

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4813**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7333 (MCL 333.7333), as amended by 2017 PA 251.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7333. (1) As used in this section, "good faith" means the
2 prescribing or dispensing of a controlled substance by a
3 practitioner licensed under section 7303 in the regular course of
4 professional treatment to or for an individual who is under
5 treatment by the practitioner for a pathology or condition other
6 than that individual's physical or psychological dependence upon or
7 addiction to a controlled substance, except as provided in this
8 article. Application of good faith to a pharmacist means the
9 dispensing of a controlled substance pursuant to a prescriber's

1 order which, in the professional judgment of the pharmacist, is
2 lawful. The pharmacist shall be guided by nationally accepted
3 professional standards including, but not limited to, all of the
4 following, in making the judgment:

5 (a) Lack of consistency in the doctor-patient relationship.

6 (b) Frequency of prescriptions for the same drug by 1
7 prescriber for larger numbers of patients.

8 (c) Quantities beyond those normally prescribed for the same
9 drug.

10 (d) Unusual dosages.

11 (e) Unusual geographic distances between patient, pharmacist,
12 and prescriber.

13 (2) Except as otherwise provided in this section, a
14 practitioner, in good faith, may dispense a controlled substance
15 included in schedule 2 upon receipt of a prescription of a
16 practitioner licensed under section 7303 on a prescription form. A
17 practitioner may issue more than 1 prescription for a controlled
18 substance included in schedule 2 on a single prescription form.

19 (3) In an emergency situation, as described in R 338.3165 of
20 the Michigan Administrative Code, a controlled substance included
21 in schedule 2 may be dispensed upon the oral prescription of a
22 practitioner if the prescribing practitioner promptly fills out a
23 prescription form and forwards the prescription form to the
24 dispensing pharmacy within 7 days after the oral prescription is
25 issued. A prescription for a controlled substance included in
26 schedule 2 must not be filled more than 90 days after the date on
27 which the prescription was issued. A pharmacist, consistent with

1 federal law and regulations on the partial filling of a controlled
2 substance included in schedule 2, may partially fill in increments
3 a prescription for a controlled substance included in schedule 2.

4 (4) A practitioner, in good faith, may dispense a controlled
5 substance included in schedule 3, 4, or 5 that is a prescription
6 drug as determined under section 503(b) of the federal food, drug,
7 and cosmetic act, 21 USC 353, or section 17708, upon receipt of a
8 prescription on a prescription form or an oral prescription of a
9 practitioner. A prescription for a controlled substance included in
10 schedule 3 or 4 must not be filled or refilled without specific
11 refill instructions noted by the prescriber. A prescription for a
12 controlled substance included in schedule 3 or 4 must not be filled
13 or refilled later than 6 months after the date of the prescription
14 or be refilled more than 5 times, unless renewed by the prescriber
15 in accordance with rules promulgated by the administrator.

16 (5) A controlled substance included in schedule 5 must not be
17 distributed or dispensed other than for a medical purpose, or in
18 any manner except in accordance with rules promulgated by the
19 administrator.

20 (6) If a prescription is required under this section, the
21 prescription must contain the quantity of the controlled substance
22 prescribed in both written and numerical terms. A prescription is
23 in compliance with this subsection if, in addition to containing
24 the quantity of the controlled substance prescribed in written
25 terms, it contains preprinted numbers representative of the
26 quantity of the controlled substance prescribed next to which is a
27 box or line the prescriber may check.

1 (7) A prescribing practitioner shall not use a prescription
2 form for a purpose other than prescribing. A prescribing
3 practitioner shall not postdate a prescription form that contains a
4 prescription for a controlled substance. A prescriber may transmit
5 a prescription by facsimile of a printed prescription form and by
6 electronic transmission of a printed prescription form, if not
7 prohibited by federal law. If, with the patient's consent, a
8 prescription is electronically transmitted, it must be transmitted
9 directly to a pharmacy of the patient's choice by the prescriber or
10 the prescriber's authorized agent, and the data must not be
11 altered, modified, or extracted in the transmission process.

