



520502

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2012	.	
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The Committee on Regulated Industries (Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(1) A ~~Any~~ practitioner licensed in this state to practice
medicine, osteopathic medicine, chiropractic medicine,
naturopathy, or veterinary medicine; any hospital licensed under
part I of chapter 395; or any laboratory licensed under chapter



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13 483 that diagnoses or suspects the existence of a disease of
14 public health significance shall immediately report the fact to
15 the Department of Health.

16 (2) An animal control officer operating under s. 828.27, a
17 wildlife officer operating under s. 379.3311, or an animal
18 disease laboratory operating under s. 585.61 shall report
19 knowledge of any animal bite, diagnosis of disease in an animal,
20 or suspicion of a grouping or clustering of animals having
21 similar disease, symptoms, or syndromes that may indicate the
22 presence of a threat to humans.

23 (3)~~(2)~~ ~~Periodically~~ The department shall periodically issue
24 a list of infectious or noninfectious diseases determined by it
25 to be a threat to public health and therefore of significance to
26 public health and shall furnish a copy of the list to the
27 practitioners listed in subsection (1).

28 (4)~~(3)~~ Reports required by this section must be in
29 accordance with methods specified by rule of the department.

30 (5)~~(4)~~ Information submitted in reports required by this
31 section is confidential, exempt from the provisions of s.
32 119.07(1), and is to be made public only when necessary to
33 public health. A report so submitted is not a violation of the
34 confidential relationship between practitioner and patient.

35 (6)~~(5)~~ The department may obtain and inspect copies of
36 medical records, records of laboratory tests, and other medical-
37 related information for reported cases of diseases of public
38 health significance described in subsection (3) ~~(2)~~. The
39 department shall examine the records of a person who has a
40 disease of public health significance only for purposes of
41 preventing and eliminating outbreaks of disease and making



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42 epidemiological investigations of reported cases of diseases of
43 public health significance, notwithstanding any other law to the
44 contrary. Health care practitioners, licensed health care
45 facilities, and laboratories shall allow the department to
46 inspect and obtain copies of such medical records and medical-
47 related information, notwithstanding any other law to the
48 contrary. Release of medical records and medical-related
49 information to the department by a health care practitioner,
50 licensed health care facility, or laboratory, or by an
51 authorized employee or agent thereof, does not constitute a
52 violation of the confidentiality of patient records. A health
53 care practitioner, health care facility, or laboratory, or any
54 employee or agent thereof, may not be held liable in any manner
55 for damages and is not subject to criminal penalties for
56 providing patient records to the department as authorized by
57 this section.

58 (7)~~(6)~~ The department may adopt rules related to reporting
59 diseases of significance to public health, which must specify
60 the information to be included in the report, who is required to
61 report, the method and time period for reporting, requirements
62 for enforcement, and required followup activities by the
63 department which are necessary to protect public health.

64 (8) This section does not affect s. 384.25.

65 Section 2. Section 828.055, Florida Statutes, is amended to
66 read:

67 828.055 Controlled substances and legend drugs ~~Sodium~~
68 ~~pentobarbital~~; permits for use ~~in euthanasia of domestic~~
69 ~~animals.~~-

70 (1) The Board of Pharmacy shall adopt rules providing for



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71 the issuance of permits authorizing the purchase, possession,
72 and use of sodium pentobarbital, ~~and~~ sodium pentobarbital with
73 lidocaine, tiletamine hydrochloride, alone or combined with
74 zolazepam (including Telazol), xylazine (including Rompun),
75 ketamine, acepromazine maleate (also acetylpromazine, and
76 including Atravet or Acezine), alone or combined with etorphine
77 (including Immobilon), and yohimbine hydrochloride, alone or
78 combined with atipamezole (including Antisedan) by county or
79 municipal animal control agencies or humane societies registered
80 with the Secretary of State for the purpose of euthanizing
81 injured, sick, or abandoned domestic animals which are in their
82 lawful possession or for the chemical immobilization of animals.
83 The rules shall set forth guidelines for the proper storage and
84 handling of these prescription drugs ~~sodium pentobarbital and~~
85 ~~sodium pentobarbital with lidocaine~~ and such other provisions as
86 may be necessary to ensure that the drugs are used solely for
87 the purpose set forth in this section. The rules shall also
88 provide for an application fee not to exceed \$50 and a biennial
89 renewal fee not to exceed \$50. Upon formal, written request and
90 recommendation adopted in a public meeting by the Board of
91 Veterinary Medicine, the Board of Pharmacy may, by rule, add
92 controlled substances and legend drugs to the list of
93 prescription drugs in this subsection upon a finding that such
94 additions are necessary for the humane and lawful euthanasia of
95 injured, sick, or abandoned domestic animals or chemical
96 immobilization of animals.

