

State Legislative Update

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

Continuing Education

North Carolina finalized [21 NCAC 66 .0206](#), which revises continuing education requirements to allow up to five hours to be obtained through independent self-study courses, prerecorded webinars, audio conferences, and non-interactive online presentations. This finalized regulation also permits credit to be earned through live, interactive attendance at courses. For both instances, courses and presentations must be approved by approved continuing education credit providers. As filed, this regulation would have reduced the required CE hours to 15 hours, but this provision was amended during the regulatory process and the hour requirement remains at 20 hours per calendar year.

Ohio filed [OH r. 4741-1-11](#), which would revise continuing education requirements by clarifying that veterinarians must complete at least 12 hours of CE in person while the remaining 18 hours required per renewal period can be obtained online. The regulation also clarifies that there is no carryover for extra hours.

Pharmaceuticals | Prescription Drug Monitoring Programs

Arkansas proposed [AR 007.01.23-002](#), which would permit a practitioner, including a veterinarian, to request an annual reporting exemption waiver from the Prescription Drug Monitoring Program if controlled substances are not dispensed.

Pennsylvania introduced [PA S.B. 959](#), which would allow for the scheduling of controlled substances in the commonwealth to automatically follow the federal government's Drug Enforcement Administration's classification.

Veterinary Technicians

This month, **Florida** introduced two bills impacting veterinary technicians. [FL H.B. 261](#) would create licensure for veterinary technicians. This bill would also create a list of services that can be provided by licensed veterinary technicians (LVTs) and allow them to administer rabies vaccines, both under the supervision of a licensed veterinarian. In addition, the bill would create two positions for LVTs on the Florida Board of Veterinary Medicine. The other bill introduced was [FL H.B. 263](#), which would include licensed veterinary technicians in a state law interpreting the act of seeking state licensure as consent to render a handwriting sample, waiver of confidentiality of medical reports, and

waiver of objection to the admissibility of reports during a lawful investigation of a complaint or an application for licensure.

In **Washington**, the Veterinary Board of Governors proposed rule ([WA WAC 246-935-060](#)) would clarify that a registered apprenticeship program is an approved method for an applicant to become eligible for the veterinary technician national exam and licensure. The Washington Veterinary Board of Governors supported development of an apprenticeship program and the Washinton State Apprenticeship and Training Council, which is the regulatory authority for approving apprenticeship programs in Washington state, approved the program at their October 2022 meeting. The board may currently approve the apprenticeship programs but is proposing the amendment to make it clear that a state-registered apprenticeship is an approved method for an applicant to become eligible for the veterinary technician national exam and licensure. This change was strongly opposed by the AVMA, **Washington State Veterinary Medical Association**, Washington State Association of Veterinary Technicians, and the National Association of Veterinary Technicians in America, instead encouraging veterinary practices to support their employees in attending accredited programs, some of which are now available online, to help alleviate staff shortages by elevating veterinary technicians while promoting high standards of care for animal patients. The AVMA, **Washington State Veterinary Medical Association**, Washington State Association of Veterinary Technicians, and the National Association of Veterinary Technicians in America are currently challenging the validity of the apprenticeship program for the veterinary technician profession under Washington state law. The case is currently pending before a Washington State Superior Court in Thurston County.

Xylazine

Introduced in **New York** this month, [NY A.B. 8130](#) would classify xylazine as a Schedule I controlled substance and criminalize the sale and possession of xylazine or preparations, compounds, mixtures, or substances containing xylazine.

Animal Disease Vaccination			
State	Link	Summary of Proposed Bill or Regulation	Status
Ohio	OH r. 4741-1-16	Would require veterinarians at companion animal vaccination clinics to be readily identifiable to the public by some acceptable means, including having a copy of their veterinary license posted in a conspicuous location.	Filed 10/3/2023 Closed for Comment 11/8/2023

Companion Animals			
State	Link	Summary of Proposed Bill or Regulation	Status
Pennsylvania	PA S.B. 746	<ol style="list-style-type: none"> Requires kennels to have an isolation plan for dogs coming from out-of-state or out of the country that is approved by a veterinarian; Requires all dogs transported into the commonwealth to have a certificate of vaccination and an interstate certificate of veterinary inspection; 	Enacted 10/23/2023

		<ol style="list-style-type: none"> 3. Requires all dogs transported into the state and kept in a non-boarding kennel to receive initial doses of Distemper, Adeno, Parainfluenza, Parvovirus (DAPP) certified by a veterinarian; 4. Creates new offense for harboring a dangerous dog and repeals former offense, new offense has an exception for veterinarians and their staff when acting in the scope of their duties; and, 5. Creates an appeals process for an order of seizure and destruction of a dangerous dog. 	
--	--	--	--

Continuing Education

State	Link	Summary of Proposed Bill or Regulation	Status
North Carolina	21 NCAC 66 .0206	Revises continuing education requirements to allow: <ol style="list-style-type: none"> 1. Up to five hours to be obtained through independent self-study courses, prerecorded webinars, audio conferences, and non-interactive online presentations approved by approved continuing education credit providers; and, 2. Credit is to be earned through live, interactive attendance at courses approved by continuing education credit providers. 	Effective 10/02/2023
Ohio	OH r. 4741-1-11	Would revise continuing education requirements by: <ol style="list-style-type: none"> 1. Requiring at least 12 hours for veterinarians and four hours for veterinary technicians be taken in-person per renewal period; and, 2. Clarifying there is no carryover for extra hours. 	Filed 10/3/2023 Closed for Comment 11/8/2023