12 (8) Notwithstanding subsections (1) to (5), ~~an animal control~~
13 ~~shelter or animal protection shelter registered with the department~~
14 ~~of agriculture and rural development pursuant to 1969 PA 287, MCL~~
15 ~~287.331 to 287.340, or a class B dealer may acquire a limited~~
16 permit only for the purpose of buying, possessing, and
17 administering a commercially prepared, premixed solution of sodium
18 pentobarbital to ~~practice~~ **PERFORM** euthanasia on injured, sick,
19 homeless, or unwanted domestic pets and other animals, if the
20 ~~animal control shelter or animal protection shelter or class B~~
21 dealer does all of the following:

22 (a) Applies to the administrator for a permit in accordance
23 with rules promulgated under this part. The application must
24 contain the name of the individual in charge of the day-to-day
25 operations of the ~~animal control shelter or animal protection~~
26 ~~shelter or class B dealer's~~ facilities and the name of the
27 individual responsible for designating employees who will be

1 ~~practicing~~ **PERFORMING** euthanasia on animals pursuant to this act.

2 (b) Complies with the rules promulgated by the administrator
3 for the storage, handling, and use of a commercially prepared,
4 premixed solution of sodium pentobarbital to ~~practice~~ **PERFORM**
5 euthanasia on animals. ~~A~~ **THE CLASS B DEALER SHALL MAINTAIN A** record
6 of use ~~must be maintained and must be~~ **SHALL MAKE THE RECORD**
7 available for inspection **BY THE DEPARTMENT OF LICENSING AND**
8 **REGULATORY AFFAIRS, THE DEPARTMENT OF AGRICULTURE AND RURAL**
9 **DEVELOPMENT, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE.**

10 (c) ~~Certifies that~~ **SUBJECT TO SUBDIVISION (D), CERTIFIES THAT**
11 **THE CLASS B DEALER OR** an employee of the ~~animal control shelter or~~
12 ~~animal protection shelter or class B dealer~~ has received, and can
13 document completion of, a minimum of ~~8~~ **16** hours of training, ~~given~~
14 ~~by a licensed veterinarian in the use of sodium pentobarbital~~
15 **INCLUDING AT LEAST 12 HOURS OF CONTENT TRAINING AND AT LEAST 4**
16 **HOURS OF PRACTICAL TRAINING, IN THE USE OF A COMMERCIALY PREPARED,**
17 **PREMIXED SOLUTION OF SODIUM PENTOBARBITAL AND AN ANIMAL**
18 **TRANQUILIZER** to ~~practice~~ **PERFORM** euthanasia on animals pursuant to
19 ~~rules promulgated by the administrator,~~ **FROM A TRAINING PROGRAM**
20 **APPROVED BY THE STATE VETERINARIAN,** in consultation with the
21 Michigan board of veterinary medicine, ~~as these rules relate to~~
22 ~~this training, and that only an individual described in this~~
23 ~~subdivision or an individual otherwise permitted to use a~~
24 ~~controlled substance pursuant to this article will administer the~~
25 ~~commercially prepared, premixed solution of sodium pentobarbital~~
26 ~~according to written procedures established by the animal control~~
27 ~~shelter or animal protection shelter or class B dealer.~~ **AND GIVEN BY**

1 A LICENSED VETERINARIAN PURSUANT TO RULES PROMULGATED BY THE
2 ADMINISTRATOR. THE TRAINING DESCRIBED IN THIS SUBDIVISION SHALL
3 COMPLY WITH THE AMERICAN VETERINARY MEDICAL ASSOCIATION'S
4 GUIDELINES FOR THE EUTHANASIA OF ANIMALS.

5 (D) UNTIL DECEMBER 31, 2021, ENSURES THAT THE CLASS B DEALER
6 OR AN EMPLOYEE OF THE CLASS B DEALER WHO RECEIVED, AND CAN DOCUMENT
7 THE COMPLETION OF, THE 8 HOURS OF TRAINING REQUIRED IMMEDIATELY
8 BEFORE THE EFFECTIVE DATE OF THE 2018 AMENDATORY ACT THAT AMENDED
9 THIS SECTION ONLY ADMINISTERS A COMMERCIALY PREPARED, PREMIXED
10 SOLUTION OF SODIUM PENTOBARBITAL TO PERFORM EUTHANASIA ON THE
11 ANIMALS DESCRIBED IN THIS SUBSECTION. BEGINNING JANUARY 1, 2022,
12 THE INDIVIDUALS DESCRIBED IN THIS SUBDIVISION MUST HAVE RECEIVED,
13 AND BE ABLE TO DOCUMENT THE COMPLETION OF, THE TRAINING DESCRIBED
14 IN SUBDIVISION (C) TO ADMINISTER A COMMERCIALY PREPARED, PREMIXED
15 SOLUTION OF SODIUM PENTOBARBITAL OR AN ANIMAL TRANQUILIZER TO
16 PERFORM EUTHANASIA ON THE ANIMALS DESCRIBED IN THIS SUBSECTION.

