

Legislative Analysis



USE OF ANIMAL TRANQUILIZERS BY ANIMAL SHELTERS

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Senate Bill 1328

Sponsor: Sen. Ron Jelinek

House Committee: Agriculture

Senate Committee: Agriculture, Forestry and Tourism

Complete to 11-27-06

A SUMMARY OF SENATE BILL 1328 AS PASSED BY THE SENATE 9-14-06

Part 73 of the Public Health Code (pertaining to the manufacture, distribution, and dispensing of controlled substances) currently authorizes dog pounds and animal shelters to obtain permits to buy, possess, and use sodium pentobarbital to practice euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals. Senate Bill 1328 would allow both animal control and animal protection shelters to obtain permits to buy, possess, and administer a commercially prepared solution of *animal tranquilizer* to sedate a feral, wild, difficult to handle, or other animal before euthanasia. An animal control shelter's permit, but not that of an animal protection shelter, would also authorize the use of animal tranquilizer to sedate an animal running at large that would be dangerous to capture.

Under the bill, "animal tranquilizer" would mean xylazine hydrochloride or other animal tranquilizing drug as approved by the U.S. Food and Drug Administration and by the Department of Agriculture for use as described in the bill. Throughout the bill, "dog pound" has been replaced with "animal control shelter," and "animal shelter" has been replaced with "animal protection shelter."

To obtain animal tranquilizer permits, both types of shelters would have to do all of the following:

- Apply to the Michigan Board of Pharmacy or its designee for a permit.
- Comply with rules for the storage, handling, and use of animal tranquilizers, and maintain records that would be available for inspection by the Department of Agriculture.
- Certify that an employee received (and can document) at least 16 hours of approved training in the use of animal tranquilizers and that only an individual who had received such training (or another individual otherwise permitted to use a controlled substance) would administer the animal tranquilizer according to written procedures established by the shelter.

More detail about each of these requirements is set forth below.

Application for permit. The shelter would have to apply to the administrator (the Board of Pharmacy or its designee) for a permit, in accordance with rules promulgated under Part 73. Applications would have to contain the following information:

- The name of the individual in charge of the day-to-day operations of the shelter and the name of the individual responsible for designating employees to administer animal tranquilizers.
- The names and business addresses of all individuals employed by the animal control shelter or animal protection shelter who have been trained to administer animal tranquilizers and documented proof of their training. (The list of names and business addresses of trained individuals would have to be updated every six months.)

Compliance with rules. The shelter would have to comply with the rules promulgated by the administrator (the Board of Pharmacy or its designee) for the storage, handling, and use of a commercially prepared solution of an animal tranquilizer. A record of use would have to be maintained and available for inspection by the Department of Agriculture.

Certification of training; only trained individuals could administer the tranquilizer; written procedures. The shelter would have to certify that at least one of its employees had received (and could document completion of) a minimum of 16 hours of training, including at least three hours of practical training, in the use of animal tranquilizers on animals from a training program approved by the State Veterinarian, in consultation with the Michigan Board of Veterinary Medicine, and given by a licensed veterinarian. The shelter also would have to certify that only an individual who had received such training (or an individual otherwise permitted to use a controlled substance) would administer the commercially prepared solution of an animal tranquilizer according to written procedures established by the shelter.

Shelter could not administer animal tranquilizer without trained employee. If an animal control shelter or animal protection shelter that was issued a permit under the bill did not employ an individual trained to administer commercially prepared animal tranquilizers as described above, the shelter would have to notify the administrator immediately and cease to administer any commercially prepared solution of an animal tranquilizer until either a trained individual had been hired by the shelter, or an employee of the shelter had been trained.

Veterinarians. A veterinarian, including a veterinarian who provided training in the use of animal tranquilizers, would not be civilly or criminally liable for the use of an animal tranquilizer by an animal control shelter or animal protection shelter unless the veterinarian were employed by or under contract with the shelter and the terms of the veterinarian's employment required him or her to be responsible for the use or administration of tranquilizer.

Further, the bill would not require that a veterinarian be employed by or under contract with an animal control shelter or animal protection shelter to obtain, possess, or administer a commercially prepared solution of an animal tranquilizer.

No use of animal tranquilizer in violation of the bill. The bill would prohibit a person from knowingly using or permitting the use of an animal tranquilizer in violation of Section 7333 (the section the bill would amend).

MCL 333.7333

FISCAL IMPACT:

Senate Bill 1328 as passed by the Senate has fiscal implications for the Department of Community Health. The bill increases responsibilities of the department by establishing a limited permit from the Michigan Board of Pharmacy for animal control and animal protection shelters to manage a supply of animal tranquilizer. Costs include promulgation of rules by the Board of Pharmacy for the permit process and for training and certification of persons in the use of animal tranquilizers on animals, as well as the establishment and operation of the ongoing permit and regulatory process. These requirements may increase staffing needs if these functions cannot be performed with existing personnel and resources.

The bill does not appear to have a fiscal impact with regard to the Michigan Department of Agriculture.

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