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CS/HB 479

2012 Legislature

1  
2 An act relating to animal control; amending s.  
3 381.0031, F.S.; requiring animal control officers,  
4 wildlife officers, and disease laboratories to report  
5 potential health risks to humans from animals;  
6 amending s. 828.055, F.S.; providing for use of  
7 additional prescription drugs for euthanasia and  
8 chemical immobilization of animals; providing for  
9 rulemaking to expand the list of additional  
10 prescription drugs; providing that the Board of  
11 Pharmacy or the Department of Health may revoke or  
12 suspend a permit upon a determination that the  
13 permittee or its employees or agents is using or has  
14 used an authorized drug for other purposes or if a  
15 permittee has committed specified violations; amending  
16 s. 828.058, F.S.; restricting the use of intracardial  
17 injection for euthanizing animals; prohibiting the  
18 delivery of a lethal solution or powder by adding it  
19 to food; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 381.0031, Florida Statutes, is amended  
24 to read:

25 381.0031 Report of diseases of public health significance  
26 to department.—

27 (1) Any practitioner licensed in this state to practice  
28 medicine, osteopathic medicine, chiropractic medicine,

ENROLLED  
CS/HB 479

2012 Legislature

29 naturopathy, or veterinary medicine; any hospital licensed under  
30 part I of chapter 395; or any laboratory licensed under chapter  
31 483 that diagnoses or suspects the existence of a disease of  
32 public health significance shall immediately report the fact to  
33 the Department of Health.

34 (2) An animal control officer operating under s. 828.27, a  
35 wildlife officer operating under s. 379.3311, or an animal  
36 disease laboratory operating under s. 585.61 shall report  
37 knowledge of any animal bite, diagnosis of disease in an animal,  
38 or suspicion of a grouping or clustering of animals having  
39 similar disease, symptoms, or syndromes that may indicate the  
40 presence of a threat to humans.

41 (3)-(2) Periodically The department shall periodically  
42 issue a list of infectious or noninfectious diseases determined  
43 by it to be a threat to public health and therefore of  
44 significance to public health and shall furnish a copy of the  
45 list to the practitioners listed in subsection (1).

46 (4)-(3) Reports required by this section must be in  
47 accordance with methods specified by rule of the department.

48 (5)-(4) Information submitted in reports required by this  
49 section is confidential, exempt from the provisions of s.  
50 119.07(1), and is to be made public only when necessary to  
51 public health. A report so submitted is not a violation of the  
52 confidential relationship between practitioner and patient.

53 (6)-(5) The department may obtain and inspect copies of  
54 medical records, records of laboratory tests, and other medical-  
55 related information for reported cases of diseases of public  
56 health significance described in subsection (3) -(2). The

## ENROLLED

CS/HB 479

2012 Legislature

57 | department shall examine the records of a person who has a  
58 | disease of public health significance only for purposes of  
59 | preventing and eliminating outbreaks of disease and making  
60 | epidemiological investigations of reported cases of diseases of  
61 | public health significance, notwithstanding any other law to the  
62 | contrary. Health care practitioners, licensed health care  
63 | facilities, and laboratories shall allow the department to  
64 | inspect and obtain copies of such medical records and medical-  
65 | related information, notwithstanding any other law to the  
66 | contrary. Release of medical records and medical-related  
67 | information to the department by a health care practitioner,  
68 | licensed health care facility, or laboratory, or by an  
69 | authorized employee or agent thereof, does not constitute a  
70 | violation of the confidentiality of patient records. A health  
71 | care practitioner, health care facility, or laboratory, or any  
72 | employee or agent thereof, may not be held liable in any manner  
73 | for damages and is not subject to criminal penalties for  
74 | providing patient records to the department as authorized by  
75 | this section.

76 |       (7)~~(6)~~ The department may adopt rules related to reporting  
77 | diseases of significance to public health, which must specify  
78 | the information to be included in the report, who is required to  
79 | report, the method and time period for reporting, requirements  
80 | for enforcement, and required followup activities by the  
81 | department which are necessary to protect public health.

82 |       (8) This section does not affect s. 384.25.

83 |       Section 2. Section 828.055, Florida Statutes, is amended  
84 | to read:

ENROLLED  
CS/HB 479

2012 Legislature

85           828.055 Controlled substances and legend drugs ~~Sodium~~  
86 ~~pentobarbital~~; permits for use ~~in euthanasia of domestic~~  
87 ~~animals.~~—

