



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Amanda George

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(As Passed by the House)

Reps. LaTourette, Hambley, Lanese, Romanchuk, Anielski, Antonio, Brown, Clyde, Edwards, Greenspan, Hughes, Leland, Lepore-Hagan, Miller, O'Brien, Patterson, Patton, Perales, Rezabek, Rogers, Ryan, Scherer, Sweeney, Thompson

BILL SUMMARY

Limited license for drugs used for animal euthanasia

- Authorizes the State Board of Pharmacy to issue a limited license to the office of a county dog warden solely for the purpose of purchasing, possessing, and administering drugs for euthanizing animals and pre-euthanizing drugs for inducing anesthesia or unconsciousness.
- Prohibits a dog warden or an agent or employee of a dog warden from performing euthanasia by means of lethal injection, or administering pre-euthanasia drugs, unless the facility in which the dog warden, agent, or employee works is licensed.
- Requires a dog warden or an agent or employee of a dog warden to complete a euthanasia technician certification course as a condition of licensure.
- Requires the State Veterinary Medical Licensing Board, in consultation with the State Board of Pharmacy, to approve substances to be used for lethal injection of an animal rather than requiring both Boards to approve such substances as in current law.
- Requires the State Board of Pharmacy, in consultation with the State Veterinary Medical Licensing Board and the Ohio County Dog Wardens Association, to approve pre-euthanasia drugs.
- Removes the order of preference in current law regarding authorized methods for euthanizing an animal when using a lethal solution.

Chemical capture

- Authorizes the State Board of Pharmacy to grant a chemical capture classification to an animal shelter or county dog warden's limited license.
- Specifies that chemical capture includes using an anesthetic drug on a companion animal (animal kept in a residence or any cat or dog) to immobilize and capture or attempt to immobilize and capture the animal.
- Establishes requirements and procedures with which an animal shelter or county dog warden must comply to receive a chemical capture classification designation.
- Requires the Board to adopt rules governing chemical capture.
- Specifies that only a person who is designated as a certified officer by the State Board of Pharmacy, in consultation with the State Veterinary Medical Licensing Board, may chemically capture an animal.
- Requires a person to complete specified training requirements prior to designation as a certified officer.
- Authorizes a certified officer who is appointed or employed by an animal shelter or county dog warden that holds a chemical capture classification to chemically capture a companion animal to limit injury to the officer, the animal or another animal, or the public.
- States that chemical capture of a companion animal by a certified officer is not an act of cruelty, that possession or control of dangerous drugs is authorized when in the scope of duties by a certified officer for use in chemical capture, and that the Veterinarians Law does not apply to an act of chemical capture by a certified officer.
- Establishes various prohibitions related to the chemical capture of a companion animal.

Veterinarians and veterinary technicians

- Clarifies that the bill's provisions do not preclude a licensed veterinarian or a veterinarian technician from engaging in the practice of veterinary medicine.

Other provisions

- Generally prohibits an animal shelter from destroying a domestic animal by the use of a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant.



- Revises the provisions governing the disposition of a dog that is seized and impounded by a dog warden and not redeemed by its owner, keeper, or harborer.

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CONTENT AND OPERATION

Limited license for drugs used for animal euthanasia

Overview

Under current law, the State Board of Pharmacy may issue a limited license to an animal shelter for the purpose of purchasing, possessing, and administering drugs (in dosage form) for animal euthanasia purposes. In order to receive a license, an agent or employee of an animal shelter must successfully complete a euthanasia technician certification course. However, if the agent or employee is a registered veterinary technician, the agent or employee does not need to complete the course. An application for licensure must include the information the Board requires by rule. If the application meets the requirements of the rules, the Board must issue the limited license.¹

Limited license for dog wardens

The bill authorizes the State Board of Pharmacy to issue a limited license to the office of a county dog warden.² As such, the bill prohibits an agent or employee of a dog warden from performing euthanasia by means of lethal injection unless both of the following apply:

¹ R.C. 4729.531.

² R.C. 4729.531.



(1) The facility in which the agent or employee works or is employed has a limited license; and

(2) The agent or employee (which may include the dog warden) has received certification after successfully completing a euthanasia technician certification course. (If the agent, employee, or dog warden is a veterinarian technician, completion of the course is not required.)

