

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SB 388

INTRODUCER: Senator Wright

SUBJECT: Injured Police Canines

DATE: February 3, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Brown	HP	Favorable
2.			CJ	
3.			RC	

I. Summary:

SB 388 authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or similar facility if no person requires medical attention or transport when the canine needs it. The bill authorizes emergency medical technicians (EMTs) and paramedics to provide emergency medical care to an injured police canine at the scene of an emergency or while the canine is being transported.

The bill provides civil and criminal immunity for EMTs and paramedics providing emergency care to an injured police canine and exempts them from the application of the veterinary practice act for the provision of medical care to a police canine injured in the line of duty.

The bill may have a fiscal impact. *See* Section V of this analysis.

The bill provides an effective date of July 1, 2021.

II. Present Situation:

Police Canines

Section 843.19, F.S., defines the term “police canine” for law enforcement purposes as any canine that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

Special K-9 Units

Specially-trained dogs are used by various agencies and departments throughout the state in their K-9 units. These departments employ dogs to assist with tracking and apprehending offenders, narcotics and bomb detection,¹ and building and article searches.² Additionally, some fire departments use dogs as part of arson detection programs.³ Various non-profit organizations also use dogs for the purpose of search and rescue, such as the Community Emergency Response Team, which provides support to the federal Emergency Management Agency.⁴

Veterinary Medical Care and Treatment for Canines

The practice of veterinary medicine is licensed and regulated by the Department of Business and Professional Regulation (DBPR), Board of Veterinary Medicine.⁵ A veterinarian is a licensed practitioner who engages in the practice of veterinary medicine which the Legislature has determined can be potentially dangerous to the public health and safety if conducted by incompetent and unlicensed persons.⁶ The practice of veterinary medicine includes:

- The diagnosis of medical conditions of animals;
- Prescribing, dispensing, or administering drugs, medicine, appliances, and applications for animals;
- The treatment of animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease;
- Performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals;
- The determination of the health, fitness, or soundness of an animal; and
- The practice of the following on animals:
 - Surgery;
 - Acupuncture;
 - Obstetrics;
 - Dentistry;
 - Physical therapy;
 - Radiology;
 - Theriogenology; and
 - Any other veterinary medicine specialty.

Section 474.202, F.S., defines an animal as a wild or domestic, dead or alive, bird, amphibian, fish, reptile, or mammal, other than a human being. A dog, or canine, is a mammal.⁷ It is the responsibility of every veterinarian licensed and practicing in Florida to provide, either

¹ City of Orlando, *K-9 Unit*, available at <http://www.cityoforlando.net/police/k-9-unit/> (last visited Jan. 22, 2021).

² St. Petersburg Police Department, *K-9 Unit*, available at <https://police.stpete.org/k-9/> (last visited Jan. 22, 2021).

³ City of Orlando, *Accelerant Detection Canines*, available at <http://www.cityoforlando.net/fire/accelerant-detection-canines/> (last visited Jan. 22, 2021).

⁴ Boondocks K9 SAR-CERT Unit, *Community Emergency Response Team (CERT)*, available at <https://www.boondocksk9.org/> (last visited Jan. 22, 2021).

⁵ Chapter 474, F.S.; and see s. 20.165, F.S.

⁶ Sections 474.201 and 202(11), F.S.

⁷ Merriam-Webster Dictionary, dog or canine is a highly variable domestic mammal (*Canis familiaris*) closely related to the gray wolf, available at <https://www.merriam-webster.com/dictionary/dog> (last visited Jan. 22, 2021).

personally or through another licensed veterinarian, 24-hour emergency services for all animals under his or her continuing care.⁸

When the DBPR has probable cause to believe that a person is practicing, or attempting to practice, veterinary medicine without a license, or aiding and abetting a person to practice veterinary medicine without a license, the DBPR may issue to the offender a notice to cease and desist. If the person fails to comply with the notice, the DBPR may file a proceeding seeking an injunction or a writ of mandamus. Additionally, the DBPR may impose an administrative penalty not to exceed \$5,000 per incident or may issue a citation.⁹

Emergency Medical Services, Paramedics, and Emergency Medical Technicians (EMTs)

Emergency Medical Transport Services

Prehospital life support transport services fall into two general categories – basic life support (BLS) and advanced life support (ALS).

BLS includes the assessment or treatment by a person qualified under part III of ch. 401, F.S., through the use of techniques described in the Emergency Medical Technician (EMT)-Basic National Standard Curriculum or the National EMS Education Standards of the U.S. Department of Transportation.¹⁰ The term includes the administration of oxygen and other techniques that have been approved and are performed under specific conditions.¹¹ BLS services are usually performed by EMTs.¹²

ALS includes patient assessment or treatment, including the implementation of advanced medical skills such as endotracheal intubation, the administration of drugs or intravenous fluids, telemetry, cardiac monitoring, cardiac defibrillation, and other techniques described in the EMT-Paramedic National Standard Curriculum or the National EMS Education Standards.¹³ ALS services can be performed on site and are usually provided by physicians or paramedics¹⁴

To obtain a transport vehicle permit to provide BLS or ALS services, an applicant must provide to the Department of Health (DOH) the following:

- An application and required fees; and
- Documentation that the vehicle qualifies as follows:
 - Is furnished with essential medical supplies and equipment which is in good working order;
 - Meets appropriate standards for design and construction;

⁸ Fla. Admin. Code R. 61G19-19.001 (2019).

⁹ Section 455.228, F.S.

