

1 A bill to be entitled
 2 An act relating to animal control; amending s.
 3 381.0031, F.S.; requiring animal control officers,
 4 wildlife officers, and disease laboratories to report
 5 potential health risks to humans from animals;
 6 amending s. 828.055, F.S.; providing for use of
 7 additional prescription drugs for euthanasia and
 8 chemical immobilization of animals; providing for
 9 rulemaking to expand the list of additional
 10 prescription drugs; providing that the Board of
 11 Pharmacy or the Department of Health may revoke or
 12 suspend a permit upon a determination that the
 13 permittee or its employees or agents is using or has
 14 used an authorized drug for other purposes or if a
 15 permittee has committed specified violations; amending
 16 s. 828.058, F.S.; restricting the use of intracardial
 17 injection for euthanizing animals; prohibiting the
 18 delivery of a lethal solution or powder by adding it
 19 to food; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 381.0031, Florida Statutes, is amended
 24 to read:

25 381.0031 Report of diseases of public health significance
 26 to department.—

27 (1) Any practitioner licensed in this state to practice
 28 medicine, osteopathic medicine, chiropractic medicine,

29 naturopathy, or veterinary medicine; any hospital licensed under
 30 part I of chapter 395; or any laboratory licensed under chapter
 31 483 that diagnoses or suspects the existence of a disease of
 32 public health significance shall immediately report the fact to
 33 the Department of Health.

34 (2) An animal control officer operating under s. 828.27, a
 35 wildlife officer operating under s. 379.3311, or an animal
 36 disease laboratory operating under s. 585.61 shall report
 37 knowledge of any animal bite, diagnosis of disease in an animal,
 38 or suspicion of a grouping or clustering of animals having
 39 similar disease, symptoms, or syndromes that may indicate the
 40 presence of a threat to humans.

41 (3)-(2) Periodically The department shall periodically
 42 issue a list of infectious or noninfectious diseases determined
 43 by it to be a threat to public health and therefore of
 44 significance to public health and shall furnish a copy of the
 45 list to the practitioners listed in subsection (1).

46 (4)-(3) Reports required by this section must be in
 47 accordance with methods specified by rule of the department.

48 (5)-(4) Information submitted in reports required by this
 49 section is confidential, exempt from the provisions of s.
 50 119.07(1), and is to be made public only when necessary to
 51 public health. A report so submitted is not a violation of the
 52 confidential relationship between practitioner and patient.

53 (6)-(5) The department may obtain and inspect copies of
 54 medical records, records of laboratory tests, and other medical-
 55 related information for reported cases of diseases of public
 56 health significance described in subsection (3) -(2). The

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57 | department shall examine the records of a person who has a
58 | disease of public health significance only for purposes of
59 | preventing and eliminating outbreaks of disease and making
60 | epidemiological investigations of reported cases of diseases of
61 | public health significance, notwithstanding any other law to the
62 | contrary. Health care practitioners, licensed health care
63 | facilities, and laboratories shall allow the department to
64 | inspect and obtain copies of such medical records and medical-
65 | related information, notwithstanding any other law to the
66 | contrary. Release of medical records and medical-related
67 | information to the department by a health care practitioner,
68 | licensed health care facility, or laboratory, or by an
69 | authorized employee or agent thereof, does not constitute a
70 | violation of the confidentiality of patient records. A health
71 | care practitioner, health care facility, or laboratory, or any
72 | employee or agent thereof, may not be held liable in any manner
73 | for damages and is not subject to criminal penalties for
74 | providing patient records to the department as authorized by
75 | this section.

76 | (7)~~(6)~~ The department may adopt rules related to reporting
77 | diseases of significance to public health, which must specify
78 | the information to be included in the report, who is required to
79 | report, the method and time period for reporting, requirements
80 | for enforcement, and required followup activities by the
81 | department which are necessary to protect public health.

82 | (8) This section does not affect s. 384.25.

