



Direct Licensing Model Legislation

(a) For the purposes of this section:

- (1) “Agency” means any humane society, animal control agency, or governmental entity operating an animal shelter or other facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals.
- (2) “Authorized agency” means an agency that has received a permit from the Department authorizing the purchase, possession, and use of schedule II and schedule III drugs by agencies for the purpose of tranquilizing, pre-euthanasia sedating, and euthanizing of injured, sick, homeless, or unwanted animals which are in their lawful possession.
- (3) “Department” means.....

(b) The Department shall adopt regulations providing for the issuance of permits authorizing the purchase, possession, and use of schedule II and schedule III drugs by agencies for the purpose of tranquilizing, pre-euthanasia sedating, and euthanizing of injured, sick, homeless, or unwanted animals which are in their lawful possession. The rules shall:

(1) establish criteria for the Department to use in determining whether to refuse to issue or renew, suspend, or revoke a license issued under this section. The Department may revoke or suspend a permit if it determines that the agency or an employee of the agency:

- (A) improperly used a schedule II or schedule III drug, or a derivative of it;
- (B) failed to follow the federal or state laws regarding proper storage and handling of the drugs;
- (C) allowed anyone other than a certified euthanasia technician or a licensed veterinarian to administer the drugs; or
- (D) violated this section or a regulation adopted under this section.

(2) set forth guidelines for the proper storage and handling and such other provisions as may be necessary to ensure the safe and efficient use of schedule II and schedule III drugs, and that the drugs are used solely for the purpose set forth in this section.

(3) provide for the training and certifying of euthanasia technicians.

(4) provide for an application fee not to exceed \$ 50 and a biennial renewal fee not to exceed \$ 50.

(5) address any other matters the Department considers necessary or appropriate for the administration and enforcement of this section.

(c) An agency may apply to the Department and obtain a mid-level practitioner permit that authorizes the purchase, possession, and use of schedule II and schedule III drugs for the purpose of tranquilizing, pre-euthanasia sedating, and euthanizing injured, sick, homeless, or unwanted animals in the lawful possession of the agency. The Department shall inspect the facility prior to the issuance of the permit. The Department shall begin issuing permits under this section within one year after the effective date of this Act. The Department shall issue a permit to an applicant who has met the requirements and has paid the required application fee. To qualify to obtain the permit, the agency shall certify that it will

(1) comply with applicable federal laws related to the use of the drugs; and

(2) not permit anyone to administer the drugs except for a certified euthanasia technician or a licensed veterinarian.

(3) keep the conditions of the euthanasia area clean and sanitary with adequate equipment and supplies to enable the humane disposition of animals.

(4) notify the Department in writing within 30 days of the time that the employment of a euthanasia technician is terminated from the authorized agency.

(d) The Department shall begin issuing permits under this section within one year after the effective date of this Act.

(e) An authorized agency shall maintain a report of any purchase, possession, and use of sodium pentobarbital, or a derivative of it, which shall be made available upon inspection.

(f) An applicant for certification as a euthanasia technician shall file an application with the Department and shall:

(1) Be of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities cruel to animals or that would constitute grounds for discipline under this section.

(2) Submit fingerprints to the State Police or its designated vendor as set forth by rule. These fingerprints shall be checked against the State Police and Federal

Bureau of Investigation criminal history record databases. A separate fee shall be charged to the applicant for fingerprinting, payable either to the Department or the State Police or its designated vendor.

(3) Either:

(i) have successfully completed a euthanasia technician certification course that includes at least 18 hours of instruction, and is approved by the National Animal Control Association, the American Humane Association, or the Humane Society of the United States; or

(ii) is a euthanasia technician registered or licensed under the laws of another state or territory of the United States that has requirements that are substantially similar to the requirements of this section and presents satisfactory proof to the Department that the applicant has been engaged in the practice of euthanasia for a period of not less than one year.