97 (2) Any county or municipal animal control agency or any
98 humane society registered with the Secretary of State may apply
99 to the Department of Health ~~Business and Professional Regulation~~



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100 for a permit to purchase, possess, and use the prescription
101 drugs authorized under ~~sodium pentobarbital or sodium~~
102 ~~pentobarbital with lidocaine pursuant to~~ subsection (1). Upon
103 certification by the Board of Pharmacy that the applicant meets
104 the qualifications set forth in the rules, the Department of
105 Health shall issue the permit. The possession and use of the
106 prescription drugs authorized under subsection (1) is limited to
107 those employees or agents of the permittee certified in
108 accordance with s. 828.058 or s. 828.27 while operating in the
109 scope of their respective official or employment duties with the
110 permittee.

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

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

121 (b) The applicant or permittee has failed to take
122 reasonable precautions against misuse, theft, loss, or diversion
123 of such prescription drugs;

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

127 (d) The applicant or permittee has failed to follow the
128 rules of the Board of Pharmacy regarding proper storage and



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129 handling of such prescription drugs; or
130 (e) The permittee has violated this section, chapter 465,
131 chapter 499, or any rule adopted under those chapters.
132 (4) The board shall adopt rules implementing subsection
133 (3), provided that disciplinary action may be taken only for a
134 substantial violation of this section or the rules adopted under
135 this section. In determining the severity of an administrative
136 penalty to be assessed under this section, the Department or the
137 Board of Pharmacy shall consider:
138 (a) The severity of the violation;
139 (b) Any actions taken by the person to correct the
140 violation or to remedy complaints, and the timing of those
141 actions; and
142 (c) Any previous violations.
143 (5) The Department of Health may issue an emergency order
144 immediately suspending a permit issued under this section upon a
145 determination that a permittee, as a result of a violation of
146 this section or any rule adopted under this section, presents a
147 danger to the public health, safety, and welfare.
148 (6) This section does not apply to licensed pharmacies,
149 veterinarians, or health care practitioners operating within the
150 scope of the applicable professional act.
151 Section 3. Subsection (1) of section 828.058, Florida
152 Statutes, is amended to read:
153 828.058 Euthanasia of dogs and cats.—
154 (1) Sodium pentobarbital, a sodium pentobarbital
155 derivative, or other agent the Board of Veterinary Medicine may
156 approve by rule shall be the only methods used for euthanasia of
157 dogs and cats by public or private agencies, animal shelters, or



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158 other facilities which are operated for the collection and care
159 of stray, neglected, abandoned, or unwanted animals. A lethal
160 solution shall be used in the following order of preference:

- 161 (a) Intravenous injection by hypodermic needle;
- 162 (b) Intraperitoneal injection by hypodermic needle; or
- 163 (c) If the dog or cat is unconscious with no corneal
164 reflex, intracardial injection by hypodermic needle; ~~or~~
165 ~~(d) Solution or powder added to feed.~~

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

167
168 ===== T I T L E A M E N D M E N T =====

169 And the title is amended as follows:

170 Delete everything before the enacting clause
171 and insert:

172 A bill to be entitled
173 An act relating to animal control; amending s.
174 381.0031, F.S.; requiring animal control officers,
175 wildlife officers, and disease laboratories to report
176 potential health risks to humans from animals;
177 amending s. 828.055, F.S.; providing for use of
178 additional prescription drugs for euthanasia and
179 chemical immobilization of animals; providing for
180 rulemaking to expand the list of additional
181 prescription drugs; providing that the Board of
182 Pharmacy or the Department of Health may revoke or
183 suspend a permit upon a determination that the
184 permittee or its employees or agents is using or has
185 used an authorized drug for other purposes or if a
186 permittee has committed specified violations; amending



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187 s. 828.058, F.S.; restricting the use of intracardial
188 injection for euthanizing animals; prohibiting the
189 delivery of a lethal solution or powder by adding it
190 to food; providing an effective date.