



State Legislative Update

November 2023

This issue of the State Legislative Update includes select summaries of bills and regulations tracked by the AVMA Division of State Advocacy and introduced in November. For more information, please contact Madeline Brezin, Policy Analyst, AVMA Division of State Advocacy (mbrezin@avma.org).

Pharmaceuticals | Prescription Drug Monitoring Program

In **Illinois**, thanks to dedicated advocacy by the **Illinois State Veterinary Medical Association**, a new law ([IL H.B.1358](#)) was amended to exempt veterinarians from the requirement that all controlled substance prescriptions must be transmitted electronically to retail pharmacies for two years following the effective date of this legislation.

Rhode Island proposed regulation [216-RICR-40-05-14](#), which would, among other things, outline requirements for veterinary drug donation and re-dispensing.

Xylazine

In **New York**, [NY S. 7763](#) was introduced which would make xylazine a Schedule I controlled substance with an exception for its use in veterinary practice. This includes purposes of injection to cattle and nonhuman species when such purposes are approved by the federal Food and Drug Administration (FDA).

In **South Carolina**, [SC H.B. 4617/SC S.B. 849](#) would make xylazine a Schedule III controlled substance in the state with a veterinary use exemption. The exemption would include manufacturing, distribution, or possession of a xylazine bulk chemical for pharmaceutical compounding.

Animal Abuse Cruelty			
State	Link	Summary of Proposed Bill or Regulation	Status
Michigan	MI S.B. 0657 MI S.B. 0658	Would amend the state's "Cruel and Inhumane Treatment of Animals" statute and the state's "Killing, Torturing, Mutilating, Maiming, or Disfiguring Animals" statute to: <ol style="list-style-type: none"> 1. Require animals seized as part of an investigation not be returned to the owner pending the outcome of criminal action and must be taken to a local animal control agency or their designee; 2. Permit the seizure of a service animal; 3. Allow the court to award an animal victim to the animal control agency for evaluation and disposition (transfer, euthanasia, or adoption) if the owner is convicted; 	Introduced 11/9/2023

		<ol style="list-style-type: none"> 4. Allow the court to order the defendant in an animal cruelty case to pay restitution, including costs of the seizure, care, housing, veterinary medical care, and disposition of the animal victim; 5. Create procedures for seizing and holding animals under these laws and hearing procedures; and, 6. Outline circumstances in which an animal control agency may euthanize a seized animal. 	
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Animal Disease | Vaccination

State	Link	Summary of Proposed Bill or Regulation	Status
Florida	FL S.B. 334 FL H.B. 303	<p>Would:</p> <ol style="list-style-type: none"> 1. Allow, under the indirect supervision of a veterinarian, an employee, an agent, or a contractor of a county or municipal animal control authority or sheriff to administer rabies vaccinations to dogs, cats, and ferrets in the custody of an animal control authority or a sheriff; 2. Define “indirect supervision” for these purposes as “the supervising veterinarian is required to be available for consultation through telecommunications but is not required to be physically present during such consultation;” 3. Allow the supervising veterinarian to either affix their signature or authorize their signature to be affixed on the rabies vaccine certificate; and, 4. Designate an assumption of responsibility to the supervising veterinarian for any person vaccinating animals at their direction or under their direct or indirect supervision. 	<p>Filed 11/6/2023</p> <p>Filed 10/31/2023</p>

Animal Advocates | Court

State	Link	Summary of Proposed Bill or Regulation	Status
Florida	FL H.B. 297/FL S.B. 272	<p>Would:</p> <ol style="list-style-type: none"> 1. Authorize a court to order an advocate be appointed in the interests of justice for cases involving interference with or injury of a service animal, offenses against police canines, fire canines, SAR canines, or police horses, and in any criminal proceeding regarding the welfare or custody of a cat or dog; 2. Clarify that a judge’s decision denying an appointment of such an advocate is not subject to appeal; 3. List requirements for an individual to serve as an animal advocate; and, 4. Clarify that the courtroom advocate section does not apply to an entity that is accredited through a nationally or internationally recognized zoo or aquarium accreditation organization. 	<p>Filed 10/30/2023</p>

