

HOUSE BILL No. 4813

July 12, 2017, Introduced by Reps. Vaupel, Leutheuser and Rendon and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7333 (MCL 333.7333), as amended by 2010 PA 3.

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
10 order which, in the professional judgment of the pharmacist, is

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

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

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

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

9 (d) Unusual dosages.

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

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

18 (3) In an emergency situation, as described in R 338.3165 of
19 the Michigan ~~administrative code~~, **ADMINISTRATIVE CODE**, a controlled
20 substance included in schedule 2 may be dispensed upon the oral
21 prescription of a practitioner if the prescribing practitioner
22 promptly fills out a prescription form and forwards the
23 prescription form to the dispensing pharmacy within 7 days after
24 the oral prescription is issued. Except for a terminally ill
25 patient whose terminal illness the pharmacist documents pursuant to
26 rules promulgated by the administrator, a prescription for a
27 controlled substance included in schedule 2 ~~shall~~ **MUST** not be

1 filled more than 90 days after the date on which the prescription
2 was issued. A prescription for a controlled substance included in
3 schedule 2 for a terminally ill patient whose terminal illness the
4 pharmacist documents pursuant to rules promulgated by the
5 administrator may be partially filled in increments for not more
6 than 60 days after the date on which the prescription was issued.

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

20 (5) A controlled substance included in schedule 5 ~~shall~~**MUST**
21 not be distributed or dispensed other than for a medical purpose,
22 or in any manner except in accordance with rules promulgated by the
23 administrator.

24 (6) If a prescription is required under this section, the
25 prescription ~~shall~~**MUST** contain the quantity of the controlled
26 substance prescribed in both written and numerical terms. A
27 prescription is in compliance with this subsection if, in addition

1 to containing the quantity of the controlled substance prescribed
2 in written terms, it contains preprinted numbers representative of
3 the quantity of the controlled substance prescribed next to which
4 is a box or line the prescriber may check.

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

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

26 (a) Applies to the administrator for a permit in accordance
27 with rules promulgated under this part. The application ~~shall~~**MUST**

1 contain the name of the individual in charge of the ~~day to day~~ **DAY-**
2 **TO-DAY** operations of the ~~animal control shelter or animal~~
3 ~~protection shelter or~~ class B dealer's facilities and the name of
4 the individual responsible for designating employees who will be
5 ~~practicing~~ **PERFORMING** euthanasia on animals pursuant to this act.

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

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

~~administer the commercially prepared, premixed solution of sodium pentobarbital according to written procedures established by the animal control shelter or animal protection shelter or class B dealer.~~ AND GIVEN BY A LICENSED VETERINARIAN PURSUANT TO RULES PROMULGATED BY THE ADMINISTRATOR. THE TRAINING DESCRIBED IN THIS SUBDIVISION SHALL COMPLY WITH THE AMERICAN VETERINARY MEDICAL ASSOCIATION'S GUIDELINES FOR THE EUTHANASIA OF ANIMALS.

(D) UNTIL DECEMBER 31, 2021, ENSURES THAT THE CLASS B DEALER OR AN EMPLOYEE OF THE CLASS B DEALER WHO RECEIVED, AND CAN DOCUMENT THE COMPLETION OF, THE 8 HOURS OF TRAINING REQUIRED IMMEDIATELY BEFORE THE EFFECTIVE DATE OF THE 2017 AMENDATORY ACT THAT AMENDED THIS SECTION ONLY ADMINISTERS A COMMERCIALY PREPARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL TO PERFORM EUTHANASIA ON THE ANIMALS DESCRIBED IN THIS SUBSECTION. BEGINNING JANUARY 1, 2022, THE INDIVIDUALS DESCRIBED IN THIS SUBDIVISION MUST HAVE RECEIVED, AND BE ABLE TO DOCUMENT THE COMPLETION OF, THE TRAINING DESCRIBED IN SUBDIVISION (C) TO ADMINISTER A COMMERCIALY PREPARED, PREMIXED SOLUTION OF SODIUM PENTOBARBITAL OR AN ANIMAL TRANQUILIZER TO PERFORM EUTHANASIA ON THE ANIMALS DESCRIBED IN THIS SUBSECTION.

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

(F) BEGINNING JANUARY 1, 2022, CERTIFIES THAT THE INDIVIDUAL IN CHARGE OF THE DAY-TO-DAY OPERATIONS OF THE CLASS B DEALER'S

1 FACILITIES HAS RECEIVED, AND CAN DOCUMENT THE COMPLETION OF, THE
2 TRAINING DESCRIBED IN SUBDIVISION (C).

3 (G) COMPLIES WITH ALL STATE AND FEDERAL LAWS, RULES, AND
4 REGULATIONS REGARDING THE ACQUISITION, USE, AND SECURITY OF
5 CONTROLLED SUBSTANCES.

