

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1481

(Delegate Cardin, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

**State Board of Veterinary Medical Examiners - Animal Control Facilities -
License to Administer Scheduled Drugs to Animals**

This emergency bill authorizes the Board of Veterinary Medical Examiners to issue a license to an “animal control facility” to allow such a facility to administer drugs needed to sedate and/or euthanize animals. The annual license fee is \$100. The bill repeals the board’s authority to issue special permits to a humane society or county or municipal designated animal shelter authorizing the purchase, possession, and use of sodium pentobarbital to euthanize specified animals.

Fiscal Summary

State Effect: Special fund revenue increase of an estimated \$625 annually beginning in FY 2009, reflecting a fee increase of \$25 annually per licensee, since animal control facilities are already subject to a \$75 annual permit fee. No impact in FY 2008 as permit holders work on meeting license requirements. The board could handle the bill’s changes with existing budgeted resources.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
SF Revenue	\$625	\$625	\$625	\$625	\$625
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	\$625	\$625	\$625	\$625	\$625

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local expenditures for locally funded animal control facilities would increase to meet license requirements set by the board.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Animal control facility” means a humane society or a county or municipal designated animal shelter.

The board can reject an application for a license or suspend or revoke a license for failure to comply with the board’s regulations. An animal control facility licensed under the bill must comply with the board’s employee training requirements. A member of the board is authorized to enter a licensed facility to enforce the board’s regulations. The board is required to adopt regulations in consultation with the Department of Health and Mental Hygiene.

The bill specifies that an animal control facility licensed under the bill’s provisions is an “authorized provider.” Under the Criminal Law Article, an authorized provider is allowed to administer, distribute, dispense, or conduct research on a controlled dangerous substance in the State in the course of professional practice or research.

Current Law: The board may issue a special permit to a humane society or county or municipal designated animal shelter that authorizes the purchase, possession, and use of sodium pentobarbital to euthanize injured, sick, homeless, and unwanted domestic animals. The board sets the fee for the special permit application and its annual renewal. The current special permit fee is \$75 annually.

An authorized provider is a person, pharmacy, laboratory, hospital, or other institution licensed, registered, or otherwise allowed to administer, distribute, dispense, or conduct research on a CDS in the State in the course of professional practice or research. An authorized provider includes a scientific investigator and an individual authorized by the State to practice medicine, dentistry, or veterinary medicine.

A CDS means a drug or substance listed in Schedule I through Schedule V *or* is an immediate precursor to a drug or substance listed in Schedule I through Schedule V that

- is designated as being the principal compound commonly used or produced primarily for use to manufacture a drug or substance listed in Schedule I through Schedule V;
- is an immediate chemical intermediary used or likely to be used to manufacture a drug or substance listed in Schedule I through Schedule V and;
- must be controlled to prevent or limit the manufacture of a drug or substance listed in Schedule I through Schedule V.

Background: The State Board of Veterinary Medical Examiners licenses and registers veterinarians annually; licenses and inspects veterinary hospitals and humane organizations annually; and registers veterinary technicians triennially. In addition, the board provides disciplinary information to other state veterinary boards and the public and submits licensure verification to other state veterinary boards upon request. The

board investigates consumer complaints, initiates its own investigations, and determines whether to take disciplinary action against veterinarians, registered veterinary technicians, and veterinary hospitals. The board reviews requests for approval of continuing education credits for veterinarians and veterinary technicians; provides information on the board to the public; and works with the Veterinary Technician Committee in setting practice standards for registered veterinary technicians.

According to DHMH, in 2006 the federal Drug Enforcement Agency conducted a review of Maryland law regarding animal control facilities. DEA determined that facilities in the State that do not employ a full-time veterinarian do not have the authority to prescribe sedatives commonly used in the practice of euthanasia that are considered CDSs. While authorized providers such as veterinarians can obtain a DEA registration to administer CDSs, animal control facilities are not currently considered authorized providers, and therefore are not eligible for CDS registration. Accordingly, while animal control facilities still have the authority to use sodium pentobarbital to euthanize animals, other CDSs commonly used to sedate animals before administering sodium pentobarbital, which are considered Schedule III CDSs, cannot be administered by such facilities.

State Revenues: Special fund revenues could increase by \$625 annually beginning in fiscal 2009. Animal control facilities currently pay a \$75 annual special permit fee. Under this bill, the license fee is \$100, or a \$25 increase per facility per year. There are currently 25 special permit holders. This estimate assumes that all 25 permit holders would apply for the license established under the bill, and that the current permit fee of \$75 would not be changed in the absence of the bill. It is assumed that there would be no impact in fiscal 2008 since it is unlikely that permit holders will already meet training requirements necessary to qualify for licensure.

The board advises that since veterinarians can already purchase and administer the drugs that would be authorized under the license established by the bill, animal control facilities that have a full-time veterinarian on staff might not apply for licensure. However, the board advises that most animal control facilities do not have a veterinarian on staff, and that the costs to become licensed would be significantly less than the costs to hire a full-time veterinarian. Therefore, Legislative Services assumes that all animal control facilities would elect to apply for licensure under the bill.

Local Fiscal Effect: Animal control facilities are generally funded by the county in which each facility operates. Since employees of animal control facilities would have to meet education requirements set by the board in order for the facility to qualify for licensure, local expenditures could increase but would vary depending on the training required by the board and the number of affected employees. The board advises that it plans to require employees of licensed animal control facilities to have completed euthanasia and/or chemical capture training from national organizations like the National

Animal Control Association, the American Humane Association, and/or the Humane Society of the United States. While the board has not made any final decisions regarding its requirements, it advises that tuition costs for training vary from \$220 to \$575 per person.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Maryland Department of Agriculture, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2008
mcp/lgc Revised - House Third Reader - March 28, 2008

Analysis by: Sarah K. Harvey

Direct Inquiries to:
(410) 946-5510
(301) 970-5510