been an interesting hearing. I had to step out for moment, so if this was mentioned, I apologize. How many people do you employee in Reno, what is your contribution to the community, and those types of things? Could you give us some statistics?

Robert Stachlewitz:

We employee 450 people in Reno. A vast majority of those individuals are individuals with higher education, such as science and technology jobs. I am a Ph.D. and certified by the American Board of Toxicology. I most recently came here 11 months ago from Ingelheim, Germany, where I was working for a pharmaceutical company. We have many high paying, professional jobs within our facility. We also employ many folks from UNR in our facility. That is a big recruiting source for us. We have technical staff who have associate degrees or bachelor degrees. We have staff we hire and train on the animal technical work who may have a high school education. Our employees are from all walks of life. Certainly, the STEM [science, technology, engineering, and math] jobs that the government of Nevada is most interested in trying to promote have very good collaboration with UNR and have a very high profile with UNR as well.

Assemblyman Oscarson:

Do you have any idea of the financial contribution you make to the community and state?

Robert Stachlewitz:

I cannot tell you what our quarterly tax amount is in terms of the contributions to the state. We are a business in excess of \$50 million of revenue per year.

Assemblyman Wheeler:

I, too, had to step out, so if this question was asked, please forgive me. Since it is the state of Nevada that is going to impose these regulations on your private business, does the Reno facility get any money from the state for any grants?

Robert Stachlewitz:

To my knowledge, no. We do not receive grants from the State of Nevada to support our business.

Assemblyman Edwards:

When you talked about 50 beagles per year, are those 50 beagles that could be adopted, or are those at the end of their use and some have to be euthanized in order to continue the final stages of the research?

Robert Stachlewitz:

The vast majority of the animals in our facility are euthanized and pathology is collected, so necropsy is performed on those animals. Almost all the tissues within the animal are collected to be analyzed by pathologists. The pathology actually lends to the safety assessment of the material and is required in order to be able to submit the material for the risk-benefit analysis to progress to human clinical trials or for registering a new prescription pharmaceutical ingredient with the FDA.

Assemblyman Edwards:

How many dogs a year could be adopted?

Robert Stachlewitz:

Dogs are a big resource and an expense because we are a for-profit company. We like to use the dog to the best of our ability. As I mentioned, the reason we have not adopted dogs out of the Reno facility is because we pride ourselves in the fact that we do not just euthanize and discard an animal. In my previous life when I worked for a pharmaceutical company, we did have a voluntary adoption program where we adopted to the technical staff. We did have a partnership with an outside organization where we could do adoptions.

That was on the East Coast, so that is a difficult partnership for us to form now with Charles River.

We made special exceptions when technical staff fell in love with an animal. We felt we could get the same particular end point out of another animal and we did not euthanize that animal when we could make that allowance. However, it is a very specific case when we can do that. The reason we have not adopted out is not because we are just euthanizing and discarding animals at our facility; it is because we are using that precious resource to the best of our ability.

Assemblyman Edwards:

If you do have any animals that could be adopted out, would you be willing to work with the local organizations to place them in their hands so that those that can be adopted would be adopted?

Robert Stachlewitz:

Yes, we would be willing to look at the option for working with local or national organizations if we did have dogs to adopt out. Charles River has adopted out animals before. We have had facilities that have closed and those animals were not going to be used for any scientific purpose and we freely adopted out those animals. We actually have a staff member at Charles River who adopted one of those animals here in Reno.

Assemblywoman Swank:

At the beginning of your testimony, you said the facility in Reno is almost completely privately funded. Who else funds it?

Robert Stachlewitz:

Occasionally, we will have a nonprofit entity that is publicly funded and may come to us to request a minor study be done. Because of confidentiality, I will not disclose our client list. So far, based on the history that I have, none of that work has been done with large animals, which is why I was able to say our large animal work is exclusively funded by private institutions.

Chair Titus:

Seeing no further testimony in support of the bill, I will open testimony for those opposed to S.B. 261 (R1).

