

# Legislative Analysis



## **EUTHANASIA OF ANIMALS: REVISE TRAINING PROGRAM**

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**House Bill 4813 as reported from committee w/o amendment**  
**Sponsor: Rep. Hank Vaupel**  
**Committee: Regulatory Reform**  
**Complete to 11-7-17**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 34 of 2018)*

**BRIEF SUMMARY:** House Bill 4813 would amend the Michigan Public Health Code to revise the training requirements, and make other changes, for Class B dealers, animal control shelters, and animal protection shelters that euthanize animals.

**FISCAL IMPACT:** The bill does not appear to have any significant fiscal impact on the Department of Licensing and Regulatory Affairs.

### **THE APPARENT PROBLEM:**

Because the drugs used to euthanize sick or injured animals are controlled substances, Class B dealers and animal shelters which acquire and use the drugs must meet statutory training requirements. Apparently, these training requirements need to be updated to ensure that animals are treated as humanely as possible. For example, animal shelters are allowed to use a tranquilizer to capture an animal that is running loose, but the only tranquilizer allowed by statute does not immobilize the animal. A sedated, but scared, animal can still injure itself or the person trying to restrain it. Further, there are tranquilizers that help reduce the pain an animal may experience in the euthanasia process, but the statute does not allow shelters to use them. Moreover, though a shelter manager must sign off on the competence of an employee to administer the euthanasia drugs to an animal, that manager is not required to undergo the training. Some feel that a person who has not undergone the training is not in the best position to determine whether another employee is following proper protocols. Legislation has been offered to address these and other concerns.

### **THE CONTENT OF THE BILL:**

Currently, provisions pertaining to the training required in order for certain animal control shelters or animal protection shelters (hereinafter "shelters") and Class B dealers to euthanize animals are contained in the same subsection of law. Though the provisions would be nearly identical, the bill would place the language pertaining to shelters in a separate subsection from the language pertaining to Class B dealers. (According to the Humane Society, a Class B dealer is an entity licensed by the U. S. Department of Agriculture to acquire dogs and cats from "random sources" to sell to universities and other research institutions for use in experiments.)

Under the bill, in order to qualify for permits that allow them to buy, possess, and administer a commercially prepared, premixed solution of sodium pentobarbital

(hereinafter “sodium pentobarbital”) to perform euthanasia on injured, sick, homeless, or unwanted domestic pets and other animals, a Class B dealer or shelters registered with the Michigan Department of Agriculture and Rural Development (MDARD) would have to do the following (in addition to current requirements):

- Undergo increased training. Most current requirements would stay the same, but the bill would increase the minimum requirement of 8 hours of training to 16 hours, and require that at least 12 of those hours involve content training and at least 4 hours include practical training in the use of sodium pentobarbital and an animal tranquilizer. The training would have to be 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 Michigan Board of Pharmacy. The training would also have to comply with the American Veterinary Medical Association’s guidelines for the euthanasia of animals.
- Until December 31, 2021, a Class B dealer would have to ensure that it or an employee who can document completion of the current training requirements only administers sodium pentobarbital to perform euthanasia on the animals listed in the statute. The same requirement would apply to a shelter and its employees, but would include use of a commercially prepared, premixed solution of xylazine hydrochloride and require the euthanasia to be performed in accordance with the individual’s training.
- Beginning January 1, 2022, a dealer, its employees, or a shelter’s employees would have to have received and be able to document completion of the new training requirements in order to administer sodium pentobarbital or an animal tranquilizer to perform euthanasia on an animal. (However, a Class B dealer and its employees may only administer sodium pentobarbital despite being required to complete the training regarding use of tranquilizers.)
- Certify that only an individual who had completed the required training or an individual otherwise permitted to use a controlled substance would administer the sodium pentobarbital or animal tranquilizer according to the Class B dealer’s or shelter’s written procedures.
- Beginning January 1, 2022, certify that the individual in charge of day-to-day operations of the facility has received and can document completion of the new training requirements.
- Comply with all state and federal laws, rules, and regulations regarding the acquisition, use, and security of controlled substances.

