

State Legislative Update

September 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 September. For more information, please contact Madeline Brezin, Policy Analyst, AVMA Division of State Advocacy (mbrezin@avma.org).

State Programs

This month, **North Carolina** sent NC H 259 to Governor Roy Cooper for his signature. If signed into law, this bill would create the Large Animal Healthcare Enhancement Fund. The purpose of the fund would be to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties. Grant eligibility under the program would be set at up to \$25,000 per fiscal year for large animal veterinarians who practice or plan to practice in one or more designated counties. Permitted uses of grant funds would be veterinary school loan repayment and large animal veterinary equipment. The bill would also create the Large Animal Healthcare Enhancement Advisory Committee with two members of the committee being practicing large animal veterinarians.

Veterinarian-Client-Patient Relationship (VCPR) and Telemedicine

In **California**, two bills relating to the VCPR are currently on the Governor's desk awaiting action. Governor Newsom will have until October 14 to sign or veto several hundreds of bills that were sent to him in the remaining weeks of the 2023 Session. CA S.B. 669 would permit a veterinarian to utilize an RVT under indirect supervision as an agent establishing a VCPR for the specific purposes of administering to an animal patient preventive or prophylactic vaccines, administering medications for the control or eradication of apparent or anticipated internal or external parasites. These tasks can be performed according to a written protocol under indirect veterinarian supervision and the veterinarian assumes all risk and liability for the actions of the RVT. CA A.B. 1399 would permit a VCPR to be established via telemedicine.

In **Delaware**, DE S.B. 168 was signed into law. It includes a provision that would create statutory language for a VCPR and require the veterinarian to be personally acquainted with the keeping and care of the patient by a timely examination of the patient or medically appropriate and timely visits to the operation where the patient is managed. For operations where there are several animals, such as shelters, farms, laboratories, or zoos, the bill would allow for the VCPR to be established and maintained by examination of health, laboratory, or production records, consultation with owners,

managers, directors, caretakers, or other supervisory staff who oversee the health care management of the operation, or maintenance of information regarding the local epidemiology of diseases for the appropriate species.

Michigan introduced MI H.B. 4980 which would outline requirements for a VCPR and allow for a VCPR to be established through telehealth using real-time interactive audio and visual electronic technology for companion animals. An electronic examination would not be allowed to issue an interstate certificate of veterinary inspection or a pet health certificate. For an animal who was examined electronically, the legislation would prohibit prescribing more than a 14-day supply of a drug and not allow any refills, unless there was an additional electronic examination whereby a veterinarian could prescribe one additional 14-day supply. An in-person examination would be required for the prescription of controlled-substances.

Xylazine

Early this month, **South Carolina's** Department of Health and Environmental Control (DHEC) began the rulemaking process to schedule xylazine as a Schedule III controlled substance with no veterinary use exemption. The **South Carolina Association of Veterinarians** championed efforts to make clear the importance of veterinary access to this drug, leading the DHEC Board to delay making a decision and allow for more comments. The DHEC Board will meet again in October.

In **Ohio**, OH r. 4729:9-1-03 went into effect. This regulation designates xylazine as a Schedule III substance without a veterinary use exemption.

Introduced and heard before the House Agriculture and Rural Affairs Committee this month in **Pennsylvania**, PA H.B. 1661 would prohibit acquiring, obtaining, possessing, administering, dispensing, delivering, gifting, prescribing, or manufacturing of xylazine except in circumstances of licit use which includes veterinary use. Also introduced in **Pennsylvania**, PA H.B.1690 would allow the Pennsylvania Department of Drug and Alcohol Programs to enter into partnerships with health care providers, including physicians and veterinarians, to educate the public on the dangers of human use of xylazine and create informational materials, including on the legitimate use of xylazine in veterinary medicine.

Licensure			
State	Link	Summary of Proposed Bill or Regulation	Status
Delaware	DE 3300	Adds the Program for the Assessment of Veterinary Education Equivalence ("PAVE") as another method to meet the requirements for licensure.	Effective 9/11/2023

Pharmaceuticals Prescription Drug Monitoring Program			
State	Link	Summary of Proposed Bill or Regulation	Status
Ohio	OH r. 4729:9-1-03	Designates xylazine a Schedule III controlled substance, without a veterinary use exemption.	Effective 9/28/2023
Pennsylvania	PA H.B. 1661	Would prohibit acquiring, obtaining, possessing, administering, dispensing, delivering, gifting, prescribing, or manufacturing of xylazine except in circumstances of licit use which includes veterinary use.	Introduced 9/7/2023
Pennsylvania	PA H.B.1690	Would allow the Pennsylvania Department of Drug and Alcohol Programs to: <ol style="list-style-type: none"> 1. Enter into partnerships with health care providers, including physicians and veterinarians, to educate the public on the dangers of human use of xylazine; and, 2. Create informational materials, including on the legitimate use of xylazine in veterinary medicine. 	Introduced 9/21/2023
South Carolina	Placement of Xylazine in Schedule III for Controlled Substances* *Notice can be found on p. 21	Would designate xylazine as a Schedule III controlled substance with no veterinary use exemption.	Notice Given 9/7/2023 Closed for Comment 10/12/2023

