government relations

State Legislative Update
December 2017

This State Legislative Update includes summaries of select bills tracked by the AVMA from November 15 through December 15, 2017.

As state legislatures approach the start of the legislative year, state lawmakers in several states have begun to pre-file bills and regulations for consideration. Along-with these pre-filed bills, other legislatures have continued to work through the holiday season and have proposed bills and regulations that impact various areas of veterinary medicine.

In light of recent environmental disasters, three states- Florida, New York, and Washington - have proposed legislation geared towards emergency preparedness and veterinary care of animals impacted by extreme weather. In Florida, two such bills have been introduced. One would make it unlawful for the owner of a domestic companion or service animal to knowingly and intentionally leave the animal outdoors and unattended when an evacuation of the area has been ordered by state or local authorities due to weather or other emergency conditions. The other bill would require the state to provide emergency preparedness information on different types of shelters available, such as special needs’ shelters and shelters that accept individuals with service animals, comfort animals, or pets.

In New York, legislation would allow the owner of a domestic animal to board any public transportation service with the animal if a state of emergency has been declared and an evacuation of the owner’s geographic region is in progress. A bill in the state of Washington would stipulate that while an emergency declaration is in effect, the Department of Health may limit, restrict, or otherwise regulate any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

In response to the nationwide opioid crisis, New Jersey and Louisiana will consider measures that would require veterinarians to receive continuing education credit for prescribing controlled substance training. In New Jersey, the State Board of Veterinary Medical Examiners would be able to require that the number of CE credits include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion. And a proposed regulation in Louisiana would require a veterinarian with prescriptive authority who holds a controlled dangerous substance license seeking license renewal to obtain three CE hours that would include drug diversion training, best practice of prescribing controlled dangerous substances, appropriate treatment for addiction, and any other matters that are deemed appropriate by the veterinary board.

The Louisiana Board of Veterinary Medicine is also proposing to make it unlawful for a person to practice veterinary medicine if they do not possess a current license issued by the board, unless they fall within an exception defined in the Veterinary Practice Act and/or the Board’s rules. The Board declares that a license is personal to the veterinarian holder and only gives that person the ability to lawfully practice veterinary medicine. The Board also states that some owners, members, officers, or directors of a business entity dedicated to the practice of veterinary medicine do not have to possess a veterinary license; however, any person that is involved in patient care must be licensed by the board.

Finally, legislation in Missouri would exclude any animal chiropractic practitioner engaging in the practice of animal chiropractic from the Missouri Veterinary Practice Act.
Below is a chart containing pieces of state legislation introduced within the past month and tracked by the AVMA State Advocacy Division. For more information on bills and regulations, please see our full listing or contact the AVMA’s State Advocacy Division.

<table>
<thead>
<tr>
<th>State</th>
<th>Citation/Link</th>
<th>Summary of Proposed Bill or Regulation</th>
<th>Status</th>
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<tbody>
<tr>
<td>Florida</td>
<td>HB 763/SB 982</td>
<td>Would create the “Care for Retired Law Enforcement Dogs Program Act” within the Department of Law Enforcement to provide a stable funding source for veterinary care. The department would contract with a not-for-profit corporation to administer and manage the program. The not-for-profit corporation would be selected through a competitive grant award process and required to meet all of the following criteria: (a) Be dedicated to the protection or care of retired law enforcement dogs; (b) Be exempt from taxation under s. 501(a) of the Internal Revenue Code; (c) Have maintained such tax-exempt status for at least 5 years; (d) Agree to be subject to review and audit at the discretion of the Auditor General in order to ensure accurate accounting and disbursement of state funds; (e) Demonstrate the ability to effectively and efficiently disseminate information and to assist former handlers and adopters of retired law enforcement dogs in complying with this section.</td>
<td>Introduced 11/20/17</td>
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<td>Florida</td>
<td>HB 823</td>
<td>Would require a public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision that takes receivership of any lost or stray dogs or cats to adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return owned animals to their owners.</td>
<td>Introduced 11/28/17</td>
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<td>Florida</td>
<td>HB 907</td>
<td>Would make it unlawful for the owner or possessor of, or has charge or custody of, a domestic companion or service animal to knowingly and intentionally leave the animal outdoors and unattended when an evacuation of the area has been ordered by state or local authorities due to weather or other emergency conditions. If possible, such domestic companion or service animal shall be evacuated with the animal's owner or other person who has possession, custody, or charge of the animal. If evacuation is not an option, the domestic companion or service animal shall be: (a) Delivered to a licensed kennel, shelter, or pound, temporary animal shelter established for the purposes of the emergency, or other suitable animal care facility established by law enforcement, animal control, or an animal welfare organization; or (b) Secured in an indoor area that is as protective of the animal as possible under the circumstances and</td>
<td>Introduced 12/6/17</td>
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provides proper shelter according to state and local laws.