17 (E) CERTIFIES THAT ONLY AN INDIVIDUAL DESCRIBED IN SUBDIVISION
18 (C) OR (D) OR AN INDIVIDUAL OTHERWISE PERMITTED TO USE A CONTROLLED
19 SUBSTANCE PURSUANT TO THIS ARTICLE WILL ADMINISTER THE COMMERCIALY
20 PREPARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL OR AN ANIMAL
21 TRANQUILIZER ACCORDING TO WRITTEN PROCEDURES ESTABLISHED BY THE
22 CLASS B DEALER.

23 (F) BEGINNING JANUARY 1, 2022, CERTIFIES THAT THE INDIVIDUAL
24 IN CHARGE OF THE DAY-TO-DAY OPERATIONS OF THE CLASS B DEALER'S
25 FACILITIES HAS RECEIVED, AND CAN DOCUMENT THE COMPLETION OF, THE
26 TRAINING DESCRIBED IN SUBDIVISION (C).

27 (G) COMPLIES WITH ALL STATE AND FEDERAL LAWS, RULES, AND

1 REGULATIONS REGARDING THE ACQUISITION, USE, AND SECURITY OF
2 CONTROLLED SUBSTANCES.

3 (9) NOTWITHSTANDING SUBSECTIONS (1) TO (5), AN ANIMAL CONTROL
4 SHELTER OR ANIMAL PROTECTION SHELTER REGISTERED WITH THE DEPARTMENT
5 OF AGRICULTURE AND RURAL DEVELOPMENT PURSUANT TO 1969 PA 287, MCL
6 287.331 TO 287.340, MAY ACQUIRE A LIMITED PERMIT ONLY FOR THE
7 PURPOSE OF BUYING, POSSESSING, AND ADMINISTERING A COMMERCIALY
8 PREPARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL, OR AN ANIMAL
9 TRANQUILIZER, TO USE EXCLUSIVELY AS AN ADJUNCT IN THE PROCESS OF
10 PERFORMING EUTHANASIA ON INJURED, SICK, HOMELESS, OR UNWANTED
11 DOMESTIC PETS AND OTHER ANIMALS, IF THE ANIMAL CONTROL SHELTER OR
12 ANIMAL PROTECTION SHELTER DOES ALL OF THE FOLLOWING:

13 (A) APPLIES TO THE ADMINISTRATOR FOR A PERMIT IN ACCORDANCE
14 WITH RULES PROMULGATED UNDER THIS PART. THE APPLICATION MUST
15 CONTAIN THE NAME OF THE INDIVIDUAL IN CHARGE OF THE DAY-TO-DAY
16 OPERATIONS OF THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION
17 SHELTER AND THE NAME OF THE INDIVIDUAL RESPONSIBLE FOR DESIGNATING
18 EMPLOYEES WHO WILL BE PERFORMING EUTHANASIA ON ANIMALS PURSUANT TO
19 THIS ACT.

20 (B) COMPLIES WITH THE RULES PROMULGATED BY THE ADMINISTRATOR
21 FOR THE STORAGE, HANDLING, AND USE OF A COMMERCIALY PREPARED,
22 PREMIXED SOLUTION OF SODIUM PENTOBARBITAL OR AN ANIMAL TRANQUILIZER
23 TO PERFORM EUTHANASIA ON ANIMALS. THE ANIMAL CONTROL SHELTER OR
24 ANIMAL PROTECTION SHELTER SHALL MAINTAIN A RECORD OF USE AND MAKE
25 THE RECORD AVAILABLE FOR INSPECTION BY THE DEPARTMENT OF LICENSING
26 AND REGULATORY AFFAIRS AND THE DEPARTMENT OF AGRICULTURE AND RURAL
27 DEVELOPMENT.