Animal Shelters

State	Link	Summary of Proposed Bill or Regulation	Status
Delaware	DE 4501 Regulation s for Animals Held in Shelter	<p>Would:</p> <ol style="list-style-type: none"> 1. Require shelters to create protocols for behavioral enrichment and have all veterinary care protocols approved annually by their advising veterinarian; 2. Require animals admitted overnight to receive their vaccinations by noon; 3. Require all animals entering the shelter be evaluated at intake for signs of infectious disease, injury, or illness requiring emergency care; 	<p>Proposed 11/1/2023</p>

		<ol style="list-style-type: none"> 4. Require a full exam (requirements listed in regulation) must be performed within 48 hours of entering the shelter and prior to adoption; 5. Require animals held at a shelter for one year or more to receive an exam by a veterinarian every 12 months; 6. Require animals in isolation or quarantine to not be in areas accessible by the public and enclosures of animals with suspected contagious disease to be clearly marked to indicate the condition and any necessary precautions; 7. Require isolation and quarantine areas to be separated by species and meet the medical and behavioral needs of sick animals; and, 8. Update information required to be maintained in animal shelter records. 	
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Euthanasia

State	Link	Summary of Proposed Bill or Regulation	Status
Kentucky	201 KAR 16:552	<p>Would:</p> <ol style="list-style-type: none"> 1. Authorize an animal control agency to apply for a registration certificate by the United States Drug Enforcement Administration to procure, manage, and dispose of controlled substances that are authorized by the Kentucky Board of Veterinary Examiners (KBVE) for use in animal sedation and euthanasia; 2. Require an animal control agency to notify the KBVE in writing within ten business days following the termination or severance of employment of a certified animal euthanasia specialist so that the certificate of the animal euthanasia specialist may be moved to inactive status; 3. Require animal control agencies to report to the KBVE and DEA within twenty-four (24) hours any suspected diversion of controlled substances or theft of controlled substances; 4. Require the designated on-site manager to ensure that a designated area is provided for animal euthanasia activities, the area is kept clean and orderly, and is maintained as a safe workspace, and that drugs ordered under DEA Registration held by any person or entity other than the certified animal control agency are kept in separate secure storage pursuant to state law; 5. Add to the list of who wildlife can be re-directed to a captive wildlife holder or transporter licensed with the state and KDFWR wildlife biologists or conservation officers; 6. Restrict animal control agencies to only purchasing sodium pentobarbital for euthanasia; 7. Restrict animal control agencies to a 30-day supply of scheduled drugs, or the smallest quantity available for purchase if that quantity is greater than a 30-day supply; 8. Outline safe storage requirements for animal control agencies; and, 9. Require animal control agencies to maintain records of the procurement, management, and disposal of sedation and euthanasia drugs. 	Proposed 11/13/2023

Pet Insurance

State	Link	Summary of Proposed Bill or Regulation	Status
New York	NY A 8276	Would create a framework for pet insurance in the state.	Introduced 11/27/2023

Pharmaceuticals Prescription Drug Monitoring Program			
State	Link	Summary of Proposed Bill or Regulation	Status
Delaware	<u>DE Emergency Rule Placing Illicit Xylazine in Schedule III</u>	<ol style="list-style-type: none"> 1. Adds illicit use of xylazine to the state's controlled substances list as a Schedule III; 2. Defines illicit use as any use in the human species or any use that is not licit; and, 3. Defines licit use as: <ol style="list-style-type: none"> a. Any administration to nonhuman species a drug containing xylazine that has been approved by federal law; b. The manufacturing, importation, or use of xylazine as an active pharmaceutical ingredient for manufacturing an animal drug approved by federal law; c. The manufacturing, importation, or use of a xylazine bulk chemical for pharmaceutical compounding by licensed pharmacists or veterinarians; and, d. other uses approved or permissible under federal law. 	<p>Proposed 11/1/2023</p> <p>Effective 11/11/2023</p> <p>Expired 11/29/2023</p>
Illinois	<u>IL H.B.1358</u>	Exempts veterinarians from the requirement that all controlled substance prescriptions must be transmitted electronically to retail pharmacies for two years following the effective date of this legislation.	Enacted 11/17/2023
New York	<u>NY S. 7763</u>	Would make xylazine a Schedule I controlled substance with an exception for its use in veterinary practice for purposes of injection to cattle and nonhuman species when such purposes are approved by the federal Food and Drug Administration	Introduced 11/17/2023
Rhode Island	<u>216-RICR- 40-05-14</u>	<p>Would outline requirements for donation and re-dispensing of veterinary medications for use by nonprofit, state, and local facilities as well as:</p> <ol style="list-style-type: none"> 1. Create a code of professional conduct for veterinarians; 2. Remove the good moral character requirement for license applicants and replace it with conduct in accordance with the code of professional conduct for veterinarians; 3. Allow contact hours, related to continuing education, to be earned via in-person programs or live online streamed programs which allow for the audience to participate and ask questions to the presenter; and, 4. Change the term "radiographs" in rules for recordkeeping to "imaging studies regardless of format". 	<p>Proposed 11/15/2023</p> <p>Closed for Comment 12/15/2023</p>
South Carolina	<u>SC H.B. 4617/SC S.B. 849</u>	<p>Would make xylazine a Schedule III controlled substance in the state with a veterinary use exemption, which would include:</p> <ol style="list-style-type: none"> 1. The production, manufacturing, distribution, or possession of xylazine for use in legitimate veterinary practice; 2. The production, manufacturing, distribution, or possession of a xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian for use in a nonhuman species; 3. The possession of xylazine pursuant to a valid prescription from a licensed veterinarian for use in a nonhuman species; or, 4. The possession of xylazine in an injectable form for use in a nonhuman species. 	Introduced 11/16/2023

