

By: Holland

To: Judiciary B

## HOUSE BILL NO. 1128

1 AN ACT TO CREATE SECTION 73-39-43, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE MISSISSIPPI BOARD OF VETERINARY MEDICINE TO  
3 CERTIFY ANIMAL CONTROL AGENCIES TO UTILIZE CERTAIN CONTROLLED  
4 SUBSTANCES FOR THE HUMANE DESTRUCTION OF ANIMALS AND TO CERTIFY  
5 AND PRESCRIBE QUALIFICATIONS FOR CERTIFIED ANIMAL EUTHANASIA  
6 TECHNICIANS (CAET) TO PERFORM EUTHANASIA OF ANIMALS; TO CREATE  
7 SECTION 73-39-44, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE  
8 REVOCATION OF THE CERTIFICATE OF CERTIFIED ANIMAL EUTHANASIA  
9 TECHNICIANS; TO AMEND SECTION 73-39-9, MISSISSIPPI CODE OF 1972,  
10 TO AUTHORIZE THE MISSISSIPPI BOARD OF VETERINARY MEDICINE TO ADOPT  
11 RULES IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 SECTION 1. The following shall be codified as Section  
14 73-39-43, Mississippi Code of 1972:

15 73-39-43. (1) For purposes of this section, the following  
16 terms shall have the meaning ascribed herein, unless the context  
17 shall indicate otherwise:

18 (a) "Certified animal control agency" means a county or  
19 municipal animal shelter, dog pound, or animal control agency,  
20 private humane society, state, county or municipal law enforcement  
21 agency, or any combination thereof, which temporarily houses  
22 stray, unwanted or injured animals and which is certified pursuant  
23 to the provisions of this section.

24 (b) "Certified animal euthanasia technician (CAET)"  
25 means a person employed by a certified animal control agency who  
26 is authorized by the Mississippi Board of Veterinary Medicine for  
27 such use.

28 (c) "Board" means the Mississippi Board of Veterinary  
29 Medicine.

30 (2) The Mississippi Board of Veterinary Medicine, upon

31 submission of a complete application and payment of a fee  
32 established by the board, shall issue to any animal control agency  
33 which it determines to be qualified, a certificate authorizing the  
34 agency to apply to the Federal Drug Enforcement Agency, including  
35 any successor entity, for a restricted controlled substance  
36 registration certificate for the purchase, possession and use of  
37 sodium pentobarbital or other drugs as authorized by the board for  
38 administration by a certified animal euthanasia technician to  
39 euthanize injured, sick or abandoned animals.

40 (3) The Mississippi Board of Veterinary Medicine, upon  
41 submission of a complete application and payment of a fee  
42 established by the board, shall issue to any person who it  
43 determines to be qualified, a certificate for such person to  
44 function as a certified animal euthanasia technician.

45 (4) Euthanasia of animals in a certified animal control  
46 agency may only be performed by a licensed veterinarian, including  
47 a licensed animal technician employed by and functioning under the  
48 direct supervision of a licensed veterinarian, or a certified  
49 animal euthanasia technician as provided by this section. A  
50 certified animal control agency which employs a certified animal  
51 euthanasia technician may purchase, possess and administer sodium  
52 pentobarbital or such other drug which the board may approve for  
53 the euthanasia of animals. Sodium pentobarbital and such other  
54 drugs approved by the board shall be the only drugs used for the  
55 euthanasia of animals in a certified animal control agency.

56 (5) The certificate as animal euthanasia technician shall  
57 only be valid for use when the holder is in the employ of a  
58 certified animal control agency in the State of Mississippi, and  
59 the agency shall have certified in writing to the board that the  
60 technician is employed by the agency.

61 (6) Certified animal control agencies and certified animal  
62 euthanasia technicians shall be required to renew their  
63 certificates at such intervals, upon such conditions and upon the

64 payment of such fees as may be established by the board.