1 (C) SUBJECT TO SUBDIVISION (D), CERTIFIES THAT AN EMPLOYEE OF
2 THE ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER HAS
3 RECEIVED, AND CAN DOCUMENT COMPLETION OF, A MINIMUM OF 16 HOURS OF
4 TRAINING, INCLUDING AT LEAST 12 HOURS OF CONTENT TRAINING AND AT
5 LEAST 4 HOURS OF PRACTICAL TRAINING, IN THE USE OF A COMMERCIALY
6 PREPARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL AND AN ANIMAL
7 TRANQUILIZER TO PERFORM EUTHANASIA ON ANIMALS FROM A TRAINING
8 PROGRAM APPROVED BY THE STATE VETERINARIAN, IN CONSULTATION WITH
9 THE MICHIGAN BOARD OF VETERINARY MEDICINE, AND GIVEN BY A LICENSED
10 VETERINARIAN PURSUANT TO RULES PROMULGATED BY THE ADMINISTRATOR.
11 THE TRAINING DESCRIBED IN THIS SUBDIVISION MUST COMPLY WITH THE
12 AMERICAN VETERINARY MEDICAL ASSOCIATION'S GUIDELINES FOR THE
13 EUTHANASIA OF ANIMALS.

14 (D) UNTIL DECEMBER 31, 2021, ENSURES THAT AN EMPLOYEE OF THE
15 ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER WHO RECEIVED,
16 AND CAN DOCUMENT THE COMPLETION OF, THE TRAINING REQUIRED
17 IMMEDIATELY BEFORE THE EFFECTIVE DATE OF THE 2018 AMENDATORY ACT
18 THAT AMENDED THIS SECTION ONLY ADMINISTERS A COMMERCIALY PREPARED
19 SOLUTION OF XYLAZINE HYDROCHLORIDE OR A COMMERCIALY PREPARED,
20 PREMIXED SOLUTION OF SODIUM PENTOBARBITAL TO PERFORM EUTHANASIA ON
21 THE ANIMALS DESCRIBED IN THIS SUBSECTION IN ACCORDANCE WITH HIS OR
22 HER TRAINING. BEGINNING JANUARY 1, 2022, THE EMPLOYEE DESCRIBED IN
23 THIS SUBDIVISION MUST HAVE RECEIVED, AND BE ABLE TO DOCUMENT THE
24 COMPLETION OF, THE TRAINING DESCRIBED IN SUBDIVISION (C) TO
25 ADMINISTER A COMMERCIALY PREPARED, PREMIXED SOLUTION OF SODIUM
26 PENTOBARBITAL OR AN ANIMAL TRANQUILIZER TO PERFORM EUTHANASIA ON
27 THE ANIMALS DESCRIBED IN THIS SUBSECTION.

1 (E) CERTIFIES THAT ONLY AN INDIVIDUAL DESCRIBED IN SUBDIVISION
2 (C) OR (D) OR AN INDIVIDUAL OTHERWISE PERMITTED TO USE A CONTROLLED
3 SUBSTANCE PURSUANT TO THIS ARTICLE WILL ADMINISTER A COMMERCIALY
4 PREPARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL OR AN ANIMAL
5 TRANQUILIZER ACCORDING TO WRITTEN PROCEDURES ESTABLISHED BY THE
6 ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER.

7 (F) BEGINNING JANUARY 1, 2022, CERTIFIES THAT THE INDIVIDUAL
8 IN CHARGE OF THE DAY-TO-DAY OPERATIONS OF THE ANIMAL CONTROL
9 SHELTER OR ANIMAL PROTECTION SHELTER HAS RECEIVED, AND CAN DOCUMENT
10 THE COMPLETION OF, THE TRAINING DESCRIBED IN SUBDIVISION (C).

11 (G) COMPLIES WITH ALL STATE AND FEDERAL LAWS AND REGULATIONS
12 REGARDING THE ACQUISITION, USE, AND SECURITY OF CONTROLLED
13 SUBSTANCES.

14 (10) ~~(9)~~—The application described in subsection (8) OR (9)
15 must include the names and addresses of all individuals employed by
16 the animal control shelter or animal protection shelter or class B
17 dealer who have been trained as described in subsection (8)(c),
18 (D), AND (F) OR (9)(C), (D), AND (F) and the name of the
19 veterinarian who trained them. The list of names and addresses must
20 be updated every 6 months.

