

By: Senator(s) Tollison

To: Agriculture

SENATE BILL NO. 2269

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 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 provision 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 meaning ascribed herein, unless the context
 15 shall indicate 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 this section.

22 (b) "Certified animal euthanasia technician (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 (2) (a) The board shall adopt rules providing for the
 27 issuance of permits for the purchase, possession and use of sodium
 28 pentobarbital or other board-approved drugs for euthanasia by
 29 certified animal control agencies. The rules shall set forth
 30 guidelines for the proper storage and handling of the substances

31 and other provisions as may be necessary to ensure that these
32 drugs are used solely for the purpose set forth in this section.
33 The rules shall also provide for an application or inspection fee
34 and a renewal fee at set intervals.

35 (b) Upon certification by the board that the applicant
36 meets the qualifications set forth in the rules, a permit shall be
37 issued.

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

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

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

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

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

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

72 73-39-9. The board shall elect from its members a president,
73 vice president and secretary-treasurer. The board is authorized:

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

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

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

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

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

96 meetings may be held upon the call of the president and secretary
97 of the board.

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

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

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

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

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

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

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

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

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

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