The bill also prohibits the agent or employee of a dog warden from administering pre-euthanasia drugs that induce anesthesia or unconsciousness unless both (1) and (2) above apply and applies that prohibition to an agent or employee of an animal shelter. It retains a requirement that the administration of drugs must be performed in a humane and proficient manner in conformity with approved methods and not in violation of Ohio's animal cruelty laws.³

Under current law, the curriculum for a euthanasia technician certification course must be approved by the State Veterinary Medical Licensing Board, be at least 16 hours in length, and include information in at least all of the following areas:

(1) The pharmacology, proper administration, and storage of euthanasia solutions;

(2) Federal and state laws regulating the storage and accountability of euthanasia solutions;

(3) Euthanasia technician stress management; and

(4) Proper disposal of euthanized animals.

The bill requires the curriculum also to include information on both of the following:

(1) The pharmacology, proper administration, and storage of anesthesia solutions;

(2) Federal and state laws regulating the storage and accountability of anesthesia solutions.⁴

³ R.C. 4729.532(A), (C), and (D).

⁴ R.C. 4729.532(C).



Drugs used by licensees

The bill requires the State Veterinary Medical Licensing Board, in consultation with the State Board of Pharmacy, to approve by rule any substance used by a county dog warden or an agent or employee of a county dog warden or animal shelter to euthanize an animal by lethal injection. A dog warden or an agent or employee of a dog warden or animal shelter is prohibited from performing euthanasia by means of lethal injection by use of any substance other than an approved substance. Current law instead requires the State Veterinary Medical Licensing Board and the State Board of Pharmacy to both approve by rule a combination of drugs that contains pentobarbital and at least one other drug used for euthanasia purposes.⁵

The bill removes the order of preference in current law regarding authorized methods for euthanizing an animal when using a lethal solution. Under the bill, when using a lethal solution to perform euthanasia on an animal, a dog warden or an agent or employee of a dog warden or animal shelter must use the solution in accordance with one of the following methods, but not in the order listed as in current law:

- (1) Intravenous injection by hypodermic needle;
- (2) Intraperitoneal injection by hypodermic needle;
- (3) Intracardial injection by hypodermic needle, but only on an animal verified to be unconscious; or
- (4) Oral administration of solution or powder.⁶

Current law specifies under method (3), above, that the animal must be sedated or unconscious. Also under current law, method (4), above, is instead solution or powder added to food.

As indicated above, the bill authorizes an agent or employee of an animal shelter, a county dog warden, or an agent or employee of a county dog warden who has successfully completed a euthanasia technician certification course to administer a solution of one or more drugs exclusively for the purpose of inducing anesthesia or unconsciousness prior to euthanasia. The bill indicates that the State Board of Pharmacy, in consultation with the State Veterinary Medical Licensing Board and the

⁵ R.C. 4729.532(A).

⁶ R.C. 4729.532(A).



Ohio County Dog Wardens Association, must approve the drugs that may be used for pre-euthanasia purposes.⁷

Use of dangerous drugs

The bill requires a county dog warden to apply for a limited category II or III terminal distributor license from the State Board of Pharmacy if the dog warden intends to use dangerous drugs for euthanasia purposes. With regard to the application, both of the following apply:

(1) The dog warden must include with the application a list of the dangerous drugs to be administered to animals and the personnel who are authorized to administer the drugs to animals.⁸

(2) Upon submission of the application and issuance of the license, the dog warden may possess and use dangerous drugs for euthanasia purposes as authorized by the bill.⁹

Finally, the bill prohibits a county dog warden, like an animal shelter as in current law, from being licensed as a terminal distributor of dangerous drugs unless the dog warden will maintain supervision and control over the possession and custody of dangerous drugs that are acquired by or on behalf of the dog warden and unless at least one of the dog warden's agents or employees is a certified euthanasia technician as discussed above.¹⁰

Chemical capture of companion animals

License classification

The bill authorizes an animal shelter or county dog warden that holds a limited license as discussed above to apply to the State Board of Pharmacy for a chemical capture classification to the limited license. The application must include a notarized list of the dangerous drugs to be used in chemical capture and the certified officers employed by the applicant who are authorized to engage in chemical capture (see below).¹¹ On application of the animal shelter or county dog warden, the Board may

⁷ R.C. 4729.532(B).

