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BILL ANALYSIS



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Senate Bill 1328 (as introduced 6-22-06)
Sponsor: Senator Ron Jelinek
Committee: Agriculture, Forestry and Tourism

Date Completed: 9-6-06

CONTENT

The bill would amend Part 73 of the Public Health Code (dealing with the manufacture, distribution, and dispensing of controlled substances) to permit an animal control shelter or an animal protection shelter to purchase, possess, and administer a commercially prepared solution of animal tranquilizer under certain conditions.

The bill specifies that an animal control shelter or an animal protection shelter registered by the Michigan Department of Agriculture (MDA) under Public Act 287 of 1969 (which deals with pet shops, dog pounds, and animal shelters) could acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared solution of an animal tranquilizer to sedate a feral, wild, difficult to handle, or other animal for euthanasia, or to tranquilize an animal running at large that was dangerous or difficult to capture.

The animal control shelter or animal protection shelter would have to apply to the administrator (the Michigan Board of Pharmacy or its designated authority) for the permit, in accordance with rules promulgated under Part 73. (Under that part, the Board or its designee may promulgate rules related to the licensure and control of the manufacture, distribution, and prescribing of schedule 2 controlled substances, and the dispensing of controlled substances in the State.)

The shelter also would have to comply with the rules promulgated by the administrator for the storage, handling, and use of a commercially prepared solution of an animal tranquilizer. A record of use would have to be maintained and available for inspection by the Department of Agriculture.

In addition, the shelter would have to certify that at least one of its employees had received and could document completion of a minimum of 16 hours of training, including at least three hours of practical training, in the use of animal tranquilizers on animals from a training program approved by the State Veterinarian, in consultation with the Michigan Board of Veterinary Medicine, and given by a licensed veterinarian pursuant to rules promulgated by the administrator, in consultation with the Board of Veterinary Medicine as those rules related to this training. The shelter also would have to certify that only an individual who had received such training or an individual otherwise permitted to use a controlled substance under Article 7 (Controlled Substances) of the Code would administer the commercially prepared solution of an animal tranquilizer according to written procedures established by the shelter.

The application would have to contain the name of the individual in charge of the day-to-day operations of the shelter and the name of the individual responsible for designating employees who would be administering a commercially prepared solution of an animal tranquilizer. The application also would have to include the names and business addresses of all individuals employed by the animal control shelter or animal protection shelter who had been trained to administer commercially prepared animal tranquilizers as described above, and would have to include documented proof of their training. The list of names and business addresses would have to be updated every six months.

If an animal control shelter or animal protection shelter that was issued a permit under the bill did not employ an individual trained to administer commercially prepared animal tranquilizers as described above, the shelter would have to notify the administrator immediately and cease to administer any commercially prepared solution of an animal tranquilizer until either a trained individual had been hired by the shelter, or an employee of the shelter had been trained.

A veterinarian, including a veterinarian who trained individuals under the bill, would not be civilly or criminally liable for the use of an animal tranquilizer by an animal control shelter or animal protection shelter unless the veterinarian were employed by or under contract with the shelter and the terms of the veterinarian's employment required him or her to be responsible for the use or administration of the commercially prepared solution of an animal tranquilizer.

The bill would prohibit a person from knowingly using or permitting the use of an animal tranquilizer in violation of Section 7333 (the section the bill would amend).

The bill specifies that Section 7333 would not require that a veterinarian be employed by or under contract with an animal control shelter or animal protection shelter to obtain, possess, or administer a commercially prepared solution of an animal tranquilizer under that section.

Under the bill, "animal tranquilizer" would mean xylazine hydrochloride or other animal tranquilizing drug as approved by the U.S. Food and Drug Administration and by the MDA for use as described in the bill.

Currently, a dog pound or animal shelter may acquire a limited permit only for the purpose of buying, possessing, and administering a commercially prepared, premixed solution of sodium pentobarbital to practice euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals, if the dog pound or animal shelter applies to the administrator for a permit, complies with rules, and certifies that an employee has received and can document completion at least eight hours of training in the use of sodium pentobarbital to practice euthanasia on animals. The bill would refer to an animal control shelter or animal protection shelter, rather than a dog pound or animal shelter, in these provisions.

MCL 333.7333

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bill could create a mild, indeterminate increase in administrative cost for the Department of Agriculture associated with the administration and processing of permits for animal protection and animal control shelters.

Fiscal Analyst: David Fosdick

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.