

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Buchanan offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 474.202, Florida Statutes, is amended,
7 to read:

8 474.202 Definitions.—As used in this chapter:

9 (14) "Limited veterinarian/client/patient relationship"
10 means a relationship where the veterinarian has assumed the
11 responsibility for making medical judgments regarding the health
12 of the animal and its need for medical treatment where the
13 relationship is established with a video-based platform that
14 allows for audio-visual communication between the veterinarian
15 and the client/patient.

16 (15) "Veterinary telemedicine" means the practice of

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

Amendment No. 1

17 veterinary medicine in a remote setting where the veterinarian
18 has a limited veterinarian/client/patient relationship.

19 (16) "Virtual physical examination" means a limited
20 physical examination performed by the client under the direction
21 of the veterinarian and a visual examination performed by the
22 veterinarian during the same consult, which must take place
23 through the use of a video-based platform that allows for audio-
24 visual communication between the veterinarian and the
25 client/patient.

26 Section 2. Section 474.2021, Florida Statutes, is created
27 to read:

28 474.2021 Veterinary telemedicine.-

29 (1) A veterinarian may practice veterinary telemedicine as
30 defined in s. 474.202(15), and is responsible for using
31 professional judgement to determine if the service can be
32 delivered according to the same standard of care as required in-
33 person. A virtual physical examination as defined in s.
34 474.202(16), is required for the veterinarian to assume
35 responsibility for making medical judgments or providing
36 treatment by means of veterinary telemedicine in a manner
37 consistent with the veterinary standard of care. A veterinarian
38 that has a full veterinary/client/patient relationship as
39 defined in s. 474.202(12), that is not limited in nature may
40 practice veterinary medicine and veterinary telemedicine and may
41 communicate with the client via any remote means, including

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

Amendment No. 1

42 audio-visual, telephonic and e-mail communication.

43 (2) (a) A veterinarian that has a limited
44 veterinarian/client/patient relationship as defined in s.
45 474.202(14), may only provide the following services through
46 veterinary telemedicine:

47 1. triage of patients in first aid and emergency cases.

48 2. consultation and prescription of drugs for the
49 following areas of care: nutrition, training, dermatological
50 conditions, and anxiety.

51 (b) Notwithstanding paragraph (a), a veterinarian may not
52 prescribe drugs for extralabel use or veterinary feed directive
53 drugs without a full veterinarian/client/patient relationship
54 that is established through a physical examination or medically
55 appropriate and timely visits to the premises where the animal
56 is kept and is otherwise consistent with federal law.

57 (3) A veterinarian may not prescribe controlled substances
58 if the veterinarian has a veterinarian/client/patient
59 relationship established only by veterinary telemedicine. A
60 veterinarian with a limited veterinarian/client/patient
61 relationship, may only prescribe the following medications via
62 veterinary telemedicine:

63 1. antimicrobials;

64 2. anxiolytics;

65 3. antiparasitics;

66 4. antipruritics;

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

Amendment No. 1

- 67 5. noncontrolled analgesics;
- 68 6. ophthalmic medications;
- 69 7. topical medications;
- 70 8. prescription diets;
- 71 9. aural medications; and
- 72 10. dosage form animal health products.

73 a. Dosage form animal health product means any product
74 intended to affect the structure or function of the animal's
75 body other than by providing nutrition to the animal. These
76 products include oils, tinctures, capsules, tables, liquids,
77 soft chews and chewable limited dose products. Such term would
78 not include animal feed supplements, products that are
79 represented as a primary meal for the intended animal species or
80 any other product that is intended as a snack treat or as a
81 behavioral reward treat or dental product providing mechanical
82 and/or abrasive action.

83 b. Dosage Form Animal Health Products shall bear a label
84 with the following information:

85 (I) the net weight or count.

86 (II) the product name and the brand name, if any, under
87 which the animal health product is distributed.

88 (III) the established name of each active ingredient and
89 the amount of active ingredient per serving in descending order.