**Walter F. Mandeville, DVM, MS, Interim Director, Attending Veterinarian,
Laboratory Animal Medicine, University of Nevada, Reno:**

I am also a dog lover and a very passionate believer in the Animal Welfare Act and the systems in place to protect their welfare. Part of that, as an attending

veterinarian, if I see anything that even looks suspicious of crossing the line regarding welfare, I can stop a research project. We have an Institutional Animal Care and Use Committee (IACUC) that carefully scrutinizes every detail of a research project. Time, length, use, and everything associated with that have to be highly justified.

The University of Nevada, Reno does not currently have cats or dogs. In the past, under Dr. Richard Simmonds, they did have an adoption program for their beagles. We do not have a prohibition on dog use in the future. If that would become an ideal model for medical research, we would certainly want to entertain that idea.

I have been in practice as a veterinarian for over 20 years. I am a very passionate believer in animal welfare. At UNR, if we were raising dogs that had to be euthanized, they would come to me to do that. It is certainly one of my least favorite activities, but we do what we have to do. I would certainly look at any and all possibilities to avoid that if there were reasonable alternatives.

We are also monitored by USDA, AAALAC, and our IACUC. Dogs, especially, are one of the listed species under the USDA inspection, and they scrutinize that very closely.

At the Nevada System of Higher Education (NSHE) and UNR, in our meeting with Senator Manendo, we accomplished quite a lot, but we do oppose changing the language back to "shall." Those regulations could be in direct conflict with a veterinarian's assessment and decision whether to adopt out an animal or not. It is ultimately a subjective decision and could create a real conflict. We would oppose the wording of the bill with "shall."

Assemblywoman Swank:

When I was a professor at the University of Nevada, Las Vegas (UNLV), I had colleagues who did research on animals that helped us learn a lot about diabetes. It was really amazing research. I want to clarify that this bill does not actually apply to UNR because there are no experiments being done with cats and dogs. Is that correct?

Walter Mandeville:

That is correct. However, we do not have a prohibition on that type of research if it would become an ideal research model.

Assemblywoman Swank:

This bill does not prohibit that type of research. Is that correct?

Walter Mandeville:

No. In fact, without any bill, it does not prohibit adopting out or the type of research we would have going forward.

Assemblywoman Swank:

If the wording were changed from "may" to "shall," it would have very little impact. You said the decision to euthanize an animal is subjective. I am pretty sure you misspoke and that there are very objective criteria. I know that my colleagues at UNLV definitely had objective criteria for the rats they used in their work and when they could be adopted out. They were adopted out at times. I am a little concerned whether you are opposing a bill that does not even apply to UNR. It is not prohibiting the research and it is not constraining your research. I am a little confused.

Walter Mandeville:

The current situation, not having dogs on site, you are correct, it does not affect us. However, that may change in the future. You are also correct in that it is not subjective. There are numerous criteria leading toward euthanasia.

Assemblywoman Swank:

If this bill were to pass, could you still do research on cats and dogs within NSHE institutions?

Walter Mandeville:

Yes.

Assemblyman Hansen:

Dr. Simmonds, who has an extensive background of 50 years in this field, has contacted me personally in opposition to this bill for some of the reasons you mentioned. When he did testing, he actually had to have the Federal Bureau of Investigation protect him and screen his mail for bomb threats because he received over 15,000 pieces of hate mail. Many members of the Committee have no idea of the extensive difficulties you have had to maintain even the testing facilities you have now. I assume one of the reasons you are here today is to ensure that those protections that Dr. Simmonds and you have earned over time are protected. Is that really what you are here for today?

Walter Mandeville:

That is correct. We find that very important.

Assemblyman Hansen:

That is what I thought, and I wanted to make sure it got on the record.

Assemblywoman Carlton:

Is this opposition your position, UNR's position, or NSHE's position?

Walter Mandeville:

It is NSHE and UNR's position.

Assemblywoman Carlton:

Did the Board of Regents of NSHE vote on this?

Walter Mandeville:

No.

Assemblywoman Carlton:

It is really not NSHE's position if the Board of Regents did not vote on it. I want to make sure I understand very clearly who is testifying, what they are testifying to, and what position is being portrayed to the Committee.

Walter Mandeville:

This was a discussion, not through the Board of Regents that I know of, but the vice president of research and his bosses.

