

By the Committee on Regulated Industries; and Senators Hays and Sobel

580-02846-12

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1 A bill to be entitled
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) A ~~Any~~ practitioner licensed in this state to practice
28 medicine, osteopathic medicine, chiropractic medicine,
29 naturopathy, or veterinary medicine; any hospital licensed under

580-02846-12

2012654c1

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 issue
42 a list of infectious or noninfectious diseases determined by it
43 to be a threat to public health and therefore of significance to
44 public health and shall furnish a copy of the list to the
45 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
57 department shall examine the records of a person who has a
58 disease of public health significance only for purposes of

580-02846-12

2012654c1

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 to
84 read:

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

580-02846-12

2012654c1

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
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

580-02846-12

2012654c1

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 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
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

580-02846-12

2012654c1

146 rules of the Board of Pharmacy regarding proper storage and
147 handling of such prescription drugs; or

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

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

156 (a) The severity of the violation;

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

160 (c) Any previous violations.

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

166 (6) This section does not apply to licensed pharmacies,
167 veterinarians, or health care practitioners operating within the
168 scope of the applicable professional act.

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

171 828.058 Euthanasia of dogs and cats.—

172 (1) Sodium pentobarbital, a sodium pentobarbital
173 derivative, or other agent the Board of Veterinary Medicine may
174 approve by rule shall be the only methods used for euthanasia of

580-02846-12

2012654c1

175 dogs and cats by public or private agencies, animal shelters, or
176 other facilities which are operated for the collection and care
177 of stray, neglected, abandoned, or unwanted animals. A lethal
178 solution shall be used in the following order of preference:

179 (a) Intravenous injection by hypodermic needle;

180 (b) Intraperitoneal injection by hypodermic needle; or

181 (c) If the dog or cat is unconscious with no corneal
182 reflex, intracardial injection by hypodermic needle; ~~or~~

183 ~~(d) Solution or powder added to food.~~

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