¹⁰ United States Department of Transportation, National Highway Traffic Safety Administration, *National Emergency Medical Services Education Standards*, available at <https://www.ems.gov/pdf/National-EMS-Education-Standards-FINAL-Jan-2009.pdf> (last visited Jan. 22, 2021).

¹¹ Sections 401.23(7) and (8), F.S.

¹² Rynanen, et. al, *Is advanced life support better than basic life support in prehospital care? A systematic review*, Scand J Trauma Resusc. Emerg. Med. 2010; 18:-62, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3001418/> (last visited Jan. 22, 2021).

¹³ Sections 401.23(1) and (2), F.S.

¹⁴ *Supra*, note 12.

- Is equipped with an appropriate communication system;
- Meets appropriate safety standards;
- Meets sanitation and maintenance standards;
- Is insured for a minimum of \$100,000/\$300,000 against injuries to or the death of any person arising out of an accident; and
- Has been awarded a Certificate of Public Convenience and Necessity (COPCN).¹⁵

The following adult and pediatric medical equipment and supplies are required for BLS service vehicles:

- Bandaging, dressing, and taping supplies;
- Bandage shears;
- Patient restraints;
- Blood pressure cuffs;
- Stethoscopes;
- Blankets;
- Sheets;
- Pillows;
- Patient rain cover;
- Long and short spine boards;
- Cervical, spine and extremity immobilization devices and traction splints;
- Portable oxygen tanks, masks, and nasal cannula;
- Hand-operated bag-valve mask resuscitators;
- Portable suction;
- Sterile obstetrical kit;
- Burn sheets;
- Flashlight;
- Occlusive dressings;
- Gloves, face masks;
- Nasopharyngeal airways;
- Biohazardous waste bags; and
- Bulb syringe.¹⁶

The following additional adult and pediatric medical equipment and medications are required for ALS service vehicles:

- Medications:
 - Atropine;
 - Dextrose;
 - Epinephrine;
 - Ventricular dysrhythmic;
 - Benzodiazepine sedative/anticonvulsant;
 - Naloxone (Narcan);
 - Nitroglycerin; and
 - Beta adrenergic inhalant with nebulizer apparatus.

¹⁵ Section 401.26(2), F.S. and Fla. Admin. Code R. 64J-1.002 and 63J-1.003 (2019).

¹⁶ Fla. Admin. Code R. 64J-1.002(4) (2019).

- I.V. Solutions:
 - Lactated ringers or normal saline with stopcocks;
 - Pressure infuser; and
 - Drip sets, tubing, and cannula.
- Equipment:
 - Laryngoscope handle, blades and batteries;
 - I.V. arm boards or splints;
 - Disposable endotracheal tubes and stylets;
 - Magill forceps;
 - Device for intra-tracheal meconium suctioning;
 - Tourniquets;
 - Needles and syringes;
 - Portable monitor with defibrillator, pacing capabilities, ECG printout, and electrodes; and
 - Glucometer.¹⁷

Emergency Medical Technicians

The primary focus of an EMT is to provide basic emergency medical care and transportation for critical and emergent patients who access the emergency medical system. An EMT possesses the basic knowledge and skills necessary to provide patient care and transportation and functions as part of a comprehensive EMS response, under medical oversight. An EMT performs interventions with the basic equipment typically found on an ambulance and is a link from the scene to the emergency health care system.¹⁸

Paramedics

A paramedic is an allied health professional whose primary focus is to provide advanced emergency medical care for critical and emergent patients who access the emergency medical system. A paramedic possesses the complex knowledge and skills necessary to provide patient care and transportation and functions as part of a comprehensive EMS response, under medical oversight. A paramedic performs interventions with the basic and advanced equipment typically found on an ALS service vehicle and is a link from the scene into the health care system.¹⁹

III. Effect of Proposed Changes:

SB 388 creates s. 401.254, F.S., to authorize an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic, hospital emergency department, or similar facility if no person requires medical attention or transport when the canine needs it.

The bill defines the term “police canine” as any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; enforcement of laws; investigation of fires; or apprehension of offenders.

¹⁷ Fla. Admin. Code R. 64J-1.002(7) (2019).

¹⁸ *Supra*, note 10.

¹⁹ *Id.*

The bill authorizes EMTs and paramedics to provide emergency medical care to an injured police canine at the scene of the emergency or while being transported. The bill provides civil and criminal immunity for EMTs and paramedics who act in good faith to provide emergency care to an injured police canine and exempts them from the application of the veterinary practice act while they are providing medical care to a police canine injured in the line of duty.

The bill provides an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

If a police canine is transported to an emergency medical center for the treatment of injuries suffered in the line of duty under the bill, the cost of such transportation and services would need to be covered, presumably by the law enforcement agency or other government agency that owns the canine. Such fiscal impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Emergency medical treatment for canines is very different than that for human beings, as is the training of veterinarians when compared to that of EMTs and paramedics. The bill does not require or provide for any emergency treatment protocols for EMTs and paramedics to follow for the emergency care and treatment of police canines injured in the line of duty, nor does the bill require the collaborative development of treatment protocols for injured police canines between the boards of medicine and osteopathic medicine and the board of veterinary medicine.

If an injured police canine is transported to a hospital emergency department or similar facility under the bill, the health care practitioners at such a facility might not have veterinary training and might not be willing to treat animals. The bill does not provide immunity from liability for such practitioners, nor does it exempt them from ch. 474, F.S., as it does for EMTs and paramedics.

VIII. Statutes Affected:

This bill substantially amends section 474.203 of the Florida Statutes.

This bill creates section 401.254 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.