State Programs Board of Veterinary Medicine			
State	Link	Summary of Proposed Bill or Regulation	Status
North Carolina	NC H 259	Would: <ol style="list-style-type: none"> 1. Create the Large Animal Healthcare Enhancement Fund to make grants to encourage veterinary students to enter and stay in large animal veterinarian practice and to support large animal veterinarian practices to enable them to better serve their designated counties; 2. Create the Large Animal Healthcare Enhancement Advisory Committee, of which two members must be practicing large animal veterinarians; 3. Set grant eligibility for large animal veterinarians who practices or plans to practice in one or more designated counties at up to \$25,000 per fiscal year; and, 4. Would allow grant funds to be used for vet school loan repayment and large animal veterinary equipment. 	Sent to Executive 9/22/2023

Veterinarian-Client-Patient Relationship Telemedicine			
State	Link	Summary of Proposed Bill or Regulation	Status
California	<u>CA S.B. 669</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require a veterinarian to be personally acquainted with the care of the animal by virtue of an examination or the animal or medically appropriate and timely visits to the premises where the animal is kept; and, 2. Permit a veterinarian, for the purpose of permitting a RVT to administer to an animal patient preventive or prophylactic vaccines or medications for the control or eradication of an apparent or anticipated internal or external parasite, to establish a veterinarian-client-patient relationship by indirect supervision of the RVT, while working in unhouseed or underserved communities, and the veterinarian assumes all risk for acts of the RVT. 	Sent to Executive 9/7/2023
California	<u>CA A.B. 1399</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Permit a veterinarian-client-patient relationship to be established via telemedicine; 2. Prohibit a veterinarian from issuing a prescription lasting more than six-months, except for antimicrobials which are limited to 14 days; 3. Require a veterinarian to perform an examination, in-person or via telemedicine, to refill a patient's prescription; and, 4. Prohibit a veterinarian from issuing a prescription for a controlled substance or xylazine unless the veterinarian has performed an in-person examination of the patient or made medically appropriate and timely visits to the premises where the patient is kept. 	Sent to Executive 9/19/2023
Delaware	<u>DE S.B. 168</u>	<ol style="list-style-type: none"> 1. Creates statutory language for a VCPR and require the veterinarian to be personally acquainted with the keeping and care of the patient by a timely examination of the patient, or medically appropriate and timely visits to the operation where the patient is managed; 2. Allows for operations where there are several animals, such as shelters, farms, laboratories, or zoos, the veterinarian-client-patient requirement may be established and maintained by: <ol style="list-style-type: none"> a. Examination of health, laboratory, or production records; b. Consultation with owners, managers, directors, caretakers, or other supervisory staff who oversee the health care management of the operation; or, c. Maintenance of information regarding the local epidemiology of diseases for the appropriate species; 3. Amends the former licensure exemptions statute to only allow in-state licensed veterinarians and create a new exemption section to add exemptions for veterinarians and veterinary technicians licensed in another state practicing during an emergency; 4. Repeals allowance for issuance of a temporary permit to practice to an individual who has not passed the licensing examination and also requires compliance with reciprocity requirements; 5. Repeals the seven-year grandfathering provision and allow veterinary technicians to obtain temporary licenses pending passing the licensure examination; 	Enacted 9/21/2023

		<ol style="list-style-type: none"> 6. Repeals seven-year grandfathering provision, which was adopted when the Board first began to license veterinary technicians; 7. Allows the Board to impose monetary penalties on licensees who are found to have committed regulatory or statutory violation; and, 8. Allows veterinary technicians to obtain temporary licenses pending passing of their licensure examination. 	
Michigan	<u>MI H.B. 4980</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Outline requirements for a VCPR; 2. Allow for a VCPR to be established with an exam through telehealth using real-time interactive audio and visual electronic technology for companion animals and not in instances to issue an interstate certificate of veterinary inspection or a pet health certificate; 3. Prohibit prescribing more than a 14-day supply of the drug with no refills for an animal who was examined electronically, but would allow one additional 14-day supply following an additional electronic examination; and, 4. Require an in-person examination for the prescription of controlled-substances. 	Introduced 9/14/2023