

1 A bill to be entitled  
2 An act relating to animal control; amending s.  
3 828.055, F.S.; requiring that the Board of Pharmacy  
4 adopt rules relating to the issuance of permits  
5 authorizing the purchase, possession, and use of  
6 certain controlled substances and legend drugs  
7 necessary for the euthanasia and chemical  
8 immobilization of animals; authorizing the Board of  
9 Pharmacy, at the request of the Board of Veterinary  
10 Medicine, to adopt a rule to increase the number of  
11 controlled substances and legend drugs available to  
12 euthanize injured, sick, or abandoned domestic animals  
13 or to chemically immobilize such animals; providing  
14 that only certain persons are authorized to possess  
15 and use such drugs while operating in the scope of  
16 their employment or official duties; amending s.  
17 828.058, F.S.; restricting the use of intracardial  
18 injection to an unconscious animal; prohibiting the  
19 delivery of a lethal solution or powder by adding it  
20 to food; amending s. 381.0031, F.S.; requiring that an  
21 animal control officer, a wildlife officer, and an  
22 animal disease diagnostic laboratory report knowledge  
23 of any animal bite, any diagnosis or suspicion of a  
24 grouping or clustering of animals having similar  
25 disease, or any symptom or syndrome that may indicate  
26 the presence of a threat to humans; providing an  
27 effective date.  
28

29 Be It Enacted by the Legislature of the State of Florida:

30  
 31 Section 1. Section 828.055, Florida Statutes, is amended  
 32 to read:

33 828.055 Controlled substances and legend drugs ~~Sodium~~  
 34 ~~pentobarbital~~; permits for use in euthanasia of ~~domestic~~  
 35 animals.—

36 (1) The Board of Pharmacy shall adopt rules providing for  
 37 the issuance of permits authorizing the purchase, possession,  
 38 and use of controlled substances and legend drugs, including ~~of~~  
 39 sodium pentobarbital and sodium pentobarbital with lidocaine  
 40 tiletamine hydrochloride, alone or combined with zolazepam  
 41 (including Telazol), xylazine (including Rompun), ketamine,  
 42 acepromazine maleate (also acetylpromazine, and including  
 43 Atravet or Acezine 2), alone or combined with etorphine  
 44 (including Imobilon), yohimbine hydrochloride, alone or combined  
 45 with atipamezole (including Antisedan), by county or municipal  
 46 animal control agencies or humane societies registered with the  
 47 Secretary of State for the purpose of euthanizing injured, sick,  
 48 or abandoned domestic animals that ~~which~~ are in their lawful  
 49 possession or for the purpose of chemically immobilizing the  
 50 animals. The rules shall set ~~forth~~ guidelines for the proper  
 51 storage and handling of these drugs ~~sodium pentobarbital and~~  
 52 ~~sodium pentobarbital with lidocaine~~ and ~~such~~ other provisions as  
 53 may be necessary to ensure that the drugs are used solely for  
 54 the purpose set forth in this section. The rules shall also  
 55 provide for an application fee not to exceed \$50 and a biennial  
 56 renewal fee not to exceed \$50. At the request and recommendation

57 of the Board of Veterinary Medicine, the Board of Pharmacy may  
 58 adopt a rule to increase the number of controlled substances and  
 59 legend drugs available to euthanize injured, sick, or abandoned  
 60 domestic animals or to chemically immobilize such animals upon a  
 61 finding that such additions are necessary for the humane and  
 62 lawful treatment of those animals.

63 (2) Any county or municipal animal control agency or any  
 64 humane society registered with the Secretary of State may apply  
 65 to the Department of Business and Professional Regulation for a  
 66 permit to purchase, possess, and use these drugs ~~sodium~~  
 67 ~~pentobarbital or sodium pentobarbital with lidocaine~~ pursuant to  
 68 subsection (1). Upon certification by the board that the  
 69 applicant meets the qualifications set forth in the rules, the  
 70 department shall issue the permit. The possession and use of  
 71 these drugs is limited to those employees or agents of the  
 72 permittee certified in accordance with s. 828.058 or s. 828.27  
 73 while operating in the scope of their employment or official  
 74 duties with the permittee.