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<tr>
<td>Florida</td>
<td>SB 1006</td>
<td>Would add the definition of “comfort animal” to mean an animal, other than a pet or a service animal, which provides emotional support to help improve the physical, social, emotional, and cognitive condition of an individual. This bill would also require information on emergency preparedness to address the different types of shelters available, such as special needs shelters and shelters that accept individuals with service animals, comfort animals, or pets.</td>
<td>Introduced 11/27/17</td>
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<td>District of Columbia</td>
<td>B 22-0626/0627/0628</td>
<td>Would criminalize synthetic cannabinoids and cathinones based on the class of the chemical compound, not the individual compound.</td>
<td>Introduced 12/11/17</td>
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<td>Kansas</td>
<td>Dept. of Health &amp; Environ./K.A.R. 28-1-18</td>
<td>Would specify requirements for reporting information regarding laboratory testing for infectious or contagious diseases and other conditions of public health importance. It would also add requirements for electronic reporting, specifies information to report, and lists specific diseases and conditions requiring specimen submission.</td>
<td>Proposed 11/30/17</td>
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<td>Kansas</td>
<td>Dept. of Health &amp; Environ./K.A.R. 28-1-2</td>
<td>Would specify reportable conditions, timeframes for reporting, and information required for each report.</td>
<td>Proposed 11/30/17</td>
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<td>Louisiana</td>
<td>Board of Veterinary Medicine/LAC 46: LXXXV, 1015</td>
<td>Would make it unlawful for a person to practice veterinary medicine who does not possess a current license issued by the board, unless he falls within an exception defined in section 1514 of the Practice Act and/or the board’s rules. The reason for the license requirement is to ensure that any person involved in the actual practice of veterinary medicine, including the control of decision-making authority regarding veterinary patient care, is amenable to professional regulation and discipline by the board in order to protect the public and animals. The license is personal and individual to the veterinarian holder to lawfully practice veterinary medicine. The owner, member, officer, or director of a business entity, such as a partnership, corporation, or limited liability company, with a function that includes the provision of veterinary medicine does not have to possess a license issued by the board; however, the actual practitioner of veterinary medicine involved in patient care must be licensed by the board.</td>
<td>Proposed 11/20/17</td>
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<td>Louisiana</td>
<td>Board of Veterinary Medicine/LAC 46: LXXXV, 403</td>
<td>Would require a veterinarian with prescriptive authority who holds a controlled dangerous substances (CDS) license with the LA Board of Pharmacy to obtain three CE hours for veterinary licensure renewal which shall include drug diversion training, best practice of prescribing controlled dangerous substances, appropriate treatment for addiction, and any other matters that are deemed appropriate by the veterinary board. Successful completion of this requirement once shall satisfy the</td>
<td>Proposed 11/20/17</td>
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However, an exemption for the three CE hours is available for the veterinarian with prescriptive authority who holds a controlled dangerous substances (CDS) license if he timely submits an annual certification form as adopted by the veterinary board attesting that he has not prescribed, administered, or dispensed a controlled dangerous substance during the entire applicable reporting period. The required three CE hours set forth herein may be a component part of the annual 20 hours of CE for licensure renewal, and may be part of the on-line allowance. No license shall be renewed for a veterinarian who fails to comply with this CE requirement or the exemption.

### Michigan HB 5281
Would create the “Assistance animal basic obedience training and instruction act.” Specifically, this bill would provide for the training and instruction of assistance animals and assistance animal handlers in the standards of basic obedience and care to prescribe certain instructor and provider qualifications and curriculum requirements.

It also would provide for a public registry of certified basic obedience training instructors and providers and to establish the assistance animal and safety fund.

**Introduced 11/28/17**

### Michigan HB 5356
Would allow an applicant to receive a notation indicating that a licensed dog is a service, emotional support, or therapy animal. However, the applicant would have to provide the following information beforehand:

1. For a service animal, an affidavit signed by the person seeking the notation attesting that the dog for which the notation is being sought has been individually trained to do work or perform tasks for an individual with a ADA defined disability;
2. For a service, emotional support, or therapy animal, a basic obedience program certificate of completion issues by a basic obedience training instructor or provider of the Assistance Animal Basic Obedience Training and Instruction Act, or the equivalent as determined by the Department of Agriculture and Rural Development.