Further, the Public Health Code currently allows an animal control shelter registered with MDARD to acquire a limited permit that allows it to buy, possess, and administer 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 is dangerous or difficult to capture if it meets certain requirements. The bill would delete the italicized text and allow the shelter to sedate or immobilize the animal running at large. The bill would also amend the requirements the shelter must meet to:

- Allow the Department of Licensing and Regulatory Affairs to inspect the record that animal control shelters are required to maintain that currently is available only for MDARD to inspect.
- Revise training requirements. Currently, an employee must receive and document completion of 16 of hours of training, including at least 3 hours of practical training in the use of animal tranquilizers. The bill would instead require that at least 12 of the 16 hours be content training and at least 4 hours be practical training in the use of animal tranquilizers to sedate or immobilize the animals described in the statute.
- Require an employee to also complete the new training requirement detailed above.
- Ensure, until *December 31, 2021*, that an employee who can document completion of the current training requirements only administers commercially prepared, premixed solution of xylazine hydrochloride to sedate or immobilize an animal. Beginning *January 1, 2022*, an employee would have to be able to document completion of the new training requirements in order to administer an animal tranquilizer to perform euthanasia on an animal. The definition of “animal tranquilizer” would be revised to mean a commercially prepared solution of xylazine hydrochloride, a commercially prepared solution of ketamine, or a commercially prepared compound containing tiletamine and zolazepam.
- Certify that the individual in charge of the day-to-day operations of the shelter can document completion of the new training requirements.
- Comply with all state and federal laws, rules, and regulations regarding the acquisition, use, and security of controlled substances.

A similar provision in place for animal protection shelters would be eliminated. Lastly, numerous revisions of a technical nature to conform to the bill’s primary provisions would be made.

The bill would take effect 90 days after its enactment.

MCL 333.7333

## ***ARGUMENTS:***

### ***For:***

Sometimes an animal needs to be euthanized. Whether it is because the animal is injured, in pain, sick, unwanted, or otherwise serves no useful purpose, if an animal must be put down, it should be done in the most humane and respectful, and least painful or fear-inducing, manner possible. Enactment of House Bill 5813 will help accomplish these goals. First of all, the bill increases the training requirements for employees of shelters and Class B dealers who acquire, store, and administer euthanasia drugs on animals. However, the bill builds in sufficient lead time for the shelters and Class B dealers to retrain their

employees that the new requirements should not be burdensome to meet. In addition, the bill expands the types of tranquilizers that shelters may use in the euthanasia process and when capturing animals on the loose to include some that immobilize the animal and/or will help reduce the pain and stress on the animal when undergoing euthanasia. Importantly, the future training will have to meet American Veterinary Medical Association recommendations, training programs must be approved by the state veterinarian, and the actual training must be provided by licensed veterinarians. These requirements will ensure that the best and safest practices will be instituted.

The bill also provides better regulatory oversight of Class B dealers and shelters. Since these drugs, and tranquilizers such as ketamine, are controlled substances, it is important to ensure that recordkeeping is accurate and that all the drugs are accounted for and not diverted to unlawful uses. Moreover, those responsible for the day-to-day operations will have to undergo the same training even if their job duties do not actually involve euthanizing animals. In this way, they will have the knowledge to properly judge the competence of an employee to perform euthanasia and to know if the employee is complying with state and federal laws.

***Response:***

It has been suggested that the bill be amended to clarify that the reason Class B dealers receive training in acquiring and using animal tranquilizers even though only shelters may actually administer such drugs is to provide uniform training for all licensees.

***POSITIONS:***

The Michigan Department of Agriculture and Rural Development indicated support for the bill. (10-25-17)

A representative of the Michigan Humane Society testified in support of the bill. (10-25-17)

A representative of Attorneys for Animals testified and submitted written testimony in support of the bill. (10-25-17)

A representative of the Michigan Veterinary Medical Association testified in support of the bill. (10-25-17)

The Michigan Association of Animal Control Officers indicated support for the bill. (10-25-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.