65 SECTION 2. Section 73-39-9, Mississippi Code of 1972, is  
66 amended as follows:

67 73-39-9. The board shall elect from their members a  
68 president, vice president and secretary-treasurer. The board is  
69 authorized:

70 (a) To adopt reasonable rules governing the practice of  
71 veterinary medicine as are necessary to enable it to carry out and  
72 make effective the purpose and intent of this chapter. Such rules  
73 shall be adopted and promulgated in accordance with the provisions  
74 of this chapter.

75 (b) To adopt rules of professional conduct appropriate  
76 to establish and maintain a high standard of integrity, skills and  
77 practice in the profession of veterinary medicine. In prescribing  
78 such rules of professional conduct, the board may be guided by the  
79 principles of veterinary medical ethics adopted by the American  
80 Veterinary Medical Association and the Mississippi Veterinary  
81 Medical Association.

82 (c) To have its rules printed which shall be  
83 distributed to all licensed veterinarians.

84 (d) To bring proceedings in courts for the enforcement  
85 of this chapter or any rules made pursuant thereto.

86 (e) To hold at least one (1) regular meeting on the  
87 third Tuesday in June each year in the City of Jackson at such  
88 time and location as fixed by the board, for the purpose of  
89 conducting examinations of applicants for license to practice  
90 veterinary medicine, the election of officers and to consider any  
91 other business that may properly come before the board. Other  
92 meetings may be held upon the call of the president and secretary  
93 of the board.

94 (f) To pass upon the qualifications of applicants for a  
95 license to practice veterinary medicine in this state, or for a  
96 certificate as an animal technician.

97 (g) To prescribe the subjects, character, manner, time  
98 and place of holding examinations and the filing of applications  
99 for examinations and to conduct the examinations.

100 (h) To issue temporary permits to practice to duly  
101 qualified applicants which shall be signed by the secretary.

102 (i) To provide for, regulate and require all persons  
103 licensed in accordance with the provisions of this chapter to  
104 renew their license annually; to require as a condition precedent  
105 to such annual renewal the payment of the annual renewal fee as  
106 provided herein; to issue annual renewal licenses to such persons  
107 and to suspend or revoke the license of such persons who fail,  
108 refuse or neglect to renew same or pay such fees.

109 (j) To conduct investigations and hearings upon  
110 complaints calling for discipline of a licensee or applicant for  
111 license.

112 (k) To take testimony on any matter under its  
113 jurisdiction and any member thereof may administer oaths.

114 (l) To issue summons and subpoenas, including subpoenas  
115 duces tecum, for any witness in connection with any matter within  
116 the jurisdiction of the board, which shall be signed by either the  
117 president or the secretary-treasurer of the board.

118 (m) To adopt such forms as it may deem necessary.

119 (n) To adopt rules and regulate the certification of  
120 animal control agencies and animal euthanasia technicians in  
121 accordance with Section 73-39-43.

122 SECTION 3. The following shall be codified as Section  
123 73-39-44, Mississippi Code of 1972.

124 73-39-44. After a hearing held as set out in this chapter,  
125 the board may revoke or suspend the certificate of a certified  
126 animal euthanasia technician or certified animal control agency  
127 and place the technician or agency on probation conditioned on  
128 future good conduct and compliance with rules and regulations of  
129 the board. The suspension or revocation may be imposed for any of

130 the following reasons:

131           (a) The employment of fraud, misrepresentation, or  
132 deception in obtaining a certificate.

133           (b) Unprofessional or unethical conduct as defined in  
134 regulations adopted by the board.

135           (c) Conviction of violation of any federal or state law  
136 regulating the possession, distribution, or use of any narcotic  
137 drug or any drug considered a controlled substance under state or  
138 federal law.

139           (d) Obtaining or procuring, or attempting to obtain or  
140 procure, by misrepresentation, fraud, deception, or subterfuge any  
141 narcotic or drug classified as a controlled substance.

142           (e) Being guilty of any dishonorable or unethical  
143 conduct likely to deceive, defraud, or harm the public.

144           (f) Refusing to permit the board or any legal  
145 representative of the board to inspect the business premises of  
146 the certified agency during regular business hours.

147           (g) Failure to renew certificates or pay renewal fees  
148 at the intervals prescribed by the board.

149           SECTION 4. This act shall take effect and be in force from  
150 and after July 1, 2000.