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## BILL ANALYSIS



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House Bill 4813 (as passed by the House)  
Sponsor: Representative Hank Vaupel  
House Committee: Regulatory Reform  
Senate Committee: Regulatory Reform

Date Completed: 1-24-18

**CONTENT**

**The bill would amend Article 7 (Controlled Substances) of the Public Health Code to revise the requirements for a class B dealer or an animal shelter to acquire a limited permit for the purpose of buying, possessing, and administering sodium pentobarbital to euthanize animals. The bill would require a class B dealer to do the following:**

- **Certify that the dealer or an employee of the dealer received and documented completion of at least 16 hours of training in the use of a commercially prepared, premixed solution of sodium pentobarbital and animal tranquilizers to perform euthanasia on animals.**
- **Make available to the Department of Licensing and Regulatory Affairs, the Michigan Department of Agriculture and Rural Development (MDARD), and the United States Department of Agriculture (USDA) its records of use of sodium pentobarbital.**
- **Ensure that the dealer or an employee of the dealer who completed the training required before the bill took effect only administered sodium pentobarbital to perform euthanasia on an animal, until December 31, 2021.**

**The bill would require an animal control shelter or animal protection shelter seeking to acquire a limited permit do the following:**

- **Ensure that its employees received and documented completion of the same training as would be required for a class B dealer.**
- **Ensure that an employee who completed the training required before the bill took effect only administered a commercially prepared solution of xylazine hydrochloride or sodium pentobarbital to perform euthanasia on an animal, until December 31, 2021.**

The bill would take effect 90 days after it was enacted.

**Administration of Sodium Pentobarbital: Current Law**

Under Section 7333 of the Public Health Code, an animal control shelter or animal protection shelter registered with MDARD, or a class B dealer may acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared, premixed solution of sodium pentobarbital to perform euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals, if the shelter or dealer does all of the following:

- Applies to the Michigan Board of Pharmacy or its designated or established authority for a permit in accordance with rules promulgated under Part 73, and includes in the application the name of the individual in charge of the day-to-day operations of the dealer's facilities and the name of the individual responsible for designating employees who will be performing euthanasia on animals pursuant to the Code.
- Complies with the rules promulgated by the Michigan Board of Pharmacy for the storage, handling, and use of sodium pentobarbital to perform euthanasia.
- Maintains a record of use of sodium pentobarbital and makes the record available for inspection.

The shelter or dealer also must certify that an employee of the shelter or dealer has received, and can document completion of, a minimum of eight hours of training, given by a licensed veterinarian in the use of sodium pentobarbital to perform euthanasia on animals in consultation with the Michigan Board of Veterinary Medicine, and that only an individual described above or an individual otherwise permitted to use a controlled substance under Article 7 will administer the sodium pentobarbital according to written procedures established by the shelter or dealer.

The bill would revise these requirements, as described below.

("Class B dealer" means a class B dealer licensed by the USDA pursuant to the Animal Welfare Act and MDARD pursuant to Public Act 224 of 1969, which regulates dealers who transport, deliver, board, buy, or sell dogs or cats for research purposes. According to the USDA, dealers are individuals or businesses licensed to sell or transport warm-blooded animals for use in research, exhibition, or as pets. A class B license is issued to dealers whose business includes the purchase and/or resale of warm-blooded animals.)

#### Class B Dealers

Under the bill, a class B dealer seeking to acquire a limited permit would have to certify that the dealer or an employee of the dealer received, and could document completion of, a minimum of 16 hours of training, including at least 12 hours of content training and at least four hours of practical training, in the use of a commercially prepared, premixed solution sodium pentobarbital and an animal tranquilizer to perform euthanasia on animals from a training program approved by the State Veterinarian, in consultation with the Board of Veterinary Medicine, and given by a licensed veterinarian pursuant to rules promulgated by the Board of Pharmacy. The training would have to comply with the American Veterinary Medical Association's guidelines for the euthanasia of animals.

(The Code defines "animal tranquilizer" as xylazine hydrochloride or other animal tranquilizing drug as approved by the U.S. Food and Drug Administration and by MDARD for use in euthanizing an animal. The bill, instead, would define the term as a commercially prepared solution of xylazine hydrochloride, a commercial prepared solution of ketamine, or a commercially prepared compound containing tiletamine and zolazepam.)

In addition to satisfying the training requirements, a class B dealer seeking to acquire a limited permit would have to do all of the following:

- Make the records of use of a commercially prepared, premixed solution of sodium pentobarbital available for inspection by the Department of Licensing and Regulatory Affairs, MDARD, and the USDA.
- Certify that only the class B dealer, an employee of the dealer, or an individual otherwise permitted to use a controlled substance pursuant to Article 7 would administer the solution of sodium pentobarbital or an animal tranquilizer according to written procedures established by the dealer.

- Certify that the individual in charge of the day-to-day operation of the class B dealer's facilities had received, and could document the completion of, the required training, beginning January 1, 2022.
- Comply with all State and Federal laws, rules, and regulations regarding the acquisition, use, and security of controlled substances.
- Ensure that the dealer or an employee of the dealer who received, and could document the completion of, the eight hours of training required immediately before the effective date of the bill only administered a commercially prepared, premixed solution of sodium pentobarbital to perform euthanasia on animals, until December 31, 2021.

Beginning January 1, 2022, the dealer or an employee of the dealer would had to have received, and be able to document the completion of, the training described in the bill to administer a commercially prepared, premixed solution of sodium pentobarbital or an animal tranquilizer to perform euthanasia on the animals.

### Animal Shelters

Under the bill, an animal control shelter or animal protection shelter registered with the Department of Agriculture and Rural Development could acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared, premixed solution of sodium pentobarbital, or an animal tranquilizer, to use exclusively as an adjunct in the process of performing euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals, if the shelter complied with generally the same requirements pertaining to a class B dealer.

The bill also would require a shelter, until December 31, 2021, to ensure that an employee who had received, and could document the completion of, the training required before the bill took effect only administered a commercially prepared solution of xylazine hydrochloride or sodium pentobarbital to perform euthanasia.

The Code permits an animal control shelter registered with MDARD to acquire a limited permit only for the purpose of buying, possession, and administering a commercially prepared solution of an animal tranquilizer to sedate a feral, wild, difficult to handle, or other animal for euthanasia, or to tranquilize and animal running at large that is dangerous or difficult to capture, if the shelter complies with generally the same existing requirements pertaining to a class B dealer. Under the bill, instead, a registered shelter could acquire a limited permit only for the purpose of buying, possessing, and administering an animal tranquilizer to sedate or immobilize an animal running at large that was dangerous or difficult to capture.

The bill also would delete existing provisions regarding an animal protection shelter seeking to acquire a limited permit for the purpose of buying, possessing, and administering an animal tranquilizer to sedate a feral, wild, difficult to handle, or other animal for euthanasia.

Section 7333 states that it does not require a veterinarian to 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. The bill would delete this provision.

MCL 333.7333

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have a minimal fiscal impact on State and local government. Minor changes to the existing Board of Pharmacy - Animal Euthanasia and Sedation Rules (R 338.3501 - 338.3523) regarding increased training requirements would be necessary. Rule promulgation would be a minor cost that The Department of Licensing and Regulatory Affairs could absorb.

Increased training requirements under the bill for the administration of certain drugs by local government-operated animal shelters could result in slightly higher training costs for some shelters.

Fiscal Analyst: Bruce Baker  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.