

By: Representative Whittington

To: Agriculture

## HOUSE BILL NO. 1128

1 AN ACT TO CODIFY NEW CODE SECTION 73-39-94, MISSISSIPPI CODE  
2 OF 1972, TO AUTHORIZE THE MISSISSIPPI BOARD OF VETERINARY MEDICINE  
3 TO ALLOW CERTIFIED ANIMAL EUTHANASIA TECHNICIANS (CAET) EMPLOYED  
4 BY CERTIFIED ANIMAL CONTROL AGENCIES TO PERFORM EUTHANASIA OF  
5 ANIMALS; TO RELEASE FROM LIABILITY ANY SUCH AGENCY OR VETERINARIAN  
6 ACTING IN GOOD FAITH AND DUE CARE; TO PROVIDE PENALTIES FOR A  
7 VIOLATION OF THIS SECTION; TO AUTHORIZE THE MISSISSIPPI BOARD OF  
8 VETERINARY MEDICINE TO ISSUE CERTIFIED ANIMAL EUTHANASIA  
9 TECHNICIAN CERTIFICATES; TO AMEND SECTION 73-39-53, MISSISSIPPI  
10 CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND SECTION 73-39-57,  
11 MISSISSIPPI CODE OF 1972, TO PROVIDE ADDITIONAL POWERS AND DUTIES  
12 TO THE MISSISSIPPI BOARD OF VETERINARY MEDICINE; AND FOR RELATED  
13 PURPOSES.

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

15 **SECTION 1.** The following shall be codified as Section  
16 73-39-94, Mississippi Code of 1972:

17 73-39-94. (1) (a) Euthanasia of animals in a certified  
18 animal control agency may only be performed by a licensed  
19 veterinarian, a licensed veterinary technician employed by and  
20 functioning under the direct supervision of a licensed  
21 veterinarian, or a certified animal euthanasia technician as  
22 provided by law. A certified animal control agency which employs  
23 a certified animal euthanasia technician may purchase, possess and  
24 administer sodium pentobarbital or other drug which the board may  
25 approve for the euthanasia of animals. Sodium pentobarbital and  
26 other drugs approved by the board shall be the only drugs used for  
27 the euthanasia of animals in a certified animal control agency.  
28 Upon submission of a complete application, payment of a fee  
29 established by the board and successful completion of a  
30 board-approved animal euthanasia specialist training course by the  
31 applicant, the Board of Veterinary Examiners shall issue to any

32 person whom it determines to be qualified a certificate for the  
33 person to function as a certified animal euthanasia specialist.

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

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

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

45 (3) Notwithstanding any provision of this section, the  
46 Mississippi Board of Veterinary Medicine shall issue a certified  
47 animal euthanasia technician certificate to any person who (a) has  
48 not less than five (5) years' experience in performing euthanasia  
49 on animals for a federal, municipal or county animal control  
50 shelter, (b) is presently performing euthanasia on animals for a  
51 federal, municipal or county animal control shelter and (c) makes  
52 application to the board for the certificate during the period  
53 from July 1, 2006, through July 31, 2006. The board shall furnish  
54 any person seeking certification under this section an application  
55 form upon request. The applicant's previous experience and  
56 current employment at a federal, municipal or county animal  
57 control shelter must be documented in writing by the owner,  
58 management, licensee or governing authorities in charge of the  
59 animal control shelter and included with the application to the  
60 board.

61 **SECTION 2.** Section 73-39-53, Mississippi Code of 1972, is  
62 amended as follows:

63 73-39-53. When used in this chapter, these words and phrases  
64 shall be defined as follows:

65           (a) "Abandoned" means to forsake entirely, to neglect  
66 or refuse to provide or perform legal obligations for the care and  
67 support of an animal or to refuse to pay for treatment or other  
68 services without an assertion of good cause.

69           (b) "Accredited college of veterinary medicine" means  
70 any veterinary college, school or division of a university or  
71 college that offers the degree of doctor of veterinary medicine or  
72 its equivalent and that is accredited by the Council on Education  
73 of the American Veterinary Medical Association (AVMA).

74           (c) "Accredited program in veterinary  
75 technology/technician" means any postsecondary educational program  
76 that is accredited by the Committee on Veterinary Technician  
77 Education and Activities of the AVMA.

78           (d) "Animal" means any animal other than a human.

79           (e) "Board" means the Board of Veterinary Medicine.

80           (f) "Client" means the patient's owner, owner's agent  
81 or other person responsible for the patient.

82           (g) "Complementary, alternative and integrative  
83 therapies" means a heterogeneous group of preventive, diagnostic,  
84 and therapeutic philosophies and practices, which at the time they  
85 are performed may differ from current scientific knowledge, or  
86 whose theoretical basis and techniques may diverge from veterinary  
87 medicine routinely taught in accredited veterinary medical  
88 colleges, or both. These therapies include, but are not limited  
89 to, veterinary acupuncture, acutherapy and acupressure; veterinary  
90 homeopathy; veterinary manual or manipulative therapy (therapies  
91 based on techniques practiced in osteopathy, chiropractic medicine  
92 or physical medicine and therapy); veterinary nutraceutical  
93 therapy; and veterinary phytotherapy.

