



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: H.B. 552 of the 132nd G.A.

Status: As Reported by House State and Local Government

Sponsor: Rep. LaTourette

Local Impact Statement Procedure Required: No

Subject: Regulates chemical capture and euthanasia of animals

State & Local Fiscal Highlights

- Any additional fee revenue that the State of Ohio Board of Pharmacy collects from issuing a Terminal Distributors of Dangerous Drugs (TDDD) limited license to dog warden offices as a result of the bill would be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). The fee for TDDD limited licenses used for veterinary services is \$120 biennially.
- In addition to this licensing fee, county dog warden offices applying for these TDDD limited licenses may incur costs for ensuring that the person performing euthanasia has successfully completed a certification course.
- The bill also authorizes an animal shelter or dog warden office that holds a TDDD limited license to obtain a chemical capture classification to the limited license as long as specified certification requirements are met. As a consequence, dog wardens may also incur costs to ensure that anyone from their offices engaged in chemical capture is properly certified.

Detailed Fiscal Analysis

Terminal Distributors of Dangerous Drugs limited licenses

The bill authorizes the State Board of Pharmacy to issue Terminal Distributors of Dangerous Drugs (TDDD) limited licenses to the offices of county dog wardens, in addition to animal shelters as allowed under current law, to acquire drugs for animal euthanasia purposes. However, the person performing the lethal injection must have successfully completed a euthanasia technician certification course, as is required under current law to those with limited licenses. The fee for limited licenses used for veterinary services is \$120 and is issued on a biennial basis. Any additional fee revenue that the State of Ohio Board of Pharmacy collects from this provision would be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). It is unclear as to how many county dog warden offices would elect to get a limited license under the bill. The Board had 1,207 limited licensees of this type in FY 2017. Any county

dog warden office that opts to obtain such a license would incur the licensing cost, as well as the costs associated with euthanasia technician certification.

Chemical capture of companion animals

The bill specifies that only certified officers may engage in the chemical capture of a companion animal. The State of Ohio Board of Pharmacy, in consultation with the Ohio Veterinary Medical Licensing Board, must certify an individual as a certified officer if the individual either successfully completes an approved chemical capture course or successfully completes training acceptable to the State of Ohio Board of Pharmacy from the National Animal Control Association or Safe Capture International, Inc. Those dog warden offices could experience additional certification costs under this provision.

The bill also specifies that in a civil action, a certified officer is immune from liability for any harm the officer causes to a companion animal, livestock, or wild animal if the officer is acting within the scope of his or her employment. The bill further specifies that chemical capture of a companion animal in accordance with Ohio law is not considered an act of cruelty. Finally, the bill provides that a certified officer may possess or control a dangerous drug without violating the Controlled Substances Law if the possession or control is authorized in the scope of duty. These provisions do not appear to have any direct fiscal impact.

The bill further specifies that an individual, in order to violate the provisions of the bill related to chemical capture, must purposely use improper drugs for chemical capture under the bill. It is unclear as to whether such a designation would impact the number of potential cases brought forth as a result of the bill. However, there would probably be few such cases.

Drugs used by licensees and other rulemaking

The bill requires the Ohio Veterinary Medical Licensing Board, in consultation with the State of Ohio Board of Pharmacy, to approve by rule any substance used by a county dog warden or an agent or employee to euthanize an animal by lethal injection. The bill also requires that the State of Ohio Board of Pharmacy, in consultation with the Ohio Veterinary Medical Licensing Board and Ohio County Dog Wardens Association, to approve the drugs that may be used for pre-euthanasia purposes. The bill further requires the establishment of rules related to chemical capture actions and licensing. As a consequence, there could be some additional rule-making costs for the State of Ohio Board of Pharmacy and the Ohio Veterinary Medical Licensing Board. These costs are likely to be minimal.