Additionally, this bill would find a person guilty of a misdemeanor if he/she knowingly or willingly submits a false or fraudulent affidavit or basic obedience program certificate of completion. This crime would be punishable by one (1) or more of the following:

1. Imprisonment for no more than 93 days;
2. A fine of no more than $500; or
3. Community service for no more than 30 days.

**Introduced 12/13/17**

### Michigan SB 709
Would amend the definition of what constitutes a dangerous and/or vicious dog.

Upon a sworn complaint by an animal control officer, law

**Introduced 12/5/17**
enforcement officer, or an adult individual, this bill would allow a district or municipal court to issue a summons to an animal’s owner ordering him/her to appear to show cause why the dog should not be found vicious. If a complaint is made, an officer must give notice of the conduct that is the basis of the complaint to the owner, conduct a thorough investigation, interview the dog owner and witnesses, gather medical and veterinary records, and submit to the court a detailed report with the sworn complaint.

It also would state the animal control officer, law enforcement officer, or adult individual who filed the complaint has the burden of proving that a dog is vicious by clear and convincing evidence.

| Michigan | SB 710 | Would specify that an animal control agency, taking custody of an animal, shall give notice within 72 hours after an animal has been seized by one of the following methods:
- A. Posting at the location of the seizure.
- B. Delivery to a person residing at the location of the seizure.
- C. Registered mail to the location of the seizure, if the owner of the animal is unknown.
- D. Registered mail to the last known address of the animal’s owner, if the owner of the animal is known.

Under this bill, a prosecuting attorney would have the burden to establish that there is probable cause to believe a violation has occurred, and by a preponderance of the evidence that the amount of the security deposit or bond is fair and reasonable for the care of the seized animal. | Introduced 12/5/17 |

| Missouri | HB 1369 | Would expand the definition of service dog to include a mental health service or psychiatric service dog. Specifically, these dogs are defined as a dog individually trained for its owner who is diagnosed with a psychiatric disability, medical condition, or developmental disability recognized in the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with difficulties including, but not limited to, alerting or responding to episodes such as panic attacks and anxiety and performing other tasks directly related to the owner’s psychiatric disability, medical condition, or developmental disability including, but not limited to, autism spectrum disorder, epilepsy, major depressive disorder, bipolar disorder, Alzheimer’s disease, dementia, post-traumatic stress disorder (PTSD), anxiety disorder, obsessive-compulsive disorder, schizophrenia, and other mental illnesses and invisible disabilities. | Introduced 12/1/17 |

| Missouri | HB 1398 | Would specify that a village, town, or city can prohibit dogs from running at-large or to further control or regulate dogs within its boundaries as long as the ordinance, order, policy, or regulation is not breed specific. | Introduced 12/1/17 |

| Missouri | SB 716 | Would replace the word police with the phrase law enforcement. Specifically, this bill would state that the assault of a law enforcement animal is a Class A misdemeanor, unless the assault results in the disability or death of such animal, in | Introduced 12/1/17 |
which case it is a Class C felony.

| Missouri | SB 746 | Would define “animal chiropractic” and “animal chiropractic practitioner.” Specifically, an animal chiropractic practitioner would include a licensed veterinarian certified by the AVCA or IVCA or an individual who is licensed by the state board of chiropractic examiners to engage in the practice of chiropractic, as defined in section 331.010, who is certified by the AVCA 17 or IVCA.

Additionally, this bill would specify that any animal chiropractic practitioner engaging in the practice of animal chiropractic is not under the purview of the Missouri Veterinary Practice Act. | Introduced 12/1/17 |

| Missouri | SB 797 | Would specify that each individual, or organization on behalf of a group of individuals, seeking to train peace officers in responding to animal neglect and abuse incident reports shall, on an annual basis, submit all training materials relating to animal care and to criminal offenses involving animals to the state veterinarian and to the Department of Public Safety for review and approval to ensure that such materials are in uniformity.

Additionally, this bill would specify that a person commits the offense of unlawful animal care training if he or she knowingly engages in the business of animal care training, as either an individual or on behalf of an organization, if such individual is performing such training:

1. Using materials relating to animal care that have not been certified by the state veterinarian for being in uniformity
2. Using materials relating to criminal offenses involving animals that have not been certified by the department of public safety for being in uniformity. | Introduced 12/13/17 |

| New Jersey | A 5242/S 3604 | Would allow the State Board of Veterinary Medical Examiners to require that the number of CE credits include at least one credit of educational programs or topics concerning prescription opioid drugs, including the risks and signs of opioid abuse, addiction, and diversion. The continuing veterinary education requirement in this section shall be subject to the provisions of section 3 of P.L.2010, c.89 (C.45:16-9.4a), including, but not limited to, the authority of the board to waive the provisions of this section for a specific individual if the board deems it is appropriate to do so. | Introduced 12/4/17 |

| New York | S 7025 | Would prohibit a breeder from breeding or selling more than 25 animals per year.