94           (h) "Consultation" means when a licensed veterinarian  
95 receives advice in person, telephonically, electronically or by  
96 any other method of communication, from a veterinarian licensed in

97 this or any other state or other person whose expertise, in the  
98 opinion of the licensed veterinarian, would benefit a patient.

99 (i) "Certified veterinary technician" means a  
100 veterinary technician certified by the board.

101 (j) "Direct supervision" means a licensed veterinarian  
102 is readily available on the premises where the patient is being  
103 treated.

104 (k) "Educational equivalence" means the holder has  
105 demonstrated knowledge and skill equivalent to that possessed by a  
106 graduate of an accredited college of veterinary medicine.

107 (l) "Extralabel use" means actual use or intended use  
108 of a drug in an animal in a manner that is not in accordance with  
109 the approved labeling. This includes, but is not limited to, use  
110 in species not listed in the labeling, use for indications  
111 (disease or other conditions) not listed in the labeling, use at  
112 dosage levels, frequencies, or routes of administration other than  
113 those stated in the labeling, and deviation from the labeled  
114 withdrawal time based on these different uses.

115 (m) "Impaired veterinarian" means a veterinarian who is  
116 unable to practice veterinary medicine with reasonable skill and  
117 safety because of a physical or mental disability as evidenced by  
118 a written determination from a competent authority or written  
119 consent based on clinical evidence, including deterioration of  
120 mental capacity, loss of motor skills, or abuse of drugs or  
121 alcohol of sufficient degree to diminish the person's ability to  
122 deliver competent patient care.

123 (n) "Indirect supervision" means a veterinarian has  
124 given either written or oral instructions for treatment of the  
125 patient and is readily available by telephone or other form of  
126 communication.

127 (o) "Informed consent" means the veterinarian has  
128 informed the client, in a manner that would be understood by a  
129 reasonable person, of the diagnostic and treatment options, risk

130 assessment and prognosis and has provided the client with an  
131 estimate of the charges for veterinary services to be rendered and  
132 the client has consented to the recommended treatment.

133 (p) "Licensed veterinarian" means a person licensed to  
134 practice veterinary medicine in this state.

135 (q) "Patient" means an animal that is examined or  
136 treated by a veterinarian.

137 (r) "Person" means any individual, firm, partnership  
138 (general, limited or limited liability), association, joint  
139 venture, cooperative, corporation, limited liability company or  
140 any other group or combination acting in concert and whether or  
141 not acting as a principal, partner, member, trustee, fiduciary,  
142 receiver or as any other kind of legal or personal representative  
143 or as the successor in interest, assignee, agent, factor, servant,  
144 employee, director, officer or any other representative of such  
145 person.

146 (s) "Practice of veterinary medicine" means:

147 (i) To diagnose, treat, correct, change, alleviate  
148 or prevent animal disease, illness, pain, deformity, defect,  
149 injury or other physical, dental or mental conditions by any  
150 method or mode, including:

151 1. The prescribing, dispensing, administering  
152 or applying of any drug, medicine, biologic, apparatus, anesthetic  
153 or other therapeutic or diagnostic substance or medical or  
154 surgical technique; or

155 2. The using of complementary, alternative  
156 and integrative therapies; or

157 3. The rendering of advice or recommendation  
158 by any means including telephonic and other electronic  
159 communications with regard to any of the above.

160 (ii) To represent, directly or indirectly,  
161 publicly or privately, an ability and willingness to do an act  
162 described in this paragraph.

163 (iii) To use any title, words, abbreviation or  
164 letters in a manner or under circumstances that induce the belief  
165 that the person using them is qualified to do any act described in  
166 this paragraph.

167 (t) "Practice of veterinary technology" means to  
168 perform patient care or other services that require a technical  
169 understanding of veterinary medicine on the basis of written or  
170 oral instruction of a veterinarian, excluding diagnosing,  
171 prognosing, performing surgery or prescribing drugs, medicine or  
172 appliances.

173 (u) "Veterinarian" means a person who has received a  
174 professional veterinary medical degree from a college of  
175 veterinary medicine.

176 (v) "Veterinarian-client-patient relationship" means  
177 that all of the following are required:

178 (i) The veterinarian has assumed the  
179 responsibility for making clinical judgments regarding the health  
180 of the animal and the need for medical treatment, and the client  
181 has agreed to follow the veterinarian's instructions.

182 (ii) The veterinarian has sufficient knowledge of  
183 the animal to initiate at least a general or preliminary diagnosis  
184 of the medical condition of the animal because the veterinarian  
185 has recently seen and is personally acquainted with the keeping  
186 and care of the animal either by virtue of an examination of the  
187 animal or by medically appropriate and timely visits to the  
188 premises where the animal is kept.

