State Legislative Update
October 2018

This State Legislative Update includes summaries of select bills tracked by the AVMA from September 15 through October 15, 2018. No bills were signed into law or regulations finalized during this time; however, 14 bills and 26 regulations of interest were proposed during this period.

Arkansas regulation outlines use of controlled substances
The Arkansas State Veterinary Medical Examining Board has proposed a regulation that would require a licensed veterinarian to prescribe a controlled substance in the lowest effective dose appropriate to the size and species of the animal and for the least amount of time if a controlled substance is necessary for treatment. The initial dose for an opioid would be limited to a 10-day supply. A controlled substance could be used to treat certain conditions if it was within the accepted standard of care for the condition being treated. Veterinarians would be required to document a discussion with the owner about the known risks and benefits of treatment with a controlled substance, the responsibility for the security of the drug, and proper disposal of any unused drug prior to prescribing or dispensing a controlled substance. Veterinarians would be required to assess the appropriateness of continued use of the treatment plan and consider the use of other therapeutic modalities if a patient’s progress is unsatisfactory.

Maryland seeks to require veterinarians to report suspected incidences of animal cruelty
The Maryland Department of Agriculture has proposed a regulation outlining requirements for veterinarians to promptly report suspected animal cruelty of patients receiving veterinary care. The proposed regulation provides veterinarians who report such incidents in good faith with civil and criminal immunity.

Texas regulation outlines use of compounded drugs
The Texas Board of Veterinary Medical Examiners proposed a regulation to clarify that veterinarians may administer and dispense compounded drugs in addition to prescribing compounded drugs. This rule would only allow a veterinarian to prescribe, administer, or dispense compounded drugs to treat a specific occurrence of a disease or condition threatening the animal’s health, or in instances when a disease or condition will cause suffering or death if left untreated. A veterinarian must have observed and diagnosed the patient for whom the compounded drug would be prescribed. And in no case could the amount of a drug compounded or prescribed by a veterinarian, for dispensing or office use, exceed a patient’s established need for the drug.

The chart below lists 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.
## Animal Abuse/Cruelty

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<thead>
<tr>
<th>State</th>
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<th>Summary of Proposed Bill or Regulation</th>
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<tbody>
<tr>
<td>Maryland</td>
<td>Dept. of Ag. / 18-259</td>
<td>Would: 1. Require a veterinarian who reasonably believes a treated animal has been subjected to animal cruelty to promptly report the suspected cruelty to the appropriate law enforcement agency; 2. Specify that a veterinarian’s report include the following information: a. Animal’s name, age, and location; b. Name and home address of the animal’s owner or custodian; c. Nature and extent of the suspected animal cruelty; and d. Any other information that would help determine the cause of the suspected animal cruelty or identity of any responsible individual 3. Provide a veterinarian with civil and criminal immunity if they report a suspected incident of animal cruelty in good faith.</td>
<td>Proposed 10/12/18</td>
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<td>New Jersey</td>
<td>A 3133 / S 3046</td>
<td>Would: 1. Prohibit any person from engaging in, facilitating, or providing the means to engage in trunk fighting; and 2. Define trunk fighting as the practice of enclosing two or more animals in the trunk of a motor vehicle for the purpose of the animals attacking each other, and possibly fighting until one or more of the animals are dead.</td>
<td>Introduced 10/15/18</td>
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## Animal Diseases/Reporting

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<tr>
<td>New Hampshire</td>
<td>Dept. of Ag., Markets &amp; Food/Ag. 3300</td>
<td>Would: 1. Establish a fee schedule for disease testing in domestic animals that cannot be tested by an accredited veterinarian; and 2. Specify the type of tests available at the state veterinary diagnostic laboratory.</td>
<td>Proposed 9/10/18</td>
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<td>Ohio</td>
<td>Dept. of Health/ 3701-49-01</td>
<td>Would: 1. Prohibit fees from being charged for rabies exams of animals involving possible human or animal exposure, or having symptoms suspicious of rabies; and 2. Exclude rabies exams of pet rodents, rabbits, chipmunks, squirrels, voles, shrews, mice and rats from this fee prohibition unless the exam is exempted by the public health veterinarian.</td>
<td>Proposed 10/5/18</td>
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<td>South Dakota</td>
<td>Dept. of Ag. / ARSD 12:68</td>
<td>Would: 1. Specify that movement of animals from quarantined herds is only allowed under authorization of an agent of the Animal Industry Board; 2. Require any test-eligible cattle/bison imported from a Class A-C state to test negative to a brucellosis test within the 30 days before importation; 3. Require that all ruminant non-domestic animals imported for any reason other than immediate slaughter must:</td>
<td>Proposed 10/12/18</td>
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</table>
a. Be negative to an official tuberculosis (TB) test within 90 days prior to entry, or originate from a herd with a current accredited TB free status;
b. Be individually identified by official identification tags and visible management tag on a certificate of veterinary inspection; and
c. Enter on an import permit issued by the Board.