90 (IV) precautionary statements and warnings required to
91 ensure the safe and effective use of the animal health product.

Amendment No. 1

92 (V) the name and principal mailing address of the
93 manufacturer or the company responsible for distributing the
94 animal health product unless listed in the local telephone
95 directory then name, city, state and zip code is only required.

96 (VI) the established name of each inactive ingredient in
97 alphabetical order.

98 (VII) adequate directions for use of the animal health
99 product.

100 (VIII) structure-function claim stating the intended non-
101 nutritional benefit of the animal health product.

102 (4) A veterinarian must hold a current license to practice
103 veterinary medicine in this state in order to practice
104 veterinary telemedicine.

105 (5) The board has jurisdiction over a veterinarian
106 practicing veterinary telemedicine in this state, regardless of
107 where the veterinarian's physical offices are located. The
108 practice of veterinary telemedicine in accordance with this
109 section is not itself a standard of care violation, and a
110 veterinarian may not be disciplined solely for practicing
111 veterinary telemedicine. The same veterinary standard of care
112 applies to services provided through veterinary telemedicine as
113 applies to veterinary care provided during an in-person visit.

114 Section 3. Paragraph (a) of subsection (5) of section
115 474.203, Florida Statutes, is amended to read:

116 474.203 Exemptions.—This chapter does not apply to:

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

Amendment No. 1

117 (5) (a) Any person, or the person's regular employee,
118 administering to the ills or injuries of her or his own animals,
119 including, but not limited to, castration, spaying, and
120 dehorning of herd animals, unless title is transferred or
121 employment provided for the purpose of circumventing this law.
122 This exemption does not apply to any person licensed as a
123 veterinarian in another state or foreign jurisdiction and
124 practicing temporarily in this state. However, except as
125 provided in s. 828.30, only a veterinarian may immunize or treat
126 an animal for diseases that are communicable to humans and that
127 are of public health significance.

128
129 For the purposes of chapters 465 and 893, persons exempt
130 pursuant to subsection (1), subsection (2), or subsection (4)
131 are deemed to be duly licensed practitioners authorized by the
132 laws of this state to prescribe drugs or medicinal supplies.

133 Section 4. Paragraph (y) of subsection (1) of section
134 474.214, Florida Statutes, is amended to read:

135 474.214 Disciplinary proceedings.—

136 (1) The following acts shall constitute grounds for which
137 the disciplinary actions in subsection (2) may be taken:

138 (y) Using the privilege of ordering, prescribing, or
139 making available medicinal drugs or drugs as defined in chapter
140 465, or controlled substances as defined in chapter 893, for use
141 other than for the specific treatment of animal patients for

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

Amendment No. 1

142 which there is a documented veterinarian/client/patient
143 relationship. ~~Pursuant thereto,~~ The veterinarian shall:

144 1. Have sufficient knowledge of the animal to initiate at
145 least a general or preliminary diagnosis of the medical
146 condition of the animal, which means that the veterinarian is
147 ~~personally~~ acquainted with the keeping and caring of the animal
148 or and has recently seen the animal or has made medically
149 appropriate and timely visits to the premises where the animal
150 is kept.

151 2. Be available or provide for followup care and treatment
152 in case of adverse reactions or failure of the regimen of
153 therapy.

154 3. Maintain records which document patient visits,
155 diagnosis, treatment, and other relevant information required
156 under this chapter.

157 Section 5. Subsections (1) and (3) of section 828.30,
158 Florida Statutes, are amended to read:

159 828.30 Rabies vaccination of dogs, cats, and ferrets.—

160 (1) (a) Except as provided in paragraph (b), all dogs,
161 cats, and ferrets 4 months of age or older must be vaccinated by
162 a licensed veterinarian against rabies with a vaccine that is
163 licensed by the United States Department of Agriculture for use
164 in those species.