Assemblywoman Carlton:

Madam Chair, in the past when I have asked NSHE to either testify or give me an opinion on a bill, until the Board of Regents actually weigh in on it, they have been reluctant to do so. I want to make sure that I understand where this testimony is actually coming from.

Walter Mandeville:

It is my understanding that what we put together was supposed to be the NSHE opinion as well as that of UNR.

Assemblywoman Carlton:

I would like confirmation of that, please.

Constance Brooks, Vice Chancellor, Nevada System of Higher Education:

I am here to provide some clarifying comments with respect to the question from Assemblywoman Carlton. For every bill that is proposed throughout the Legislature, the Board of Regents does not have the opportunity to vote on all of them. There are some bills, especially with respect to this one in particular, where it only impacts one or two of our institutions and not the entire system. Therefore, we delegate to the actual institutions to develop a position based on how germane it is to their individual institution and not the entire system.

We do support what Dr. Mandeville has been saying. We are in opposition, as Dr. Mandeville originally stated. That is the position of NSHE as well as UNR.

Assemblywoman Carlton:

Thank you, because NSHE employees have been very vocal over the last three weeks, so I wanted to make sure I understood exactly where they were coming from.

Assemblyman Oscarson:

I want to make sure I am clear for the record. Ms. Brooks, you are concurring with Dr. Mandeville's testimony from the UNR standpoint. Is that correct?

Constance Brooks:

Yes, that is correct.

Assemblywoman Swank:

I want to confirm that at NSHE institutions, they are using dogs and cats, so this bill would actually apply to some of our NSHE institutions. Is that correct?

Constance Brooks:

We are currently not using dogs or cats for animal testing. Currently, UNR is the only institution that is doing animal testing. We respect the institutional expertise and knowledge offered by UNR, and this is the position they have come forward with. The system does support their position.

Assemblywoman Swank:

This bill will not apply to the NSHE institutions currently. Is that correct?

Constance Brooks:

Currently, we do not test on dogs or cats. As the legislation is written, no, it does not specifically apply to the current practices within NSHE. However, working with UNR and their expertise, they made a decision as to the impact in the long term of this legislation, and we do support that.

Assemblywoman Swank:

The Nevada System of Higher Education is funded by the state. Unlike a private company, we can place constraints on how you function and mandate adopting out adoptable animals.

Chair Titus:

If we leave the language as "may," would NSHE and UNR still be opposed?

Constance Brooks:

We would not be opposed. I believe the only issue we have is the specific wording of "shall" versus "may." We would prefer "may" and then would be okay with the bill.

Assemblyman Edwards:

I understand NSHE does not currently do any testing on dogs or cats, but there may be something in the future that would be beneficial. Would the use of the word "shall" exclude NSHE from any future grants to do any kind of research on animals? If not and you were able to do it, I would assume you would continue to somehow adopt out any of the animals that could be adopted after any research was conducted. Would that be accurate?

Constance Brooks:

I am actually going to defer to Dr. Mandeville to answer that question. I am not intimately involved with animal testing, research, or the grant procurement process.

Walter Mandeville:

If I understand correctly, the question was in the future if we were to perform dog or cat research, would we pursue adoption for appropriate animals?

Assemblyman Edwards:

Yes, but also, would the use of the word "shall" in this bill possibly impede or exclude NSHE from qualifying for any future research activities?

Walter Mandeville:

It is certainly a possibility, and that has been discussed whether that may hinder drawing brilliant researchers from other states who might feel that could be a challenge. It still may put at odds the decision made by an attending veterinarian as to whether or not to adopt because there is a mountain of federal guidelines and regulations that already guide that same decision.

Assemblyman Oscarson:

I submit we have heard plenty of testimony from the UNR and NSHE folks. I believe we need to move on with the hearing. I appreciate their testimony.

**James L. Kenyon, Ph.D., Professor, Senior Associate Dean for Research,
Director of Nevada INBRE, University of Nevada School of Medicine:**

I give my strong support to Dr. Mandeville's comments. As it has been pointed out, the bill, if enacted now, would not affect research at the University of Nevada School of Medicine. The concern by the University of Nevada School of

Medicine would be for future research and possible impacts it could have on that and freedom of investigation.