21 (11) ~~(10)~~—If an animal control shelter or animal protection
22 shelter or class B dealer issued a permit pursuant to subsection
23 (8) OR (9) does not have in its employ an individual trained as
24 described in subsection (8)(c) OR (D) AND (8)(F), OR (9)(C) OR (D)
25 AND (9)(F), the animal control shelter or animal protection shelter
26 or class B dealer shall immediately notify the administrator and
27 shall cease to administer ~~any~~ A commercially prepared, premixed

1 solution of sodium pentobarbital **OR AN ANIMAL TRANQUILIZER FOR THE**
2 **PURPOSES DESCRIBED IN SUBSECTION (8) OR (9)** until the administrator
3 is notified that 1 of the following has occurred:

4 (a) An individual trained as described in subsection (8)(c),
5 **(D), OR (F) OR (9)(C), (D), OR (F)** has been hired by the animal
6 control shelter or animal protection shelter or class B dealer.

7 (b) An ~~employee of~~ **INDIVIDUAL EMPLOYED BY** the animal control
8 shelter or animal protection shelter or class B dealer has been
9 trained as described in subsection (8)(c) **OR (F) OR (9)(C) OR (F)**.

10 **(12) ~~(11)~~**A veterinarian, including a veterinarian who trains
11 individuals as described in subsection (8)(c), **(D), OR (F), OR**
12 **(9)(C), (D), OR (F)**, is not civilly or criminally liable for the
13 use of a commercially prepared, premixed solution of sodium
14 pentobarbital **OR AN ANIMAL TRANQUILIZER** by an animal control
15 shelter or animal protection shelter or **A** class B dealer, unless
16 the veterinarian is employed by or under contract with the animal
17 control shelter or animal protection shelter or class B dealer and
18 the terms of the veterinarian's employment or the contract require
19 the veterinarian to be responsible for the use or administration of
20 the commercially prepared, premixed solution of sodium
21 pentobarbital **OR ANIMAL TRANQUILIZER**.

22 **(13) ~~(12)~~**A person shall not knowingly use or permit the use
23 of a commercially prepared, premixed solution of sodium
24 pentobarbital **OR AN ANIMAL TRANQUILIZER** in violation of this
25 section.

26 **(14) ~~(13)~~**This section does not require that a veterinarian be
27 employed by or under contract with an animal control shelter or

1 animal protection shelter or class B dealer to obtain, possess, or
2 administer a commercially prepared, premixed solution of sodium
3 pentobarbital **OR AN ANIMAL TRANQUILIZER** pursuant to this section.

4 (15) ~~(14)~~ Notwithstanding subsections (1) to (5), an animal
5 control shelter registered with the department of agriculture and
6 rural development pursuant to 1969 PA 287, MCL 287.331 to 287.340,
7 may acquire a limited permit only for the purpose of buying,
8 possessing, and administering a ~~commercially prepared solution of~~
9 an animal tranquilizer to sedate a ~~feral, wild, difficult to~~
10 ~~handle, or other animal for euthanasia, or to tranquilize~~ **OR**
11 **IMMOBILIZE** an animal running at large that is dangerous or
12 difficult to capture, if the animal control shelter does all of the
13 following:

14 (a) Applies to the administrator for a permit in accordance
15 with the rules promulgated under this part. The application must
16 contain the name of the individual in charge of the day-to-day
17 operations of the animal control shelter and the name of the
18 individual responsible for designating employees who will be
19 administering an animal tranquilizer pursuant to this act.

20 (b) Complies with the rules promulgated by the administrator
21 for the storage, handling, and use of a ~~commercially prepared~~
22 ~~solution of an animal tranquilizer. A~~ **THE ANIMAL CONTROL SHELTER**
23 **SHALL MAINTAIN A** record of use ~~must be maintained and must be~~ **SHALL**
24 **MAKE THE RECORD** available for inspection by the department of
25 **LICENSING AND REGULATORY AFFAIRS AND THE DEPARTMENT OF** agriculture
26 and rural development.