165 (b) An employee, an agent, or a contractor of an animal
166 control authority acting under the indirect supervision of a

Amendment No. 1

167 veterinarian may vaccinate impounded animals that will be
168 transferred, rescued, fostered, adopted, or reclaimed by the
169 owner. As used in this subsection, the term "indirect
170 supervision," means that the supervising veterinarian is
171 available for consultation by any remote means, including audio-
172 visual, telephonic, or e-mail communication, but is not required
173 to be on the premises during such consultation. The supervising
174 veterinarian assumes responsibility for the veterinary care
175 given to the animal by any person working under or at his or her
176 direction and supervision.

177 (c) The owner of every dog, cat, and ferret shall have the
178 animal revaccinated 12 months after the initial vaccination.
179 Thereafter, the interval between vaccinations shall conform to
180 the vaccine manufacturer's directions. The cost of vaccination
181 must be borne by the animal's owner. Evidence of circulating
182 rabies virus neutralizing antibodies may ~~shall~~ not be used as a
183 substitute for current vaccination in managing rabies exposure
184 or determining the need for booster vaccinations.

185 (3) Upon vaccination against rabies, the licensed
186 veterinarian shall provide the animal's owner and the animal
187 control authority with a rabies vaccination certificate. Each
188 animal control authority and veterinarian shall use the "Rabies
189 Vaccination Certificate" of the National Association of State
190 Public Health Veterinarians (NASPHV) or an equivalent form
191 approved by the local government that contains all the

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

Amendment No. 1

192 information required by the NASPHV Rabies Vaccination
193 Certificate. The veterinarian who administers the rabies
194 vaccination, or who supervises an employee, an agent, or a
195 contractor of an animal control authority administering the
196 rabies vaccination, ~~vaccine~~ to an animal as required under this
197 section may affix his or her signature stamp in lieu of an
198 actual signature.

199 Section 6. Unless reviewed and reenacted by the
200 legislature, section 1, section 2, and section 4 of this act
201 shall expire December 31, 2024, and those laws shall revert to
202 that in existence on June 30, 2021, except that any amendments
203 to those laws enacted other than by this act shall be preserved
204 and continue to operate to the extent that such amendments are
205 not dependent upon the portions of text which expire pursuant to
206 this section.

207 Section 7. This act shall take effect July 1, 2021.

208
209 -----

210 **T I T L E A M E N D M E N T**

211 Remove everything before the enacting clause and insert:
212 An act relating to the medical treatment of animals;
213 amending s. 474.202, F.S.; defining the term "Limited
214 veterinarian/client/patient relationship"; defining
215 the term "veterinary telemedicine"; defining the term
216 "virtual physical examination"; creating s. 474.2021,

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

Amendment No. 1

217 F.S.; authorizing veterinarians to practice veterinary
218 telemedicine; specifying the services a veterinarian
219 may provide without first establishing a limited
220 veterinarian/client/patient relationship; specifying
221 the services a veterinarian may provide without first
222 establishing a veterinarian/client/patient
223 relationship; prohibiting veterinarians from
224 prescribing controlled substances under certain
225 circumstances; providing exceptions; providing license
226 requirements; providing jurisdiction of the Florida
227 Board of Veterinary Medicine; providing construction;
228 amending s. 474.203, F.S.; revising exceptions to who
229 may immunize or treat an animal for certain diseases;
230 amending s. 474.214, F.S.; revising grounds for
231 disciplinary action against a veterinarian; amending
232 s. 828.30, F.S.; authorizing employees, agents, or
233 contractors of animal control authorities to
234 administer rabies vaccinations under certain
235 circumstances; providing that a supervising
236 veterinarian assumes responsibility for any person
237 working at his or her discretion or under his or her
238 supervision; defining the term "indirect supervision";
239 providing requirements; authorizing a veterinarian who
240 indirectly supervises the administration of the rabies
241 vaccination to affix his or her signature stamp on a

292837 - h0911-strike.docx

Published On: 4/18/2021 5:55:17 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 911 (2021)

Amendment No. 1

242 rabies vaccination certificate; providing for future
243 legislative review and repeal of the act; providing an
244 effective date.