4. Specify that:
a. Initial herd tests of cervid herd of origin, adjacent herds, or suspicious herds identified by epidemiologic investigation must include all sexually intact animals 12 months of age and older;
b. Affected cervid herd tests must include all sexually intact animals 6 months of age and older; and
c. Certified brucellosis-free cervid herd tests must include all animals in the herd 12 months of age or older.

**Wyoming**

**Livestock Board/Chapter 2**

Would:
1. Amend the definition of a “brucellosis area of concern” to mean an area within the boundaries of designated Wyoming Game and Fish Department’s Elk Hunt Areas;
2. Exempt bovinae that have been approved for movement by the Wyoming State Veterinarian to a specified location to be quarantined on arrival until they are adult vaccinated; and
3. Specify that all test eligible bovinae and any heifers within the designated surveillance area (DSA) must test negative for Brucellosis within 30 days prior to a change of ownership, interstate movement, and leaving the DSA.

**Compounding**

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| Texas   | Board of Veterinary Medical Examiners / 22 TAC 573.44                       | Would:
1. Specify the amount of a drug that a veterinarian compounds or orders compounded, for dispensing or office use, must not exceed the patient’s established need for a specific drug;
2. Allow a veterinarian to only prescribe, administer, or dispense compounded drugs:
   a) To treat a specific occurrence of a disease or condition, which threatens the health of the animal or will cause suffering or death if left untreated; and
   b) If the veterinarian has observed and diagnosed in the particular patient for whom the compounded drugs are prescribed is intended. | Proposed 10/5/18 |

**Equines**

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| Delaware| Dept. of Ag. / 3 DE Admin. Code 501                                         | Would:
1. Define “length” as the distance as extending from a horse’s nose to the posterior of the hindquarters;
2. Specify that a Horse Identifier / Equipment Checker (HI/EC) shall be present for each race; and
3. Require HI/EC to maintain and ensure the proper working condition of micro-chip readers. | Proposed 10/1/18 |
### Montana

**State Department of Commerce/8.22.3201**

**Would:**
1. Specify that after each race the winning horse will have a urine and/or hair and/or post-race serum or plasma sample be collected. Whenever possible, the same collections will be taken from other horses;
2. Deem a pre- or post-race positive hair test as a violation if the hair sample presents prohibited substances including, but not limited to, clenbuterol, zilpaterol, and ractopamine; and
3. Require a hair sample be collected from a horse's tail if the horse is selected for testing and the mane is less than 3 inches in length.

**Proposed 9/21/18**

### Washington

**Horse Racing Commission/WSR 18-20-082**

Would require that horses scheduled for pre-race inspections to be ready for the official veterinarian in a manner which would not hinder the process.