27 (c) ~~Certifies~~ **SUBJECT TO SUBDIVISION (D), CERTIFIES** that an

1 employee of the animal control shelter has received, and can
2 document completion of, ~~a~~**BOTH OF THE FOLLOWING IN THE FOLLOWING**
3 **ORDER:**

4 (i) **THE TRAINING DESCRIBED IN SUBSECTION (9) (C) .**

5 (ii) **A** minimum of 16 hours of training, including at least 3
6 12 hours of **CONTENT TRAINING AND AT LEAST 4 HOURS OF** practical
7 training, in the use of animal tranquilizers ~~on animals~~**TO SEDATE**
8 **OR IMMOBILIZE THE ANIMALS DESCRIBED IN THIS SUBSECTION** from a
9 training program approved by the state veterinarian, in
10 consultation with the Michigan board of veterinary medicine, and
11 given by a licensed veterinarian pursuant to rules promulgated by
12 the administrator. ~~, in consultation with the Michigan board of~~
13 ~~veterinary medicine as these rules relate to this training, and~~
14 ~~that only an individual described in this subdivision or an~~
15 ~~individual otherwise permitted to use a controlled substance~~
16 ~~pursuant to this article will administer the commercially prepared~~
17 ~~solution of an animal tranquilizer according to written procedures~~
18 ~~established by the animal control shelter.~~

19 (D) **UNTIL DECEMBER 31, 2021, ENSURES THAT AN EMPLOYEE OF THE**
20 **ANIMAL CONTROL SHELTER WHO RECEIVED, AND CAN DOCUMENT THE**
21 **COMPLETION OF, THE TRAINING REQUIRED IMMEDIATELY BEFORE THE**
22 **EFFECTIVE DATE OF THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION**
23 **ONLY ADMINISTERS A COMMERCIALY PREPARED SOLUTION OF XYLAZINE**
24 **HYDROCHLORIDE TO SEDATE OR IMMOBILIZE THE ANIMALS DESCRIBED IN THIS**
25 **SUBSECTION. BEGINNING JANUARY 1, 2022, THE EMPLOYEE DESCRIBED IN**
26 **THIS SUBDIVISION MUST HAVE RECEIVED, AND BE ABLE TO DOCUMENT THE**
27 **COMPLETION OF, THE TRAINING DESCRIBED IN SUBDIVISION (C) TO**

1 ADMINISTER AN ANIMAL TRANQUILIZER TO PERFORM EUTHANASIA ON THE
2 ANIMALS DESCRIBED IN THIS SUBSECTION.

3 (E) CERTIFIES THAT ONLY AN INDIVIDUAL DESCRIBED IN SUBDIVISION
4 (C) OR (D) OR AN INDIVIDUAL OTHERWISE PERMITTED TO USE A CONTROLLED
5 SUBSTANCE PURSUANT TO THIS ARTICLE WILL ADMINISTER AN ANIMAL
6 TRANQUILIZER ACCORDING TO WRITTEN PROCEDURES ESTABLISHED BY THE
7 ANIMAL CONTROL SHELTER.

8 (F) BEGINNING JANUARY 1, 2022, CERTIFIES THAT THE INDIVIDUAL
9 IN CHARGE OF THE DAY-TO-DAY OPERATIONS OF THE ANIMAL CONTROL
10 SHELTER HAS RECEIVED, AND CAN DOCUMENT THE COMPLETION OF, THE
11 TRAINING DESCRIBED IN SUBDIVISION (C).

12 (G) COMPLIES WITH ALL STATE AND FEDERAL LAWS, RULES, AND
13 REGULATIONS REGARDING THE ACQUISITION, USE, AND SECURITY OF
14 CONTROLLED SUBSTANCES.

15 ~~—— (15) Notwithstanding subsections (1) to (5), an animal~~
16 ~~protection shelter registered with the department of agriculture~~
17 ~~and rural development pursuant to 1969 PA 287, MCL 287.331 to~~
18 ~~287.340, may acquire a limited permit only for the purpose of~~
19 ~~buying, possessing, and administering a commercially prepared~~
20 ~~solution of an animal tranquilizer to sedate a feral, wild,~~
21 ~~difficult to handle, or other animal for euthanasia, if the animal~~
22 ~~protection shelter does all of the following:~~

23 ~~—— (a) Applies to the administrator for a permit in accordance~~
24 ~~with the rules promulgated under this part. The application must~~
25 ~~contain the name of the individual in charge of the day to day~~
26 ~~operations of the animal protection shelter and the name of the~~
27 ~~individual responsible for designating employees who will be~~

1 ~~administering an animal tranquilizer pursuant to this act.~~

2 ~~—— (b) Complies with the rules promulgated by the administrator~~
3 ~~for the storage, handling, and use of a commercially prepared~~
4 ~~solution of an animal tranquilizer. A record of use must be~~
5 ~~maintained and must be available for inspection by the department~~
6 ~~of agriculture and rural development.~~