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

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

23 (B) COMPLIES WITH THE RULES PROMULGATED BY THE ADMINISTRATOR
24 FOR THE STORAGE, HANDLING, AND USE OF A COMMERCIALY PREPARED,
25 PREMIXED SOLUTION OF SODIUM PENTOBARBITAL OR AN ANIMAL TRANQUILIZER
26 TO PERFORM EUTHANASIA ON ANIMALS. THE ANIMAL CONTROL SHELTER OR
27 ANIMAL PROTECTION SHELTER SHALL MAINTAIN A RECORD OF USE AND MAKE

1 THE RECORD AVAILABLE FOR INSPECTION BY THE DEPARTMENT OF LICENSING
2 AND REGULATORY AFFAIRS AND THE DEPARTMENT OF AGRICULTURE AND RURAL
3 DEVELOPMENT.

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

17 (D) UNTIL DECEMBER 31, 2021, ENSURES THAT AN EMPLOYEE OF THE
18 ANIMAL CONTROL SHELTER OR ANIMAL PROTECTION SHELTER WHO RECEIVED,
19 AND CAN DOCUMENT THE COMPLETION OF, THE TRAINING REQUIRED
20 IMMEDIATELY BEFORE THE EFFECTIVE DATE OF THE 2017 AMENDATORY ACT
21 THAT AMENDED THIS SECTION ONLY ADMINISTERS A COMMERCIALY PREPARED
22 SOLUTION OF XYLAZINE HYDROCHLORIDE OR A COMMERCIALY PREPARED,
23 PREMIXED SOLUTION OF SODIUM PENTOBARBITAL TO PERFORM EUTHANASIA ON
24 THE ANIMALS DESCRIBED IN THIS SUBSECTION IN ACCORDANCE WITH HIS OR
25 HER TRAINING. 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 A COMMERCIALY PREPARED, PREMIXED SOLUTION OF SODIUM
2 PENTOBARBITAL OR AN ANIMAL TRANQUILIZER TO PERFORM EUTHANASIA ON
3 THE ANIMALS DESCRIBED IN THIS SUBSECTION.

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

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

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

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

24 (11) ~~(10)~~—If an animal control shelter or animal protection
25 shelter or class B dealer issued a permit pursuant to subsection
26 (8) OR (9) does not have in its employ an individual trained as
27 described in subsection (8) (c) OR (D) AND (8) (F) , OR (9) (C) OR (D)

1 **AND (9) (F)**, the animal control shelter or animal protection shelter
2 or class B dealer shall immediately notify the administrator and
3 shall cease to administer ~~any~~ **A** commercially prepared, premixed
4 solution of sodium pentobarbital **OR AN ANIMAL TRANQUILIZER FOR THE**
5 **PURPOSES DESCRIBED IN SUBSECTION (8) OR (9)** until the administrator
6 is notified that 1 of the following has occurred:

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

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

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

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

1 section.

2 **(14)** ~~(13)~~ This section does not require that a veterinarian be
3 employed by or under contract with an animal control shelter or
4 animal protection shelter or class B dealer to obtain, possess, or
5 administer a commercially prepared, premixed solution of sodium
6 pentobarbital **OR AN ANIMAL TRANQUILIZER** pursuant to this section.

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

17 (a) Applies to the administrator for a permit in accordance
18 with the rules promulgated under this part. The application shall
19 contain the name of the individual in charge of the ~~day to day~~ **DAY-**
20 **TO-DAY** operations of the animal control shelter and the name of the
21 individual responsible for designating employees who will be
22 administering an animal tranquilizer pursuant to this act.

23 (b) Complies with the rules promulgated by the administrator
24 for the storage, handling, and use of ~~a commercially prepared~~
25 ~~solution of an animal tranquilizer.~~ **A-THE ANIMAL CONTROL SHELTER**
26 **SHALL MAINTAIN A** record of use ~~shall be maintained~~ and shall be
27 **MAKE THE RECORD** available for inspection by **THE DEPARTMENT OF**

1 **LICENSING AND REGULATORY AFFAIRS AND** the department of agriculture
 2 **AND RURAL DEVELOPMENT.**

3 (c) ~~Certifies~~**SUBJECT TO SUBDIVISION (D), CERTIFIES** that an
 4 employee of the animal control shelter has received, and can
 5 document completion of, ~~a~~**BOTH OF THE FOLLOWING IN THE FOLLOWING**
 6 **ORDER:**