**Proposed 10/1/18**

### Licensure

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| Maryland    | Dept. of Ag. / 15.14.09 | Would:
1. Require a Board Examination applicant to sign a statement before a notary public attesting they have read and comprehended the laws and regulations governing the practice of veterinary medicine or sign an online statement in conjunction with the Board’s online application process attesting to this fact with a signature that may be electronic;
2. Require an applicant to submit the following to the State Board within 1 year from the date the Board received the application:
   a. A complete and notarized exam application or an online exam application developed by the Board and submitted online with a signature that may be electronic;
   b. The application fee in the form of a check or money order, payable to the Maryland Department of Agriculture, or in the form of an online credit card payment or other e-payment submitted in conjunction with an online application developed by the Board; and
   c. One 2”x3” headshot photograph of the applicant, taken within 6 months of the application date, with the applicant’s complete signature on the photograph or a headshot photograph of the applicant, taken within 6 months of the application date, that is uploaded with an online application developed by the Board and attested to as true and accurate with a signature that may be electronic. | Proposed 9/28/18 |
| Maryland    | Dept. of Ag. / 15.14.13 | Would require an applicant to sign a statement before a notary public or provide an e-signature in conjunction with an online application developed by the State Board of Veterinary Medical Examiners (SBVME) attesting to the fact that the applicant understands the laws and regulations of the practice of veterinary medicine in order to pass the SBVME and requires an applicant to submit the following to the SBVME within 1 year from the date the Board received the application: | Proposed 9/28/18 |
1. A complete and notarized exam application or an online exam application developed by the SBVME and submitted online with a signature that may be electronic;  
2. The application fee in the form of a check or money order, payable to the SBVME or in the form of an online credit card payment or other electronic payment submitted in conjunction with an online application developed by the SBVME; and  
3. One 2”x3” headshot photograph of the applicant, taken within 6 months of the application date, with the applicant’s complete signature on the photograph or a headshot photograph of the applicant, taken within 6 months of the application date, that is uploaded with an online application developed by the SBVME and attested to as true and accurate with a signature that may be electronic.

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<th>New Jersey</th>
<th>A 373 / S 2448</th>
<th>Would specify that professional and occupational licensing boards shall not charge a license fee to a veteran or the spouse of a veteran when granting a license to practice in New Jersey on the basis of reciprocity.</th>
<th>Introduced 9/27/18</th>
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| New Jersey | A 2810 / S 2963 | Would:  
1. Direct a regulatory officer to review and approve regulations, actions, and decisions proposed by a licensing board to make sure it is consistent with and promotes clearly articulated and affirmatively expressed State policy;  
2. Give a regulatory officer the ability to disapprove, veto, modify, amend, or remand a proposed regulation if it is not consistent with and does not promote state policy; and  
3. Stipulate that a proposed regulation will not take effect unless a regulatory officer has conducted a review of the language and deems that it is not creating a private right of action or precludes any action to address possible anti-competitive impact. | Introduced 9/24/18 |
| Pennsylvania | SB 1273 | Would:  
1. Prohibit a licensing agency from considering an applicant’s past convictions which have been annulled, expunged, or made subject to an order of limited access; and  
2. Allow a licensing agency to consider an applicant’s past crimes if they had been convicted of a felony that relates to the trade, occupation, or profession for which the license, certificate, registration, or permit is sought. | Introduced 10/9/18 |
| Texas | Board of Veterinary Medical Examiners / 22 TAC 573.28 | Would prohibit a veterinarian from disclosing any information concerning the relationship between the veterinarian and the client except:  
1. For law enforcement purposes,  
2. Upon receipt by the veterinarian of an appropriate court order or subpoena; or  
3. As part of a good faith effort to determine ownership of the animal. | Proposed 10/5/18 |
| Utah | Occup. & Prof. Licensing, Commerce / R156-28 | Would:  
1. Add the definition of “working under” to mean an individual:  
a. Who performs services in Utah as unlicensed assistive personnel while employed by a licensed veterinarian;  
b. Whose manner and means of work performance are subject to the right of control of, or are controlled by, a licensed veterinarian;  
c. Whose compensation for federal income tax purposes is reported, or is required to be reported, on a W-2 form; and | Proposed 10/1/18 |
d. Who is entitled to workers compensation and unemployment insurance provided by the individual's employer under state or federal law.

2. Clarify the examination requirements when initially sitting for the North American Veterinarian Licensing Examination (NAVLE) and when retaking the NAVLE; and

3. Specify that a licensee’s required number of continuing education hours shall be decreased proportionately if a licensee first becomes licensed during the two-year period.