Additionally, this bill would require all pet dealers, not breeders, to offer animals obtained from a duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, duly incorporated animal protective association, or other duly incorporated animal adoption or animal rescue organization that is exempt from taxes. | Prefiled 1/3/18 |

| New York | S 7037 | Would prohibit any person from engaging in the non- | Prefiled 1/3/18 |
therapeutic use of antimicrobial agents in cattle, poultry, sheep, swine, or any animal raised for the purpose of providing food for human consumption, including animal that provide non-meat food products such as eggs and milk.

Additionally, this bill would prohibit any person from selling, exposing for sale, or transporting for sale within New York, regardless of place of origin, any food product derived from an animal that has been subject to non-therapeutic use of antimicrobial agents.

**New York**  
**A 4956/S 7112**  
Would require that a domestic animal's owner be permitted to board any public transportation service with the animal in the event that a state of emergency has been declared and an evacuation of the owner's geographic region is in progress.

However, this bill would specify that an animal must be under the owner's control by use of a leash or tether or is properly confined in an appropriate container. It also would allow a public transportation service to refuse to board an animal if there is reasonable cause to believe that, due to attendant circumstances, permitting the animal to board would pose a health or safety hazard.

**Ohio**  
**Dept. of Agriculture/ 901:12-3-05**  
Would require prescription, and extra-label medications, and animal drugs intended for use in or on animal feed subject to the veterinary feed directive only be obtained and administered to livestock with the advice and involvement of a licensed veterinarian in the context of a valid veterinary-client-patient-relationship (VCPR).

**Pennsylvania**  
**HB 1923**  
Would require dispensers of veterinary medicine, which could be a pharmacy or a veterinarian, to submit information to the ABC-MAP drug monitoring system regarding each controlled substance dispensed. The legislation would further require the ABC-MAP board to develop a universal claim form for use by veterinarians who do not have Internet access.

**South Dakota**  
**Dept. of Agriculture/ ARSD 20:57:02**  
Would update application and assessment requirements for veterinarians seeking licensure in SD, to update current language of reference materials and names of national veterinary assessments and scores, and to eliminate the option of licensure by endorsement of another state’s veterinary licensing authority. The reason for the proposed rule is to reduce the regulatory burden to qualified individuals seeking licensure to practice veterinary medicine in South Dakota.

**Virginia**  
**HB 113/ SB 105**  
Would specify that any person who is guilty of the larceny of a dog, horse, pony, mule, cow, steer, bull, or calf shall be guilty of a Class 5 felony. It also would specify that any person who shall be guilty of the larceny of any poultry of the value of $5 or more, but of the value of less than $1000, of a sheep, lamb, swine, or goat, of the value of less $1000, shall be guilty of a Class 6 felony.

**Washington**  
**SB 5990**  
Would specify that while an emergency declaration is in effect, the Department of Health may limit, restrict, or otherwise regulate any other matters necessary to coordinate effectively

Prefiled 1/3/18  
Proposed 11/28/17  
Introduced 11/16/17  
Introduced 12/2/17  
Introduced 12/14/17  
Introduced 12/4/17
the provision of health or veterinary services during the emergency. Under this bill, a volunteer health practitioner would have to adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state. Additionally, this bill would state that a host entity that uses volunteer health practitioners to provide health or veterinary services in this state shall:

(a) Consult and coordinate its activities with the department to the extent practicable to provide for the efficient and effective use of volunteer health practitioners; and
(b) Comply with any laws other than this chapter relating to the management of emergency health or veterinary services.

| Wisconsin | Veterinary Examining Board/CR 17-083, EmR1718 | Would allow the Veterinary Examining Board ("VEB") to promulgate rules specifying a procedure for addressing allegations that a person, licensed or certified by the VEB, has practiced as a veterinarian or veterinary technician while impaired by alcohol or other drugs or that his or her ability to practice is impaired by alcohol or other drugs, and for assisting a person, licensed by the VEB, who requests to participate in the procedure or who requests assistance in obtaining mental health services. | Proposed 12/11/17 |
| Wisconsin | Veterinary Examining Board/CR 17-084 | Would clarify the steps a veterinarian should use to make a referral to another professional for Complementary Alternative and Integrative Medicine Therapies (CAITs) and the delegation for these CAITs to certified veterinary technicians under the veterinarian’s supervision. | Proposed 12/11/17 |