(4) Pay the required fee, as set by rule, not to exceed \$ 50.

(g) The duties of a euthanasia technician shall include but are not limited to providing for:

(1) preparing animals for euthanasia and scanning each animal, prior to euthanasia, for microchips;

(2) accurately recording the dosages administered and the amount of drugs wasted;

(3) maintaining the security of all controlled substances and drugs;

(4) tranquilizing and pre-euthanasia sedating of animals;

(5) humanely euthanizing animals via intravenous injection by hypodermic needle, intraperitoneal injection by hypodermic needle, solutions or powder added to food or by mouth, or intracardiac injection only on comatose animals by hypodermic needle; and

(6) properly disposing of euthanized animals after verification of death.

(h) A certified euthanasia technician employed by an authorized agency may perform tranquilization, pre-euthanasia sedation, and euthanasia by the administration of a Schedule II or Schedule III controlled substance. A euthanasia technician may not personally possess, order, or administer a controlled substance except as an agent of the authorized agency.

(i) During the first 45 days after being initially certified as a euthanasia technician by the Department, a euthanasia technician employed by an authorized agency may perform euthanasia only under the direct supervision of a certified euthanasia technician.

(j) Upon termination from an authorized agency, a euthanasia technician shall not perform animal euthanasia until he or she is employed by another authorized agency.

(k) A certified euthanasia technician or an instructor in an approved course does not engage in the practice of veterinary medicine when performing duties set forth in this section.

(l) The Department shall begin issuing certificates under this section within one year after the effective date of this section. The Department shall issue a certificate to an applicant who has met the requirements and has paid the required application fee. To qualify to obtain the certificate, the applicant shall certify that he or she will

(1) comply with applicable federal laws related to the use of the drugs; and

(2) not permit anyone to administer the drugs except for a certified euthanasia technician or a licensed veterinarian.

(m) Certification as a euthanasia technician shall expire after two years. The Department shall adopt regulations providing procedures for the renewal of certification issued under this section, or for the restoration of certification to euthanasia technicians whose certification has expired, including:

(1) requiring proof of fitness to have the certification renewed or restored, which may include, if appropriate, the completion of continuing education courses or evidence that is satisfactory to the Department certifying active practice in another jurisdiction, and

(2) payment of an application fee not to exceed \$ 50.

(n) The Department may refuse to issue, renew, or restore a certification or may revoke or suspend a certification, or place on probation, reprimand, impose a fine not to exceed \$1,000 for each violation, or take other disciplinary action as the Department may deem proper with regard to a certified authorized agency or a certified euthanasia technician for any one or combination of the following reasons:

(1) failing to carry out the duties of a euthanasia technician;

(2) abusing the use of any chemical substance;

(3) selling, stealing, misrepresenting the use of or giving chemical substances away;

- (4) abetting anyone in the activities listed in this subsection; or
 - (5) violating any provision of this section or rule adopted under this section.
- (o) An instructor of euthanasia techniques or a veterinarian who engages in the instructing of euthanasia technicians, in a course approved by the Department, shall not incur any civil or criminal liability for any subsequent misuse or malpractice of a euthanasia technician who has attended the course.
- (p) Any veterinarian, who in good faith administers euthanasia drugs to an animal in an agency, has immunity from any liability, civil, criminal, or otherwise, that may result from his or her actions. For the purposes of any proceedings, civil or criminal, the good faith of the veterinarian shall be rebuttably presumed.
- (q) A person who practices, offers to practice, attempts to practice, or holds himself or herself out as a certified euthanasia technician or an authorized agency without being certified under this section shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department.
- (r) The Department may investigate any uncertified activity.
- (s) Instructors teaching humane euthanasia techniques are exempt from the certification process.
- (t) In addition to any civil penalties imposed under this section, any person who knowingly violates this section is guilty of a misdemeanor. Any agency that knowingly permits an employee to violate this section is guilty of a misdemeanor.