Pet Issues

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<td>New Jersey</td>
<td>A 4451 / S 2940</td>
<td>Would: 1. Require an impounded animal be made available for adoption if not claimed by its owners within 7 days of being told that the animal has been seized; 2. Require a shelter, pound, or kennel to offer an impounded animal for adoption for at least 30 days; and 3. Require these entities to offer the animal to an animal rescue organization for adoption after 30 days unless euthanasia is required for health or safety reasons.</td>
<td>Introduced 9/17/18</td>
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<td>New Jersey</td>
<td>A 4534</td>
<td>Would: 1. Allow any person to deliver, voluntarily and anonymously, a companion animal to a shelter, pound, veterinary hospital, or police station, and leave the animal with an employee, veterinarian, or police officer at the facility; 2. Specify that this person is not liable for the care or disposition of the animal; and 3. Prohibit an employee, veterinarian, or police officer at the shelter, pound, veterinary hospital, or police station to refuse to accept an animal.</td>
<td>Introduced 10/15/18</td>
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<td>Tennessee</td>
<td>Dept. of Ag. / 0080-02-12</td>
<td>Would: 1. Require that imported dog or cats comply with the following: a. If a dog is older than 3 months of age, its import must be accompanied by proof of current rabies vaccination for the animal; b. If a cat is older than 6 months of age, its import must be accompanied by proof of current rabies vaccination for the animal; c. A person shall not import any dog or cat infected with disease unless accompanied by written authorization from the state veterinarian; and d. A person shall not import any dog or cat that originated from, or is shipped through, a quarantine area unless accompanied by written authorization from the state veterinarian. 2. Give the Department of Agriculture the authority to subject dogs and cats to state control programs in the case of: a. Rabies; and b. Any disease for which the federal government has established a control program in dogs or cats. 3. Specify the requirements for cat or dog dealer licensure.</td>
<td>Proposed 9/7/18</td>
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<td>Virginia</td>
<td>Board of Ag. &amp; Consumer Services / 2</td>
<td>Would specify that a facility that operates to find permanent adoptive homes for animals shall annually: 1. Find permanent adoptive homes for animals; and</td>
<td>Proposed 10/15/18</td>
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<td>Arkansas</td>
<td>State Veterinary Medical Examining Board / 092.00.18-002</td>
<td>Would: 1. Require a licensed veterinarian to prescribe a controlled substance in the lowest effective dose appropriate to the size and species of the animal for the least amount of time if a controlled substance is necessary for treatment; 2. Specify that an initial dose for an opioid shall not exceed a 10-day supply; 3. Allow a licensed veterinarian to prescribe a controlled substance for the management of behavioral disorders, neurological disorders, acute pain, chronic pain, terminal illnesses, or other chronic conditions if the prescribing is within the accepted standard of care; 4. Require a veterinarian to document a discussion with the owner about the known risks and benefits of treatment with a controlled substance, the responsibility for the security of the drug, and proper disposal of any unused drug prior to prescribing or dispensing a controlled substance; and 5. Require a veterinarian to assess the appropriateness of continued use of the current treatment plan and consider the use of other therapeutic modalities if the patient’s progress is unsatisfactory.</td>
<td>Proposed 10/1/18</td>
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<td>Ohio</td>
<td>State Board of Pharmacy / 4729.5-3-08</td>
<td>Would allow licensed veterinarians to sell or offer to sell dangerous drugs via the internet only when the internet pharmacy maintains accreditation as a verified internet pharmacy practice site from the National Association of Boards of Pharmacy.</td>
<td>Proposed 10/10/18</td>
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<td>Wyoming</td>
<td>State Board of Pharmacy / Chapter 6</td>
<td>Would allow a prescription for a Schedule II controlled substance to be partially filled if: 1. The partial fill is requested by the patient or the practitioner; 2. The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and 3. Remaining portions of a partially filled prescription will not be filled later than 30 days after the date on which the prescription is written.</td>
<td>Proposed 9/21/18</td>
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<td>Wyoming</td>
<td>State Board of Pharmacy / Chapter 8</td>
<td>Would: 1. Define a “practitioner” to mean a veterinarian, physician, dentist, podiatrist, scientific investigator, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research;</td>
<td>Proposed 9/21/18</td>
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</table>
2. Require a practitioner to register in the controlled substance prescription tracking program if they are authorized to dispense any controlled substances in Schedules II through V; and
3. Require a resident/nonresident retail pharmacy to submit the name and species of an animal patient to the tracking program.