⁸ R.C. 4729.54(F).

⁹ R.C. 4729.54(H)(2) and 4729.542(C).

¹⁰ R.C. 4729.55(B) and (H).

¹¹ R.C. 4729.533(A) and 4729.542(A).



grant a chemical capture classification to the limited license. The classification permits the holder to purchase, possess, and administer a combination of drugs for chemical capture. The classification does not authorize or permit the distribution of those drugs to any person other than the originating wholesale distributor of the drugs.¹²

Under the bill, chemical capture means using an anesthetic drug on a companion animal to do any of the following: (1) immobilize and capture, (2) attempt to immobilize and capture, or (3) attempt to immobilize or capture.¹³ Under existing law, a companion animal is any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. A companion animal does not include livestock or any wild animal.¹⁴

To qualify for a chemical capture classification, an applicant must appoint or employ a certified officer.¹⁵ If an applicant meets the bill's requirements and rules adopted under the bill (see below), the Board must grant the classification. The Board may suspend or revoke a classification or refuse to issue or renew a classification for any violation of the bill's provisions regarding chemical capture or applicable rules.¹⁶

The bill requires the Board, in accordance with the Administrative Procedure Act and in consultation with the State Veterinary Medical Licensing Board, to adopt rules that do all of the following:

(1) Specify the information an applicant must provide for issuance or renewal of a chemical capture classification;

(2) Establish criteria for the State Board of Pharmacy to use in determining whether to refuse to grant a classification or to renew, suspend, or revoke a classification;

(3) Specify the drugs to be used in chemical capture; the proper storage, administration, and use of approved drugs; the proper storage, maintenance, and use of instruments and equipment used in chemical capture; and the proper disposal of instruments used in chemical capture;

¹² R.C. 4729.533 (B).

¹³ R.C. 955.151(A).

¹⁴ R.C. 959.131(A)(1), not in the bill.

¹⁵ R.C. 4729.533(C).

¹⁶ R.C. 4729.533(D).



(4) Establish criteria for determining when chemical capture is appropriate; the care of a companion animal immediately upon capture; and recordkeeping for the drugs used and actions taken during a chemical capture; and

(5) Address any other matters the Board considers necessary or appropriate for administration and enforcement of the bill's provisions regarding chemical capture.¹⁷

If the Board fails to adopt the rules within two years of the bill's effective date, the Attorney General or a county prosecuting attorney may seek a court order requiring adoption of the rules.¹⁸

Under the bill, the holder of a limited license with a chemical capture classification must notify the Board immediately of any changes in the dangerous drugs to be used in chemical capture or in the certified officers (see below) employed by the holder.¹⁹

Certified officers

Training

As indicated above, only persons designated as certified officers may engage in the chemical capture of a companion animal. The State Board of Pharmacy, in consultation with the State 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 Board of Pharmacy from the National Animal Control Association or Safe Capture International, Inc.²⁰

In order to be an approved chemical capture course, the curriculum must include all of the following topics:

(1) The pharmacology, proper administration, storage, and recordkeeping of drugs used in chemical capture;

(2) Federal and state laws regulating the storage and accountability of drugs used in chemical capture;

¹⁷ R.C. 4729.533(E).

¹⁸ Section 3.

¹⁹ R.C. 4729.542(B).

²⁰ R.C. 4729.534(A).



(3) Chemical capture technology, animal behavior, post-immobilization procedures, proper public and personnel safety, and marksmanship training; and

(4) Any other topic specified by the Board.²¹

Other provisions applicable to certified officers

The bill does all of the following regarding certified officers:

(1) 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 the officer's employment and is in compliance with rules governing certified officers adopted by the State Board of Pharmacy;²²

(2) Establishes authority in the Dog Law for a certified officer appointed or employed by an animal shelter or county dog warden that holds a chemical capture classification granted by the Board to chemically capture a companion animal in accordance with the bill in order to limit injury to the officer, the animal or another animal, or the public;²³

(3) States that chemical capture of a companion animal by a certified officer in accordance with Ohio law is not an act of cruelty;²⁴

(4) Provides that a certified officer may possess or control a dangerous drug without violating the Controlled Substances Law if the possession or control of the dangerous drug is for the authorized chemical capture of a companion animal, and the capture occurs within the scope of the officer's duties;²⁵ and

(5) Declares that the Veterinarians Law does not apply to an act of chemical capture by a certified officer.²⁶

Prohibitions and penalties

The bill prohibits all of the following:

²¹ R.C. 4729.534(B).