Research Research Animals			
State	Link	Summary of Proposed Bill or Regulation	Status
Florida	<u>FL S.B. 368</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require any no longer needed cat or dog research animal to be offered for adoption to any society or association for the prevention of cruelty to animals, unless euthanizing the animal is necessary for health or safety reasons; 2. Allow a research facility to enter into a collaborative agreement with a society or association for the prevention of cruelty to animals for adoption purposes; 3. Create civil liability for research facilities offering animals for adoption to a society or association for the prevention of cruelty to animals; 4. Create an annual reporting requirement to the Florida Department of Agriculture and Consumer Services for research facilities using cats and dogs; and, 5. Create an annual reporting requirement to the Florida Department of Agriculture and Consumer Services for each publicly funded animal testing facility, contract testing facility, or manufacturer that uses an animal test method. 	Prefiled 11/8/2023

Small Business			
State	Link	Summary of Proposed Bill or Regulation	Status
Florida	<u>FL H.B. 301/FL S.B. 22</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require providers of companion animal cremation services to provide a written description of services & include certification with cremated remains; 2. Require referring persons, including veterinarians, or entities to provide copies of the providers' written descriptions; 3. Create penalties for violation and a private cause of action for injured persons; and, 4. Allow the Florida Department of Agriculture and Consumer Services to investigate and impose penalties for violations of these requirements. 	Prefiled 10/30/2023
Pennsylvania	<u>PA S.B. 979</u>	Would allow the Commonwealth's Department of Agriculture to require anyone who offers domestic animal, commercial feed, or pet food for sale to the public to provide a posted notice on the premises with information on a dangerous transmissible disease.	Introduced 11/6/2023

State Programs Board of Veterinary Medicine			
State	Link	Summary of Proposed Bill or Regulation	Status
D.C.	<u>DC B25-0312</u>	<p>Requires:</p> <ol style="list-style-type: none"> 1. At least 50% of health professional licensing board positions, including those for the Board of Veterinary Medicine designated for professional members be filled by District residents at the time of their appointments and while they are members of the board; 2. The chairperson of each board to be a District resident while they are a member of the board; 3. Each professional member of a board who is not a District resident: <ol style="list-style-type: none"> a. Be actively engaged in the practice of the health occupation regulated by the board in the District while they are a member of the board; 	Enacted 11/21/2023

		<ul style="list-style-type: none"> b. Have a physical practice, or be employed, in the District in which they are physically present in the District for at least 20 hours per week; and c. Demonstrate that their practice in the District is not primarily through telehealth. 	
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Wildlife | Zoo Animals

State	Link	Summary of Proposed Bill or Regulation	Status
Kentucky	<u>301 KAR 2:075</u>	<ul style="list-style-type: none"> 1. Creates rules for wildlife rehabilitation permits; 2. Allows veterinarians to temporarily possess, stabilize, or euthanize sick and injured wildlife, only for the purpose of providing immediate critical care; and, 3. Requires veterinarians who do not possess wildlife rehabilitation permits to transfer wildlife to a permitted rehabilitator within 24 hours of the animal being stabilized if the animal no longer needs critical care unless the animal is euthanized. 	Effective 11/1/2023