88           (1) The Board of Pharmacy shall adopt rules providing for  
89 the issuance of permits authorizing the purchase, possession,  
90 and use of sodium pentobarbital, ~~and~~ sodium pentobarbital with  
91 lidocaine, tiletamine hydrochloride, alone or combined with  
92 zolazepam (including Telazol), xylazine (including Rompun),  
93 ketamine, acepromazine maleate (also acetylpromazine, and  
94 including Atravet or Acezine), alone or combined with etorphine  
95 (including Immobilon), and yohimbine hydrochloride, alone or  
96 combined with atipamezole (including Antisedan) by county or  
97 municipal animal control agencies or humane societies registered  
98 with the Secretary of State for the purpose of euthanizing  
99 injured, sick, or abandoned domestic animals which are in their  
100 lawful possession or for the chemical immobilization of animals.  
101 The rules shall set forth guidelines for the proper storage and  
102 handling of these prescription drugs ~~sodium pentobarbital and~~  
103 ~~sodium pentobarbital with lidocaine~~ and such other provisions as  
104 may be necessary to ensure that the drugs are used solely for  
105 the purpose set forth in this section. The rules shall also  
106 provide for an application fee not to exceed \$50 and a biennial  
107 renewal fee not to exceed \$50. Upon formal, written request and  
108 recommendation adopted in a public meeting by the Board of  
109 Veterinary Medicine, the Board of Pharmacy may, by rule, add  
110 controlled substances and legend drugs to the list of  
111 prescription drugs in this subsection upon a finding that such  
112 additions are necessary for the humane and lawful euthanasia of

ENROLLED  
CS/HB 479

2012 Legislature

113 injured, sick, or abandoned domestic animals or chemical  
114 immobilization of animals.

115 (2) Any county or municipal animal control agency or any  
116 humane society registered with the Secretary of State may apply  
117 to the Department of Health ~~Business and Professional Regulation~~  
118 for a permit to purchase, possess, and use the prescription  
119 drugs authorized under ~~sodium pentobarbital or sodium~~  
120 ~~pentobarbital with lidocaine pursuant to~~ subsection (1). Upon  
121 certification by the Board of Pharmacy that the applicant meets  
122 the qualifications set forth in the rules, the Department of  
123 Health shall issue the permit. The possession and use of the  
124 prescription drugs authorized under subsection (1) is limited to  
125 those employees or agents of the permittee certified in  
126 accordance with s. 828.058 or s. 828.27 while operating in the  
127 scope of their respective official or employment duties with the  
128 permittee.

129 (3) The department or the board may deny a permit, and  
130 revoke, ~~or~~ suspend, or refuse to renew the permit of any  
131 permittee, and may fine, place on probation, or otherwise  
132 discipline any permittee, upon a determination that:

133 (a) The applicant or permittee or any of its employees or  
134 agents is using or has used a prescription drug authorized under  
135 subsection (1) ~~sodium pentobarbital or sodium pentobarbital with~~  
136 ~~lidocaine~~ for any purpose other than that set forth in this  
137 section; ~~or if the permittee fails to follow the rules of the~~  
138 ~~board regarding proper storage and handling.~~

139 (b) The applicant or permittee has failed to take  
140 reasonable precautions against misuse, theft, loss, or diversion

ENROLLED  
CS/HB 479

2012 Legislature

141 of such prescription drugs;

142 (c) The applicant or permittee has failed to detect or to  
143 report to the Department of Health a significant loss, theft, or  
144 inventory shortage of such prescription drugs;

145 (d) The applicant or permittee has failed to follow the  
146 rules of the Board of Pharmacy regarding proper storage and  
147 handling of such prescription drugs; or

148 (e) The permittee has violated any provision of this  
149 section, chapter 465, chapter 499, or any rule adopted under  
150 those chapters.

151 (4) The Board shall adopt rules implementing subsection  
152 (3), provided that disciplinary action may be taken only for a  
153 substantial violation of the provisions of this section or the  
154 rules adopted under this section. In determining the severity of  
155 an administrative penalty to be assessed under this section, the  
156 Department or the Board of Pharmacy shall consider:

157 (a) The severity of the violation;

158 (b) Any actions taken by the person to correct the  
159 violation or to remedy complaints, and the timing of those  
160 actions; and

161 (c) Any previous violations.

162 (5) The Department of Health may issue an emergency order  
163 immediately suspending a permit issued under this section upon a  
164 determination that a permittee, as a result of any violation of  
165 any provision of this section or any rule adopted under this  
166 section, presents a danger to the public health, safety, and  
167 welfare.

168 (6) This section shall not apply to licensed pharmacies,

ENROLLED  
CS/HB 479

2012 Legislature

169 veterinarians, or health care practitioners operating within the  
170 scope of the applicable professional act.

171 Section 3. Subsection (1) of section 828.058, Florida  
172 Statutes, is amended to read:

173 828.058 Euthanasia of dogs and cats.—

174 (1) Sodium pentobarbital, a sodium pentobarbital  
175 derivative, or other agent the Board of Veterinary Medicine may  
176 approve by rule shall be the only methods used for euthanasia of  
177 dogs and cats by public or private agencies, animal shelters, or  
178 other facilities which are operated for the collection and care  
179 of stray, neglected, abandoned, or unwanted animals. A lethal  
180 solution shall be used in the following order of preference:

- 181 (a) Intravenous injection by hypodermic needle;
- 182 (b) Intraperitoneal injection by hypodermic needle;
- 183 (c) If the dog or cat is unconscious with no corneal  
184 reflex, intracardial injection by hypodermic needle;~~or~~
- 185 ~~(d) Solution or powder added to food.~~

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