



State Legislative Update

September/October 2021

This issue of the State Legislative Update includes select summaries of bills and regulations tracked by AVMA Division of State Advocacy and introduced in September. For more information, please contact Mr. Cody Corcelius, Policy Analyst, AVMA Division of State Advocacy (wcorcelius@avma.org).

Changes to canine blood banking in California

The **California Veterinary Medical Association** provided critical input to newly enacted legislation [CA AB 1282](#) that will phase out closed-colony blood banks and replace them with establishments that collect blood from community-sourced pets. CVMA advocated for an expert advisory committee at the California Department of Food and Agriculture to provide resources to assist the veterinary profession with best practices for blood banking, as well as including a transition plan to minimize blood and blood product shortages.

Creation of an Animal Welfare Board

Pennsylvania's legislature recently introduced [PA SB 907](#), which would create an Animal Welfare Board. The Board would review existing laws and regulations related to the keeping and handling of animals and make recommendations for legislative and regulatory changes. Veterinarians and other stakeholders would collaborate in offering creative solutions to improve the lives of animals in Pennsylvania. Championed by the **Pennsylvania Veterinary Medical Association**, the bill requires two members of the Board to be from the PVMA.

New compounding regulations

In **New Mexico**, a new regulation ([NM 16.19.30 NMAC](#)) allows pharmacies to distribute compounded controlled substances for veterinary office use if the preparation is not readily available from an outsourcing facility; ordering and distribution occur in compliance with applicable state and federal law, the pharmacy is registered with the DEA as a manufacturer; and the product bears a statement, "For administration only. Not for dispensing or resale."

Reporting suspected animal cruelty

A new law in **New York** ([NY SB 5023](#)) changes a once voluntary animal cruelty reporting process to a mandatory one. As of February 27, 2022, a veterinarian who reasonably and in good faith suspects that a companion animal's injury, illness, or condition is the result of animal cruelty will be required to report the incident and disclose records concerning the companion animal's condition and treatment. Civil and criminal immunity for good faith reporting remain in place.

Updates to administrative rules in Vermont

Proposed changes to regulations in **Vermont** ([VT 21P030](#)) would allow the use of alternative therapies and integration of complementary care providers; participation of veterinarians in rabies vaccination clinics where a veterinarian-client-patient relationship (VCPR) is not required; additional means for obtaining the required 24-hour biennial CE requirement, such as reading journal articles; and delegation of professional responsibilities, outside of diagnosing,

prescribing and surgery, to non-veterinarians. Provisions also include language to clarify that the establishment of a VCPR must comply with statutory requirements.

2022 Pre-filed legislation

States have already begun to ramp up in preparation for the 2022 legislative session. There has been an influx of pre-filed bills, including two notable bills in **Florida**. **Florida's** [FL SB 448](#) would define telemedicine and allow a VCPR to be formed by an examination of the animal or group of animals either physically in person or by instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically. The legislation would also permit an employee or agent of the veterinarian to administer rabies vaccine to impounded dogs, cats and ferrets under indirect supervision. AVMA strongly supports the use of telemedicine after establishment of a VCPR by an in-person physical examination or medically appropriate and timely visits to a premise where animals are kept. [AVMA's policy](#) and more information can be found on [AVMA's website](#).

A **Florida** bill ([FL SB 172](#)) that would allow for the appointment of an advocate for the interests of an animal in certain court proceedings and allow for the advocate to review veterinarians' records has been reintroduced. AVMA remains opposed to legislative language that would allow for lawyers to advocate for the "interests of an animal", which is a very different legal standard than "in the interest of justice". "In the interest of justice" includes notions of fairness and the interest of the owner, while "in the interest of the animal" is an attempt to require courts to apply the same types of standards as they would for a child. There are a number of states which considered or are considering legislation related to animal advocates this year.

Animal Abuse Cruelty			
State	Link	Summary of Proposed Bill or Regulation	Status
New York	NY S 5203	Requires a veterinarian who reasonably and in good faith suspects that a companion animal's injury, illness, or condition is the result of animal cruelty to report the incident and disclose records concerning the companion animal's condition and treatment.	Enacted 10/30/2021

Animal Disease Vaccination			
State	Link	Summary of Proposed Bill or Regulation	Status
Texas	TX 4 TAC 45.1 et.al.	Adds agents of disease transmission; amends the scope of information a veterinarian must report; consolidates list of reportable and actionable diseases; and adds applicable penalties and violations.	Effective 10/21/2021

Appropriations			
State	Link	Summary of Proposed Bill or Regulation	Status
Florida	FL HB 2041	Would appropriate \$500,000 to fund the expansion and renovation of Zoo Miami's animal hospital.	Pre-filed 9/24/2021
Texas	TX SB 8	Appropriates \$1,000,000 to the Higher Education Coordinating Board to provide funding for the rural veterinarians grant program.	Enrolled 10/19/2021

Companion Animals			
State	Link	Summary of Proposed Bill or Regulation	Status
California	CA AB 1282	Phases out two closed-colony blood banks over a period of 18 months and transition to establishments that collect blood from community-sourced canines; and appropriates \$1,000,000 for the Department of Food and Agriculture to implement an oversight program.	Enacted 10/9/2021