Euthanasia

State	Link	Summary of Proposed Bill or Regulation	Status
Ohio	OH r. 4741-1-23	Would: <ol style="list-style-type: none"> 1. Require shelters and dog wardens to perform euthanasia only with a substance in a manufactured dosage form, approved by the Ohio Veterinary Medical Licensing Board, in consultation with the Ohio Board of Pharmacy; and, 2. Clarify the laboratory portion of the euthanasia technician curriculum must be an in-person lab with oversight by a veterinarian or a registered veterinary technician. 	Filed 10/3/2023 Closed for Comment 11/8/2023

Licensure

State	Link	Summary of Proposed Bill or Regulation	Status
Massachusetts	MA S. 2451	Would remove the good moral character licensure requirement and replace it with “lacks a criminal record or history of disqualifying convictions directly related to the duties or practices of a veterinarian.”	House Concurred 10/2/2023
Ohio	OH r. 4741-1-04	Would remove the “good moral character” requirement for a veterinarian seeking licensure.	Filed 10/3/2023 Closed for Comment 11/8/2023

Pharmaceuticals | Prescription Drug Monitoring Program

State	Link	Summary of Proposed Bill or Regulation	Status
Arkansas	AR 007.01.23-002	Would permit a practitioner, including a veterinarian, to request an annual reporting exemption waiver from the Prescription	Proposed 10/13/2023

		Drug Monitoring Program if controlled substances are not dispensed.	
New York	<u>NY A.B. 8130</u>	Would classify xylazine as a Schedule I controlled substance and criminalize the sale and possession of xylazine or preparations, compounds, mixtures, or substances containing xylazine.	Introduced 10/13/2023
Pennsylvania	<u>PA S.B. 959</u>	Would allow for the scheduling of controlled substances in Pennsylvania to automatically follow the federal government's Drug Enforcement Administration's classification.	Introduced 10/16/2023

Small Business

State	Link	Summary of Proposed Bill or Regulation	Status
Ohio	<u>OH r. 4741-1-17</u>	Would require all house-call veterinary practices that are not extensions of a fixed veterinary care facility to provide the client with after-hours care and/or fixed location veterinary facility names and contact information, which the client can refer to, as necessary. The house-call veterinarian must receive general approval from the veterinary facility to refer future patients to their facility.	Filed 10/3/2023 Closed for Comment 11/8/2023

State Programs | Board of Veterinary Medicine

State	Link	Summary of Proposed Bill or Regulation	Status
North Carolina	<u>NC Occupational Licensing Boards and Commissions, Veterinary Medical Board</u> 21 NCAC 66 .0108 And 21 NCAC 66 .0901-.0905	21 NCAC 66 .0108 removed the veterinary student preceptee registration fee and added veterinary facility permit fees. 21 NCAC 66 .0901-.0905: 1. Creates a framework for veterinary facility permits; 2. Requires veterinary facilities to have a supervising veterinarian to alert owners of instances of non-compliance with board rules; 3. Creates a disciplinary process for veterinary facility permits; and, 4. Creates a process for reinstatement of veterinary facility permits following suspension or revocation.	Effective 10/02/2023

Veterinary Technicians | Veterinary Assistants

State	Link	Summary of Proposed Bill or Regulation	Status
Florida	<u>FL H.B. 261</u>	Would: 1. Create licensure for veterinary technicians; 2. Add two LVTs to the BVM; 3. Require 15 hours of CE biennially for LVTs; 4. Create a list of services LVTs may perform under the supervision of a licensed veterinarian; 5. Direct the licensed veterinarian to determine the appropriate level of supervision and protocol for any of the specified services LVTs would be permitted to perform; 6. Allow all services not included in the list for LVTs to be performed by licensed or unlicensed persons at the discretion of the supervising veterinarian;	Filed 10/23/2023

		<ol style="list-style-type: none"> 7. Allow a supervising veterinarian delegate to an LVT the responsibility of supervising a task or tasks performed by an unlicensed person, except those included in the LVT allowed services list; 8. State that LVTs cannot make or provide any diagnosis or prognosis, perform any surgery, or prescribe any medical drugs or controlled substances as defined by state law unless otherwise authorized in the state's veterinary medicine chapter; and, 9. Allow LVTs to administer rabies vaccines under the supervision of a licensed veterinarian. 	
Florida	<u>FL H.B. 263</u>	Would add licensed veterinary technicians to state law interpreting seeking state licensure as consent to render a handwriting sample, waiver of confidentiality of medical reports, and waiver of objection to the admissibility of reports during a lawful investigation of a complaint or of an application for licensure and when the information has been deemed necessary and relevant to the investigation as determined by the Secretary of the Florida Department of Business and Professional Regulation.	Filed 10/23/2023
Ohio	<u>OH r. 4741-1-01</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Remove "good moral character" and photograph requirement for seeking RVT licensure; 2. Add requirement for applicants licensed in other states to submit verification of license or certificate of good standing; and, 3. Add date for renewal and fee for reactivation of license. 	Filed 10/3/2023 Closed for Comment 11/8/2023
Ohio	<u>OH r. 4741-1-14</u>	Would allow RVTs to directly supervise animal aides performing venipuncture.	Filed 10/3/2023 Closed for Comment 11/8/2023
Washington	<u>WA WAC 246-935-060</u>	Would clarify that a registered apprenticeship program is an approved post-secondary educational pathway to qualify for licensure exams as a veterinary technician.	Proposed 10/18/2023