### Scope of Practice

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| New Jersey  | A 4055 / S 3035 | Would:  
1. Require a person found to have negligently performed pet grooming services to register with the Division of Consumer Affairs in the Department of Law and Public Safety;  
2. Define “negligent performance of pet grooming” as when a pet experiences any of the following:  
   a. An injury that required veterinary contact which was sustained while at a pet grooming facility;  
   b. Severe illness reasonably believed to be contracted while receiving pet grooming services;  
   c. Pet escape; or  
   d. Pet Death.  
3. Require a person required to register to remain registered for a period of 1 calendar year. | Introduced 10/15/18 |
| New Jersey  | A 4066 / S 2907 | Would:  
1. Establish the Dog Trainer Board of Examiners consisting of:  
   a. Two public members;  
   b. Three licensed dog trainers;  
   c. Two licensed veterinarians;  
   d. One member that is affiliated with an animal protection group; and  
   e. One member that is a State executive department member.  
2. Require a person to meet the following to be a licensed dog trainer:  
   a. Be at least 18 years of age;  
   b. Be of good moral character;  
   c. Have successfully completed high school or passed a high school equivalency examination; and  
   d. Have successfully completed a minimum of 300 hours in dog training, under the supervision of and documented by, a licensed dog trainer within the three years immediately preceding the application. | Introduced 9/13/18 |
| New York    | A 11328       | Would:  
1. Prohibit ear clipping unless the operation is performed by a licensed veterinarian who deems that the procedure is medically necessary to protect the life or health of the dog; and  
2. Prohibit docking dog tails unless the procedure is deemed necessary to protect the life or health of the dog by a licensed veterinarian. | Introduced 9/19/18 |
### Service/Assistance Animals

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| Delaware      | DOT / 2 DE Admin. Code 2277 | Would:  
1. Define “service animal” as any guide dog, signal dog or other animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue, pulling a wheelchair or fetching dropped items;  
2. Require any service animal to be permitted to travel with a passenger in a public carrier vehicle;  
3. Allow the public carrier to ask if the animal is a service animal or a pet by asking the passenger the task the animal has been trained to perform;  
4. Prohibit a public carrier from asking any questions concerning the passenger's disability or asking for proof of the animal's service certificate; and  
5. Prohibit a passenger with a service animal from being charged an extra fee or treated less favorably than any passenger that does not require the services of a service animal. | Proposed 10/1/18 |
| Delaware      | DOT / 2 DE Admin. Code 2289 | Would:  
1. Require a transportation network carrier (TNC) to accept riders with service animals at no extra charge;  
2. Allow a TNC driver to determine if the animal is a pet or service animal by asking the passenger what service(s) the animal has been certified to perform;  
3. Prohibit a TNC from asking a passenger to explain or describe their disability; and  
4. Allow a TNC driver to refuse to transport a service animal when the service animal is being aggressive or otherwise acting in a manner that represents a hazard to the TNC driver or other passengers. | Proposed 10/1/18 |

### Zoo Animals/Wildlife

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| Idaho          | Dept. of Fish & Game / 13.01.10 | Would:  
1. Prohibit the importation of carcasses or other parts of deer, elk, or moose from another state, province of Canada, or country with any documented case of Chronic Wasting Disease (CWD); and  
2. Create additional transport prohibitions if the Idaho Fish and Game Commission designates any part of Idaho as a CWD Management Zone. | Proposed 10/3/18 |
| Kentucky       | Fish & Wildlife Resources / 301 KAR 002:095 | Would establish procedures for the importation and possession of cervid carcasses or carcass parts from other states or countries. | Proposed 9/12/18 |
| Mississippi    | Wildlife, Fisheries, & Parks / 40 | Would:  
1. Prohibit the importation of carcasses or other parts of deer, elk, or moose from another state, province of Canada, or country with any documented case of Chronic Wasting Disease (CWD); and  
2. Create additional transport prohibitions if the Idaho Fish and Game Commission designates any part of Idaho as a CWD Management Zone. | Proposed 9/21/18 |
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<tr>
<td>Mississippi</td>
<td>Prohibit a person from possessing a live white-tailed deer in Mississippi unless that person possesses a valid permit issued by the Mississippi Department of Wildlife, Fisheries, and Parks (MDWFP); Prohibit a person from selling a live white-tailed deer; Prohibit orphaned or injured white-tailed deer from being placed in high-fenced enclosures without written permission from the MDWFP; Require all 1.5-year-old or older white-tailed deer that die of natural causes within breeding pens be tested for CWD.</td>
<td>9/21/18</td>
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<td>Nebraska</td>
<td>Amend the categories of aquatic invasive species; Prohibit a conveyance from being launched into or leave waters with Aquatic Invasive Species or any aquatic plant attached; Prohibit a person from leaving any water body, listed as infested for either Zebra or Quagga mussels, with live fish, aquatic plants, or any water other than from a domestic source that has not been used for holding fish.</td>
<td>9/20/18</td>
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