HOUSE BILL NO. 805

AN ACT TO CODIFY NEW CODE SECTION 73-39-43, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI BOARD OF VETERINARY MEDICINE TO CERTIFY ANIMAL CONTROL AGENCIES TO UTILIZE CERTAIN CONTROLLED SUBSTANCES FOR THE HUMANE DESTRUCTION OF ANIMALS AND TO CERTIFY AND PRESCRIBE QUALIFICATIONS FOR CERTIFIED ANIMAL EUTHANASIA TECHNICIANS (CAET) TO PERFORM EUTHANASIA OF ANIMALS; TO AMEND SECTION 73-39-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI BOARD OF VETERINARY MEDICINE TO ADOPT RULES IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

(2) (a) The Mississippi Board of Veterinary Medicine shall adopt rules providing for the issuance of permits for the purchase, possession and use of sodium pentobarbital or other...
board approved drugs for euthanasia by certified animal control agencies. The rules shall set forth guidelines for the proper storage and handling of the substances and other provisions as may be necessary to ensure that these drugs are used solely for the purpose set forth in this section. The rules shall also provide for an application or inspection fee and a renewal fee at set intervals.

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

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

(3) (a) Euthanasia of animals in a certified animal control agency may only be performed by a licensed veterinarian, including a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician as provided by law. A certified animal control agency which employs a certified animal euthanasia technician may purchase, possess and administer sodium pentobarbital or such other drug which the board may approve for the euthanasia of animals. Sodium pentobarbital and such other drugs approved by the board shall be the only drugs used for the euthanasia of animals in a certified animal control agency. Upon submission of a complete application, payment of a fee established by the board and successful completion of a board-approved animal euthanasia specialist training course by the applicant, the Board of Veterinary Examiners shall issue to any person whom it determines to be qualified a certificate for the person to function as a certified animal euthanasia specialist.

(b) No officer or agent of a certified animal control agency or veterinarian acting in good faith and with due care
pursuant to this act may be held liable either criminally or
civilly for that act, nor shall any civil or criminal liability
attach to the employer of the officer, agent or veterinarian.

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

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

(5) Notwithstanding any provision of this section, the
Mississippi Board of Veterinary Medicine shall issue a certified
animal euthanasia technician certificate to any person who (a) has
not less than five (5) years' experience in performing euthanasia
on animals for a federal, municipal or county animal control
shelter, (b) is presently performing euthanasia on animals for a
federal, municipal or county animal control shelter and (c) makes
application for the certificate during the period
from July 1, 2003, through July 31, 2003. The board shall furnish
persons seeking certification under this section an application
form upon request. The applicant's previous experience and
current employment at a federal, municipal or county animal
control shelter must be documented in writing by the owner,
management, licensee or governing authorities in charge of the
animal control shelter and included with the application to the
board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.