189 (w) "Veterinary medicine" means all branches and  
190 specialties included within the practice of veterinary medicine.

191 (x) "Veterinary premises" means any premises or  
192 facility where the practice of veterinary medicine occurs,  
193 including, but not limited to, a mobile clinic, outpatient clinic,  
194 satellite clinic or veterinary hospital or clinic, but shall not  
195 include the premises of a veterinary client, research facility, a

196 federal military base or an accredited college of veterinary  
197 medicine.

198 (y) "Veterinary prescription drug" means a drug that  
199 may not be dispensed without the prescription of a veterinarian  
200 and that bears the label statement: "CAUTION: Federal law  
201 restricts this drug to use by or on the order of a licensed  
202 veterinarian."

203 (z) "Veterinary technician" means a person certified by  
204 the board as a veterinary technician.

205 (aa) "Veterinary technologist" means a graduate of a  
206 four-year accredited program in veterinary technology.

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

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

217 **SECTION 3.** Section 73-39-57, Mississippi Code of 1972, is  
218 amended as follows:

219 73-39-57. The board may:

220 (a) Adopt, amend or repeal all rules necessary for its  
221 government and all regulations necessary to implement this  
222 chapter, including the establishment and publication of standards  
223 of practice and professional conduct for the practice of  
224 veterinary medicine.

225 (b) Adopt, promulgate and enforce rules and regulations  
226 relating to specific duties and responsibilities; certification,  
227 registration or licensure; and other matters pertaining to

228 veterinary technicians or nonlicensed persons consistent with this  
229 chapter.

230 (c) Initiate disciplinary procedures, hold hearings,  
231 reprimand, suspend, revoke or refuse to issue or renew credentials  
232 and perform any other acts that may be necessary to regulate  
233 veterinary technicians and technologists.

234 (d) Examine by established protocol the qualifications  
235 and fitness of applicants for a license to practice veterinary  
236 medicine in this state.

237 (e) Issue, renew or deny the licenses and temporary  
238 permits to practice veterinary medicine.

239 (f) Limit, suspend or revoke the licenses of  
240 disciplined veterinarians or otherwise discipline licensed  
241 veterinarians consistent with this chapter and applicable rules  
242 and regulations.

243 (g) Establish and publish annually a schedule of fees  
244 for licensing and certification.

245 (h) Conduct investigations of suspected violations of  
246 this chapter to determine whether there are sufficient grounds to  
247 initiate disciplinary proceedings.

248 (i) Inspect veterinary premises and equipment,  
249 including practice vehicles, at any time in accordance with  
250 protocols established by rule.

251 (j) Hold hearings on all matters properly brought  
252 before the board, to administer oaths, receive evidence, make  
253 necessary determinations and enter orders consistent with the  
254 findings. The board may require by subpoena the attendance and  
255 testimony of witnesses and the production of papers, records or  
256 other documentary evidence and commission depositions. The board  
257 may designate one or more of its members to serve as its hearing  
258 officer. The board shall adopt rules and regulations for hearings  
259 before the board and the rules shall afford any person appearing



260 before the board the safeguards of procedural due process. Formal  
261 rules of evidence shall not apply.

262 (k) Employ full- or part-time personnel necessary to  
263 implement this chapter and purchase or rent necessary office  
264 space, equipment and supplies.

265 (l) Appoint from its own membership one or more members  
266 to act as representatives of the board at any meeting within or  
267 outside the state.

268 (m) Bring proceedings in the courts against any person  
269 for the enforcement of this chapter or any regulations made  
270 pursuant thereto.

271 (n) Adopt, promulgate and enforces rules and  
272 regulations providing for the issuance of permits or the purchase,  
273 possession and use of board approved drugs for euthanasia by  
274 certified animal control agencies, which shall set forth  
275 guidelines for the proper storage and handling of the substances  
276 and other provisions as may be necessary to ensure the use  
277 purposed by this section. In addition, the rules shall provide:

278 (i) For an application or inspection fee and a  
279 renewal fee at set intervals;

280 (ii) That upon certification by the board that the  
281 applying agency meets the qualifications set forth in the rules, a  
282 permit shall be issued;

283 (iii) That the board may revoke or suspend the  
284 permit upon the determination that the permittee fails to follow  
285 the rules of the board regarding proper storage and handling or  
286 use of approved euthanasia substances.

287 (o) Adopt, promulgate and enforce rules regulating the  
288 certification of animal control agencies and animal euthanasia  
289 technicians.

290 The powers enumerated herein are granted for the purpose of  
291 enabling the board to supervise effectively the practice of

292 veterinary medicine and veterinary technology and are to be  
293 construed liberally to accomplish this objective.

294         **SECTION 4.** This act shall take effect and be in force from  
295 and after July 1, 2006.