Courtroom Advocates			
State	Link	Summary of Proposed Bill or Regulation	Status
Florida	FL SB 172	Would: <ol style="list-style-type: none"> 1. Provide for appointment of an advocate for the interests of an animal in certain court proceedings at the discretion of the court; 2. Provide powers and duties of such advocates, including review of veterinarian's records relating to the animal's condition and the defendant's actions; and 3. Require the Animal Law Section of The Florida Bar to maintain a list of attorneys and certified legal interns meeting specified requirements who are eligible to be appointed as such advocates. 	Pre-filed 9/14/2021

Emergency First Responders			
State	Link	Summary of Proposed Bill or Regulation	Status
Florida	FL SB 226	Would establish the "Care for Retired Law Enforcement Dogs Program" and appropriate \$300,000 yearly for the veterinary care of eligible retired law enforcement dogs.	Pre-filed 9/15/2021

Euthanasia			
State	Link	Summary of Proposed Bill or Regulation	Status
Ohio	4741-1-23	Requires an employee of an animal shelter to perform euthanasia utilizing lethal injection on an animal using any substance other than combination drugs that contain pentobarbital and at least one noncontrolled substance active ingredient.	Effective 9/13/2021

Livestock			
State	Link	Summary of Proposed Bill or Regulation	Status
Texas	TX 4 TAC 33.1 et.al.	Updates terms and recognizes modern technologies for obtaining Certificates of Veterinary Inspection and adds applicable penalties and violations.	Effective 10/21/2021

Pharmaceuticals Prescription Drug Monitoring Program			
State	Link	Summary of Proposed Bill or Regulation	Status
New Mexico	NM 16.19.30 NMAC	Allows pharmacies to distribute compounded controlled substances for veterinary office use if: <ol style="list-style-type: none"> 1. The preparation is not readily available from an outsourcing facility; 2. Ordering and distribution occur in compliance with applicable state and federal law; 3. The pharmacy is registered with the DEA as a manufacturer; and 	Effective 9/14/2021

		4. The product bears a statement “For administration only. Not for dispensing or resale.”	
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State Programs | Board of Veterinary Medicine

State	Link	Summary of Proposed Bill or Regulation	Status
Pennsylvania	PA SB 907	<p>Would establish the Animal Welfare Board to review existing laws and regulations related to the keeping and handling of animals and make recommendations for legislative and regulatory changes. Notable Board members include:</p> <ol style="list-style-type: none"> 1. Two individuals from the Pennsylvania Veterinary Medical Association; 2. The University of Pennsylvania School of Veterinary Medicine; 3. The Federated Humane Societies of Pennsylvania; and 4. The Pennsylvania Society for the Prevention of Cruelty to Animals. 	Introduced 10/18/2021
Vermont	VT 21P030	<p>Would update administrative rules and include provisions to address:</p> <ol style="list-style-type: none"> 1. Use of alternative therapies and integration of complementary care providers; 2. Changes to continuing education requirements; 3. Delegation of professional responsibilities; 4. Inspection; 5. Self-Reporting and disease reporting; 6. Record-keeping for companion and non-companion animals; and 7. Participation by veterinarians in rabies vaccination clinics. 	Proposed 9/1/2021

Veterinarian-Client-Patient Relationship | Telemedicine

State	Link	Summary of Proposed Bill or Regulation	Status
Florida	FL SB 448	<p>Would:</p> <ol style="list-style-type: none"> 1. Allow a VCPR to be formed by an examination of the animal or group of animals either physically in person or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; 2. Define “Telemedicine” as the practice of veterinary medicine, including diagnosis, consultation, evaluation, treatment, or transfer of medical data, by means of a two-way, real-time interactive communication between a client and patient and a veterinarian who has access to and the ability to review the patient’s relevant information before the telemedicine visit; 3. Forbid a veterinarian from prescribing controlled substances if they have not previously performed an in-person physical examination or made medically appropriate and timely visits to the premises where the animal is kept; 4. Give the board jurisdiction over the veterinarian practicing in the state, regardless of where the veterinarian’s physical office is located; and 5. Permit an employee or agent of the veterinarian to perform vaccinations under indirect supervision. 	Pre-filed 10/12/2021

Veterinary Technicians | Veterinary Assistants

State	Link	Summary of Proposed Bill or Regulation	Status
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Oregon	<u>OR 875-030-0040</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Remove the requirement for "direct" supervision of Certified Veterinary Technician (CVT) when injecting, implanting, tattooing, or tagging an animal with a permanent identification device which allows persons who are not licensed as CVT's to inject or implant a permanent identification device under the "supervision" of a licensed veterinarian; and 2. Amending "inject or implant" a permanent identification device to "administer" a permanent identification device clarifying that animal identification devices can be applied to the body of an animal by several methods, including but not limited to tattooing, injecting, implanting, and tagging. 	Published 10/26/2021
South Carolina	<u>120-1, 120-3, 120-9</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Allow licensed veterinary technicians and unlicensed veterinary aides to perform more duties under indirect supervision, which means that a supervising licensed veterinarian is available for immediate voice contact; 2. Define "emergency patient" to establish an animal's medical condition(s) that warrants only indirect supervision by a licensed veterinarian of licensed veterinarian technicians and unlicensed veterinary aides at critical times; 3. Define "radiography" to indicate a broad application as it applies to indirect supervision for licensed veterinary technicians and unlicensed veterinary aides; 4. Consolidate the exam requirements and delete the waiver provision which provides for licensure by endorsement from another state with certain conditions; and 5. Change the term "unlicensed veterinary assistant" to "unlicensed veterinary aide" which is defined by statute. 	Proposed 10/22/2021