Chair Titus:

We have just uploaded to the Nevada Electronic Legislative Information System a letter in opposition from the National Association for Biomedical Research ([Exhibit F](#)). We have one last question from Assemblywoman Swank.

Assemblywoman Swank:

In the last ten years, how many NSHE projects have used dogs or cats?

Walter Mandeville:

There is currently one active protocol that lists dogs. It has not been actively pursued in a number of years. That is what is called "acute use," which involves tissues harvested on arrival. They were not kept animals.

Assemblywoman Swank:

What you are telling me is in the last ten years there have been no projects by NSHE involving dogs or cats?

Walter Mandeville:

I am not sure. I have been with UNR for six years. They have done dog research, but I do not know if that was eight or nine years ago.

James Kenyon:

I participated in the project Dr. Mandeville described. It was 25 years ago. We did do dog studies, and as Dr. Mandeville described, the animals were euthanized, after which tissues were collected. To my knowledge, there has not been a dog in that program for about five years. We have switched to a mouse model for scientific reasons. As Dr. Mandeville described, these animals were euthanized, so there would be no animals coming out of those studies.

Assemblywoman Swank:

We have not done research on dogs or cats in the past five years, and we have none currently. Is that correct?

James Kenyon:

That is my recollection. It has been about five years.

Chair Titus:

Is there any further testimony in opposition? [There was none.] Is there any neutral testimony, either in Las Vegas or in Carson City? [There was none.] Would the sponsor of the bill like to make any closing comments?

Senator Manendo:

Thank you to this Committee for your patience and your attention on this important issue. I appreciate everyone coming to the table. I appreciate the folks who were willing to compromise and were reasonable. That is the way are process works, and I respect that. The testimony I heard today from UNR was different from our discussions. They were an absolute no, whether the language was "shall" or "may." It is difficult to negotiate when everything keeps moving.

With that said, I respect what this Committee is going to do in their decision. We do not bind future legislators or legislative sessions in what they do. I believe you understand our intent. On behalf of all the people who came forward, we are now fifth on the list in most popularity in favor of any bill that is before this Legislature. I want to thank those folks who have been contacting me saying they are putting their support on the record because that is what this process is all about: to hear from the general public.

Chair Titus:

I am going to close the hearing on Senate Bill 261 (1st Reprint).

We will move the hearing of Senate Bill 305 (1st Reprint) to another date since many of the Committee members have other committees they need to get to.

Senate Bill 305 (1st Reprint): Authorizes industrial hemp farming in this State under certain circumstances. (BDR 49-656)

Is there anyone here for public comment? [There was no one.]

[([Exhibit G](#)), ([Exhibit H](#)), ([Exhibit I](#)), and ([Exhibit J](#)) were submitted.]

This meeting is adjourned [at 3:22 p.m.].

RESPECTFULLY SUBMITTED:

Donna J. Ruiz
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Assembly Committee on Natural Resources, Agriculture, and Mining</u>			
Date: <u>May 5, 2015</u>		Time of Meeting: <u>1:41 p.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 261 (R1)	C	Senator Mark A. Manendo, Senate District No. 21	Opinion poll
S.B. 261 (R1)	D	Margaret Flint, Canine Research Center and Sanctuary	Video presentation of the beagle Calvin
S.B. 261 (R1)	E	Michael Ginsburg, Potencha, LLC, Henderson, Nevada	Photograph of the beagle Darwin
S.B. 261 (R1)	F	Frankie L. Trull, National Association for Biomedical Research	Letter in opposition
S.B. 261 (R1)	G	Senator Mark A. Manendo, Senate District No. 21	Constituent letters in support
S.B. 261 (R1)	H	Elaine Carrick, Private Citizen, Reno, Nevada	Letter in support
S.B. 261 (R1)	I	Shannon Keith, Beagle Freedom Project	Letter in support
S.B. 261 (R1)	J	Kevin Ryan; Nevada Humane Society; Beverlee McGrath, American Society for the Prevention of Cruelty to Animals; Margaret Flint, Canine Research Center and Sanctuary	Letter in support