

By: Representative Holland

To: Agriculture

HOUSE BILL NO. 1421

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 shall be codified as Section
12 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 technician (CAET)"
23 means a person who is instructed and authorized by the board in
24 methods of humanly euthanizing animals by injecting lethal drugs,
25 in proper security precautions and in proper record keeping and
26 who is employed by a certified animal control agency that is
27 authorized by the Mississippi Board of Veterinary Medicine to
28 perform euthanasia on animals with approved scheduled substances.

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

31 (d) "Sodium pentobarbital" means a compound prepared or
32 purchased solely as an euthanasia solution for animals.

33 (2) (a) The Mississippi Board of Veterinary Medicine shall
34 adopt rules providing for the issuance of permits for the
35 purchase, possession and use of sodium pentobarbital. The rules
36 shall set forth guidelines for the proper storage and handling of
37 the substances and other provisions as may be necessary to ensure
38 that these drugs are used solely for the purpose set forth in this
39 section. The rules shall also provide for an application or
40 inspection fee and a renewal fee at set intervals.

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

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

48 (3) (a) Euthanasia of animals in a certified animal control
49 agency may be performed only by a licensed veterinarian, including
50 a licensed veterinary technician employed by and functioning under
51 the direct supervision of a licensed veterinarian, or a certified
52 animal euthanasia technician as provided by law. A certified
53 animal control agency which employs a certified animal euthanasia
54 technician may purchase, possess and administer sodium
55 pentobarbital. Sodium pentobarbital approved by the board shall
56 be the only drug used for the euthanasia of animals in a certified
57 animal control agency. Upon submission of a complete application
58 and payment of a fee established by the board, the Board of
59 Veterinary Examiners shall issue to any person whom it determines
60 to be qualified a certificate for the person to function as a
61 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 (5) Notwithstanding any provision of this section, the
74 Mississippi Board of Veterinary Medicine shall issue a certified
75 animal euthanasia technician certificate to any person who (a) has
76 not less than five (5) years' experience in performing euthanasia
77 on animals for a federal, municipal or county animal control
78 shelter, (b) is presently performing euthanasia on animals for a
79 federal, municipal or county animal control shelter and (c) makes
80 application to the board for the certificate during the period
81 from July 1, 2004, through July 31, 2004. The board shall furnish
82 persons seeking certification under this section an application
83 form upon request. The applicant's previous experience and
84 current employment at a federal, municipal or county animal
85 control shelter must be documented in writing by the owner,
86 management, licensee or governing authorities in charge of the
87 animal control shelter and included with the application to the
88 board.

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

91 73-39-9. The board shall elect from their members a
92 president, vice president and secretary-treasurer. The board is
93 authorized:

94 (a) To adopt reasonable rules governing the practice of
95 veterinary medicine as are necessary to enable it to carry out and
96 make effective the purpose and intent of this chapter. Such rules

97 shall be adopted and promulgated in accordance with the provisions
98 of this chapter.

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

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

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

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

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

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

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

126 (i) To provide for, regulate and require all persons
127 licensed in accordance with the provisions of this chapter to
128 renew their license annually; to require as a condition precedent
129 to such annual renewal the payment of the annual renewal fee as

130 provided herein; to issue annual renewal licenses to such persons
131 and to suspend or revoke the license of such persons who fail,
132 refuse or neglect to renew same or pay such fees.

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

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

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

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

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

146 **SECTION 3.** This act shall take effect and be in force from
147 and after July 1, 2004.