7 ~~—— (c) Certifies that an employee of the animal protection~~
8 ~~shelter has received, and can document completion of, a minimum of~~
9 ~~16 hours of training, including at least 3 hours of practical~~
10 ~~training, in the use of animal tranquilizers on animals from a~~
11 ~~training program approved by the state veterinarian, in~~
12 ~~consultation with the Michigan board of veterinary medicine, and~~
13 ~~given by a licensed veterinarian pursuant to rules promulgated by~~
14 ~~the administrator, in consultation with the Michigan board of~~
15 ~~veterinary medicine as these rules relate to this training, and~~
16 ~~that only an individual described in this subdivision or an~~
17 ~~individual otherwise permitted to use a controlled substance~~
18 ~~pursuant to this article will administer the commercially prepared~~
19 ~~solution of an animal tranquilizer according to written procedures~~
20 ~~established by the animal protection shelter.~~

21 (16) The application described in subsection ~~(14) or (15)~~ must
22 include the names and business addresses of all individuals
23 employed by the animal control shelter ~~or animal protection shelter~~
24 who have been trained as described in subsection ~~(14)(c) or~~
25 ~~(15)(c), (D), AND (F)~~ and must include documented proof of the
26 training. The list of names and business addresses must be updated
27 every 6 months.

1 (17) If an animal control shelter ~~or animal protection shelter~~
2 issued a permit pursuant to subsection ~~(14) or (15)~~ does not have
3 in its employ an individual trained as described in subsection
4 ~~(14)(c) or (15)(c)~~, **OR (D) AND (15)(F)**, the animal control shelter
5 ~~or animal protection shelter~~ shall immediately notify the
6 administrator and shall cease to administer ~~any commercially~~
7 ~~prepared solution of~~ an animal tranquilizer **FOR THE PURPOSES**
8 **DESCRIBED IN SUBSECTION (15)** until the administrator is notified
9 that 1 of the following has occurred:

10 (a) An individual trained as described in subsection ~~(14)(c)~~
11 ~~or (15)(c)~~, **(D), OR (F)** has been hired by the animal control
12 shelter. ~~or animal protection shelter.~~

13 (b) An ~~employee of~~ **INDIVIDUAL EMPLOYED BY** the animal control
14 shelter ~~or animal protection shelter~~ has been trained as described
15 in subsection ~~(14)(c) or (15)(c)~~ **OR (F)**.

16 (18) A veterinarian, including a veterinarian who trains
17 individuals as described in subsection ~~(14)(c) or (15)(c)~~, **(D), OR**
18 **(F)**, is not civilly or criminally liable for the use of an animal
19 tranquilizer by an animal control shelter ~~or animal protection~~
20 ~~shelter~~ unless the veterinarian is employed by or under contract
21 with the animal control shelter ~~or animal protection shelter~~ and
22 the terms of the veterinarian's employment or the contract require
23 the veterinarian to be responsible for the use or administration of
24 ~~the commercially prepared solution of~~ an animal tranquilizer.

25 ~~—— (19) A person shall not knowingly use or permit the use of an~~
26 ~~animal tranquilizer in violation of this section.~~

27 ~~—— (20) This section does not require that a veterinarian be~~

1 ~~employed by or under contract with an animal control shelter or~~
2 ~~animal protection shelter to obtain, possess, or administer a~~
3 ~~commercially prepared solution of an animal tranquilizer pursuant~~
4 ~~to this section.~~

5 (19) ~~(21)~~ As used in this section:

6 (a) "Animal tranquilizer" means **A COMMERCIALY PREPARED**
7 **SOLUTION OF** xylazine hydrochloride, ~~or other animal tranquilizing~~
8 ~~drug as approved by the United States Food and Drug Administration~~
9 ~~and by the state department of agriculture and rural development~~
10 ~~for use as described in this section.~~ **A COMMERCIALY PREPARED**
11 **SOLUTION OF KETAMINE, OR A COMMERCIALY PREPARED COMPOUND**
12 **CONTAINING TILETAMINE AND ZOLAZEPAM.**

13 (b) "Class B dealer" means a class B dealer licensed by the
14 United States Department of Agriculture pursuant to the animal
15 welfare act, 7 USC 2131 to 2159 and the department of agriculture
16 and rural development pursuant to 1969 PA 224, MCL 287.381 to
17 287.395.

18 Enacting section 1. This amendatory act takes effect 90 days
19 after the date it is enacted into law.