

By Senator Hays

20-00555-12

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1 A bill to be entitled
2 An act relating to euthanasia of domestic animals;
3 amending s. 828.055, F.S.; requiring that the Board of
4 Pharmacy adopt rules relating to the issuance of
5 permits authorizing the purchase, possession, and use
6 of 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.

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

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

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

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

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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 and or s.
73 828.27 while operating in the scope of their employment or
74 official 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,

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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).

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.

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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 medical
121 records, records of laboratory tests, and other medical-related
122 information for reported cases of diseases of public health
123 significance described in subsection (2). The department shall
124 examine the records of a person who has a disease of public
125 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
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

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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.

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156 This section does not affect s. 384.25.

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