²² R.C. 4729.534(C).

²³ R.C. 955.151(B).

²⁴ R.C. 959.134.

²⁵ R.C. 3719.091.

²⁶ R.C. 4741.201.



(1) A person from performing chemical capture with a drug or combination of drugs other than the drugs specified in rules adopted by the State Board of Pharmacy;

(2) An animal shelter or county dog warden from permitting an individual to perform chemical capture unless the shelter or warden holds a chemical capture classification granted by the Board and the individual is a certified officer; and

(3) An individual from performing chemical capture unless the individual is a certified officer and is appointed or employed by an animal shelter or county dog warden that holds a chemical capture classification.²⁷

A person who purposely violates any of those prohibitions is guilty of a first degree misdemeanor.²⁸

Veterinarians and veterinary technicians

Regarding both chemical capture and euthanasia of animals by agents and employees of animal shelters, county dog wardens, and agents and employees of county dog wardens, the bill specifies that its provisions and current law do not preclude licensed veterinarians and registered veterinary technicians from engaging in the practice of veterinary medicine.²⁹

Destruction of domestic animals

Current law prohibits a person from destroying any domestic animal by the use of either of the following:

(1) A high altitude decompression chamber; or

(2) Any method other than a method that immediately and painlessly renders the domestic animal initially unconscious and subsequently dead.³⁰

The bill also prohibits an animal shelter from destroying a domestic animal by the use of a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant. However, an animal shelter may destroy a domestic animal by the use of such methods if the State Veterinary Medical Licensing Board, in consultation

²⁷ R.C. 4729.535.

²⁸ R.C. 4729.991.

²⁹ R.C. 4729.532(E) and R.C. 4729.535.

³⁰ R.C. 959.06(B).

with the State Board of Pharmacy, declares that there is a shortage of approved lethal injection substances.³¹

The bill exempts both of the following from the above prohibitions:

(1) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate under the Veterinarians Law;

(2) An animal used in scientific research conducted by a research facility in accordance with the Federal Animal Welfare Act and related regulations.³²

Impounded dogs

The bill revises provisions of law governing the disposition of a dog that has been seized and impounded by a county dog warden, but that has not been redeemed by its owner, keeper, or harbinger. For the purposes of redemption, current law generally requires a dog that has been seized and impounded by the county dog warden to be kept, housed, and fed for a specified time period, dependent on the conditions under which the dog warden seizes and impounds the dog. After that time period, if a nonprofit agency that trains assistance dogs requests a dog that is not redeemed, the county dog warden or dog poundkeeper must donate the dog to the agency. The dog warden or poundkeeper may sell any dog that is not requested by an assistance dog agency to any person, including to any nonprofit Ohio institution or organization that is certified by the Director of Health as being engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals. Any dog that is not disposed of by redemption or sale may be humanely destroyed.³³

The bill revises the provisions governing the disposition of a dog that is not redeemed by its owner, keeper, or harbinger as follows:

(1) It eliminates the requirement that a dog warden or poundkeeper first donate the dog to a nonprofit agency that trains assistance dogs upon request;

(2) It authorizes a dog warden or poundkeeper to adopt out or donate to any person, including a nonprofit agency that trains assistance dogs and a nonprofit teaching or research institution or organization that is certified by the Director of Health

³¹ R.C. 959.06(A) and (C).

³² R.C. 959.06(E).

³³ R.C. 955.16.



as being engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals; and

(3) It authorizes a dog warden to charge an adoption fee for any dog that is adopted.³⁴

The bill retains the authority for a dog warden to humanely destroy a dog that is not adopted out.

HISTORY

ACTION	DATE
Introduced	03-13-18
Reported, H. State and Local Government	06-05-18
Passed House (89-4)	06-20-18

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³⁴ R.C. 955.16(A) and (B).