75 (3) The board may revoke or suspend the permit upon a  
 76 determination that the permittee is using any of these drugs  
 77 ~~sodium pentobarbital or sodium pentobarbital with lidocaine~~ for  
 78 any purpose other than that set forth in this section or if the  
 79 permittee fails to follow the rules of the board regarding  
 80 proper storage and handling.

81 Section 2. Subsection (1) of section 828.058, Florida  
 82 Statutes, is amended to read:

83 828.058 Euthanasia of dogs and cats.—

84 (1) Sodium pentobarbital, a sodium pentobarbital

85 derivative, or other agent that the Board of Veterinary Medicine  
 86 may approve by rule shall be the only methods used for  
 87 euthanasia of dogs and cats by public or private agencies,  
 88 animal shelters, or other facilities that operate ~~which are~~  
 89 ~~operated~~ for the collection and care of stray, neglected,  
 90 abandoned, or unwanted animals. A lethal solution shall be used  
 91 in the following order of preference:

- 92 (a) Intravenous injection by hypodermic needle;
- 93 (b) Intraperitoneal injection by hypodermic needle; or
- 94 (c) If the dog or cat is unconscious with no corneal  
 95 reflex, intracardial injection by hypodermic needle. ~~;~~ ~~or~~
- 96 ~~(d) Solution or powder added to food.~~

97 Section 3. Section 381.0031, Florida Statutes, is amended  
 98 to read:

99 381.0031 Public health surveillance and investigation  
 100 ~~Report of diseases of public health significance to department.-~~

101 (1) Any practitioner licensed in this state to practice  
 102 medicine, osteopathic medicine, chiropractic medicine,  
 103 naturopathy, or veterinary medicine; any hospital licensed under  
 104 part I of chapter 395; or any laboratory licensed under chapter  
 105 483 which ~~that~~ diagnoses or suspects the existence of a disease  
 106 of public health significance shall immediately report the fact  
 107 to the Department of Health.

108 (2) Periodically the department shall issue a list of  
 109 infectious or noninfectious diseases that the department  
 110 determines ~~determined by it~~ to be a threat to public health and  
 111 therefore of significance to public health and shall furnish a  
 112 copy of the list to the practitioners listed in subsection (1).

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113 (3) Reports required by this section must be in accordance  
114 with methods specified by rule of the department.

115 (4) Information submitted in reports required by this  
116 section is confidential, exempt from the provisions of s.  
117 119.07(1), and is to be made public only when necessary to  
118 public health. A report so submitted is not a violation of the  
119 confidential relationship between practitioner and patient.

120 (5) The department may obtain and inspect copies of  
121 medical records, records of laboratory tests, and other medical-  
122 related information for reported cases of diseases of public  
123 health significance described in subsection (2). The department  
124 shall examine the records of a person who has a disease of  
125 public health significance only for purposes of preventing and  
126 eliminating outbreaks of disease and making epidemiological  
127 investigations of reported cases of diseases of public health  
128 significance, notwithstanding any other law to the contrary.  
129 Health care practitioners, licensed health care facilities, and  
130 laboratories shall allow the department to inspect and obtain  
131 copies of such medical records and medical-related information,  
132 notwithstanding any other law to the contrary. Release of  
133 medical records and medical-related information to the  
134 department by a health care practitioner, licensed health care  
135 facility, or laboratory, or by an authorized employee or agent  
136 thereof, does not constitute a violation of the confidentiality  
137 of patient records. A health care practitioner, health care  
138 facility, or laboratory, or any employee or agent thereof, may  
139 not be held liable in any manner for damages and is not subject  
140 to criminal penalties for providing patient records to the

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141 department as authorized by this section.

142 (6) An animal control officer operating under s. 828.27, a  
 143 wildlife officer operating under s. 379.3311, and an animal  
 144 disease diagnostic laboratory operating under s. 585.61 shall  
 145 report knowledge of any animal bite, any diagnosis or suspicion  
 146 of a grouping or clustering of animals having similar disease,  
 147 or any symptom or syndrome that may indicate the presence of a  
 148 threat to humans.

149 (7)-(6) The department may adopt rules related to reporting  
 150 diseases of significance to public health, which must specify  
 151 the information to be included in the report, who is required to  
 152 report, the method and time period for reporting, requirements  
 153 for enforcement, and required followup activities by the  
 154 department which are necessary to protect public health.

155

156 This section does not affect s. 384.25.

157 Section 4. This act shall take effect July 1, 2012.