

By: Representative Whittington

To: Agriculture

HOUSE BILL NO. 205

1 AN ACT TO CODIFY NEW CODE SECTION 73-39-43, MISSISSIPPI CODE
 2 OF 1972, TO AUTHORIZE THE MISSISSIPPI BOARD OF VETERINARY MEDICINE
 3 TO 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 AMEND
 7 SECTION 73-39-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
 8 MISSISSIPPI BOARD OF VETERINARY MEDICINE TO ADOPT RULES IN
 9 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** The following section shall be codified as

12 Section 73-39-43, Mississippi Code of 1972:

13 73-39-43. (1) For purposes of this section, the following
 14 terms shall have the meanings ascribed herein, unless the context
 15 clearly indicates otherwise:

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

22 (b) "Certified animal euthanasia technical (CAET)"
 23 means a person employed by a certified animal control agency who
 24 is authorized by the Mississippi Board of Veterinary Medicine to
 25 perform euthanasia on animals with approved scheduled substances.

26 (c) "Board" means the Mississippi Board of Veterinary
 27 Medicine.

28 (2) (a) The Mississippi Board of Veterinary Medicine shall
 29 adopt rules providing for the issuance of permits for the
 30 purchase, possession and use of sodium pentobarbital or other



31 board approved drugs for euthanasia by certified animal control
32 agencies. The rules shall set forth guidelines for the proper
33 storage and handling of the substances and other provisions as may
34 be necessary to ensure that these drugs are used solely for the
35 purpose set forth in this section. The rules shall also provide
36 for an application or inspection fee and a renewal fee at set
37 intervals.

38 (b) Upon certification by the board that the applying
39 agency meets the qualifications set forth in the rules, a permit
40 shall be issued.

41 (c) The board may revoke or suspend the permit upon the
42 determination that the permittee fails to follow the rules of the
43 board regarding proper storage and handling or use of approved
44 euthanasia substances.

45 (3) (a) Euthanasia of animals in a certified animal control
46 agency may only be performed by a licensed veterinarian, including
47 a licensed veterinary technician employed by and functioning under
48 the direct supervision of a licensed veterinarian, or a certified
49 animal euthanasia technician as provided by law. A certified
50 animal control agency which employs a certified animal euthanasia
51 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. Upon
56 submission of a complete application, payment of a fee established
57 by the board and successful completion of a board-approved animal
58 euthanasia specialist training course by the applicant, the Board
59 of Veterinary Examiners shall issue to any person whom it
60 determines to be qualified a certificate for the person to
61 function as a certified animal euthanasia specialist.

62 (b) No officer or agent of a certified animal control
63 agency or veterinarian acting in good faith and with due care



64 pursuant to this act may be held liable either criminally or
65 civilly for that act, nor shall any civil or criminal liability
66 attach to the employer of the officer, agent or veterinarian.

67 (c) A court order shall not be necessary to carry out
68 this section.

69 (4) Any person who violates this act shall be guilty of a
70 misdemeanor and upon conviction shall be punished by a fine not
71 exceeding Five Hundred Dollars (\$500.00) or imprisonment in the
72 county jail for a term not exceeding six (6) months or both.

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

75 73-39-9. The board shall elect from their members a
76 president, vice president and secretary-treasurer. The board is
77 authorized:

78 (a) To adopt reasonable rules governing the practice of
79 veterinary medicine as are necessary to enable it to carry out and
80 make effective the purpose and intent of this chapter. Such rules
81 shall be adopted and promulgated in accordance with the provisions
82 of this chapter.

83 (b) To adopt rules of professional conduct appropriate
84 to establish and maintain a high standard of integrity, skills and
85 practice in the profession of veterinary medicine. In prescribing
86 such rules of professional conduct, the board may be guided by the
87 principles of veterinary medical ethics adopted by the American
88 Veterinary Medical Association and the Mississippi Veterinary
89 Medical Association.

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

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

94 (e) To hold at least one (1) regular meeting on the
95 third Tuesday in June each year in the City of Jackson at such
96 time and location as fixed by the board, for the purpose of



97 conducting examinations of applicants for license to practice
98 veterinary medicine, the election of officers and to consider any
99 other business that may properly come before the board. Other
100 meetings may be held upon the call of the president and secretary
101 of the board.

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

105 (g) To prescribe the subjects, character, manner, time
106 and place of holding examinations and the filing of applications
107 for examinations and to conduct the examinations.

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

110 (i) To provide for, regulate and require all persons
111 licensed in accordance with the provisions of this chapter to
112 renew their license annually; to require as a condition precedent
113 to such annual renewal the payment of the annual renewal fee as
114 provided herein; to issue annual renewal licenses to such persons
115 and to suspend or revoke the license of such persons who fail,
116 refuse or neglect to renew same or pay such fees.

117 (j) To conduct investigations and hearings upon
118 complaints calling for discipline of a licensee or applicant for
119 license.

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

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

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

127 (n) To adopt rules and regulate the certification of
128 animal control agencies and animal euthanasia technicians pursuant
129 to Section 73-39-43.



130 **SECTION 3.** This act shall take effect and be in force from
131 and after July 1, 2002.