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

8 **(ii) A** minimum of 16 hours of training, including at least 3
 9 12 hours of **CONTENT TRAINING AND AT LEAST 4 HOURS OF** practical
 10 training, in the use of animal tranquilizers ~~on~~**TO SEDATE OR**
 11 **IMMOBILIZE THE** animals **DESCRIBED IN THIS SUBSECTION** from a training
 12 program approved by the state veterinarian, in consultation with
 13 the Michigan board of veterinary medicine, and given by a licensed
 14 veterinarian pursuant to rules promulgated by the administrator. ~~r~~
 15 ~~in consultation with the Michigan board of veterinary medicine as~~
 16 ~~these rules relate to this training, and~~

17 **(D) UNTIL DECEMBER 31, 2021, ENSURES THAT AN EMPLOYEE OF THE**
 18 **ANIMAL CONTROL SHELTER WHO RECEIVED, AND CAN DOCUMENT THE**
 19 **COMPLETION OF, THE TRAINING REQUIRED IMMEDIATELY BEFORE THE**
 20 **EFFECTIVE DATE OF THE 2017 AMENDATORY ACT THAT AMENDED THIS SECTION**
 21 **ONLY ADMINISTERS A COMMERCIALY PREPARED SOLUTION OF XYLAZINE**
 22 **HYDROCHLORIDE TO SEDATE OR IMMOBILIZE THE ANIMALS DESCRIBED IN THIS**
 23 **SUBSECTION. BEGINNING JANUARY 1, 2022, THE EMPLOYEE DESCRIBED IN**
 24 **THIS SUBDIVISION MUST HAVE RECEIVED, AND BE ABLE TO DOCUMENT THE**
 25 **COMPLETION OF, THE TRAINING DESCRIBED IN SUBDIVISION (C) TO**
 26 **ADMINISTER AN ANIMAL TRANQUILIZER TO PERFORM EUTHANASIA ON THE**
 27 **ANIMALS DESCRIBED IN THIS SUBSECTION.**

1 **(E) CERTIFIES** that only an individual described in ~~this~~
 2 subdivision **(C) OR (D)** or an individual otherwise permitted to use
 3 a controlled substance pursuant to this article will administer ~~the~~
 4 ~~commercially prepared solution of an~~ animal tranquilizer according
 5 to written procedures established by the animal control shelter.

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

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

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

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

27 ~~—— (b) Complies with the rules promulgated by the administrator~~

1 ~~for the storage, handling, and use of a commercially prepared~~
2 ~~solution of an animal tranquilizer. A record of use shall be~~
3 ~~maintained and shall be available for inspection by the department~~
4 ~~of agriculture.~~

5 ~~—— (c) Certifies that an employee of the animal protection~~
6 ~~shelter has received, and can document completion of, a minimum of~~
7 ~~16 hours of training, including at least 3 hours of practical~~
8 ~~training, in the use of animal tranquilizers on animals 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 protection shelter.~~

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

26 (17) If an animal control shelter ~~or animal protection shelter~~
27 issued a permit pursuant to subsection ~~(14) or (15)~~ does not have

1 in its employ an individual trained as described in subsection
2 ~~(14) (e) or (15) (c)~~ **OR (D) AND (15) (F)**, the animal control shelter
3 ~~or animal protection shelter~~ shall immediately notify the
4 administrator and shall cease to administer ~~any commercially~~
5 ~~prepared solution of~~ an animal tranquilizer **FOR THE PURPOSES**
6 **DESCRIBED IN SUBSECTION (15)** until the administrator is notified
7 that 1 of the following has occurred:

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

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

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

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

25 ~~— (20) This section does not require that a veterinarian be~~
26 ~~employed by or under contract with an animal control shelter or~~
27 ~~animal protection shelter to obtain, possess, or administer a~~

~~commercially prepared solution of an animal tranquilizer pursuant to this section.~~

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

(a) "Animal tranquilizer" means **A COMMERCIALLY PREPARED SOLUTION OF** xylazine hydrochloride, ~~or other animal tranquilizing drug as approved by the United States food and drug administration and by the state department of agriculture for use as described in this section.~~ **A COMMERCIALLY PREPARED SOLUTION OF KETAMINE, OR A COMMERCIALLY PREPARED COMPOUND CONTAINING TILETAMINE AND ZOLAZEPAM.**

(b) "Class B dealer" means a class B dealer licensed by the United States ~~department~~ **DEPARTMENT** of ~~agriculture~~ **AGRICULTURE** pursuant to the animal welfare act, 7 USC 2131 to 2159 and the department of agriculture **AND RURAL DEVELOPMENT** pursuant to 1969 PA 224, MCL 287.381 to 287.395.

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