83 | Section 2. Section 828.055, Florida Statutes, is amended
84 | to read:

85 828.055 Controlled substances and legend drugs ~~Sodium~~
 86 ~~pentobarbital~~; permits for use ~~in euthanasia of domestic~~
 87 ~~animals.~~—

88 (1) The Board of Pharmacy shall adopt rules providing for
 89 the issuance of permits authorizing the purchase, possession,
 90 and use of sodium pentobarbital, ~~and~~ sodium pentobarbital with
 91 lidocaine, tiletamine hydrochloride, alone or combined with
 92 zolazepam (including Telazol), xylazine (including Rompun),
 93 ketamine, acepromazine maleate (also acetylpromazine, and
 94 including Atravet or Acezine), alone or combined with etorphine
 95 (including Immobilon), and yohimbine hydrochloride, alone or
 96 combined with atipamezole (including Antisedan) by county or
 97 municipal animal control agencies or humane societies registered
 98 with the Secretary of State for the purpose of euthanizing
 99 injured, sick, or abandoned domestic animals which are in their
 100 lawful possession or for the chemical immobilization of animals.
 101 The rules shall set forth guidelines for the proper storage and
 102 handling of these prescription drugs ~~sodium pentobarbital and~~
 103 ~~sodium pentobarbital with lidocaine~~ and such other provisions as
 104 may be necessary to ensure that the drugs are used solely for
 105 the purpose set forth in this section. The rules shall also
 106 provide for an application fee not to exceed \$50 and a biennial
 107 renewal fee not to exceed \$50. Upon formal, written request and
 108 recommendation adopted in a public meeting by the Board of
 109 Veterinary Medicine, the Board of Pharmacy may, by rule, add
 110 controlled substances and legend drugs to the list of
 111 prescription drugs in this subsection upon a finding that such
 112 additions are necessary for the humane and lawful euthanasia of

113 injured, sick, or abandoned domestic animals or chemical
 114 immobilization of animals.

115 (2) Any county or municipal animal control agency or any
 116 humane society registered with the Secretary of State may apply
 117 to the Department of Health ~~Business and Professional Regulation~~
 118 for a permit to purchase, possess, and use the prescription
 119 drugs authorized under ~~sodium pentobarbital or sodium~~
 120 ~~pentobarbital with lidocaine pursuant to~~ subsection (1). Upon
 121 certification by the Board of Pharmacy that the applicant meets
 122 the qualifications set forth in the rules, the Department of
 123 Health shall issue the permit. The possession and use of the
 124 prescription drugs authorized under subsection (1) is limited to
 125 those employees or agents of the permittee certified in
 126 accordance with s. 828.058 or s. 828.27 while operating in the
 127 scope of their respective official or employment duties with the
 128 permittee.

129 (3) The department or the board may deny a permit, and
 130 revoke, ~~or~~ suspend, or refuse to renew the permit of any
 131 permittee, and may fine, place on probation, or otherwise
 132 discipline any permittee, upon a determination that:

133 (a) The applicant or permittee or any of its employees or
 134 agents is using or has used a prescription drug authorized under
 135 subsection (1) ~~sodium pentobarbital or sodium pentobarbital with~~
 136 ~~lidocaine~~ for any purpose other than that set forth in this
 137 section; ~~or if the permittee fails to follow the rules of the~~
 138 ~~board regarding proper storage and handling.~~

139 (b) The applicant or permittee has failed to take
 140 reasonable precautions against misuse, theft, loss, or diversion

141 of such prescription drugs;

142 (c) The applicant or permittee has failed to detect or to
 143 report to the Department of Health a significant loss, theft, or
 144 inventory shortage of such prescription drugs;

145 (d) The applicant or permittee has failed to follow the
 146 rules of the Board of Pharmacy regarding proper storage and
 147 handling of such prescription drugs; or

148 (e) The permittee has violated any provision of this
 149 section, chapter 465, chapter 499, or any rule adopted under
 150 those chapters.

151 (4) The Board shall adopt rules implementing subsection
 152 (3), provided that disciplinary action may be taken only for a
 153 substantial violation of the provisions of this section or the
 154 rules adopted under this section. In determining the severity of
 155 an administrative penalty to be assessed under this section, the
 156 Department or the Board of Pharmacy shall consider:

157 (a) The severity of the violation;

158 (b) Any actions taken by the person to correct the
 159 violation or to remedy complaints, and the timing of those
 160 actions; and

161 (c) Any previous violations.

162 (5) The Department of Health may issue an emergency order
 163 immediately suspending a permit issued under this section upon a
 164 determination that a permittee, as a result of any violation of
 165 any provision of this section or any rule adopted under this
 166 section, presents a danger to the public health, safety, and
 167 welfare.

168 (6) This section shall not apply to licensed pharmacies,

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169 veterinarians, or health care practitioners operating within the
 170 scope of the applicable professional act.

171 Section 3. Subsection (1) of section 828.058, Florida
 172 Statutes, is amended to read:

173 828.058 Euthanasia of dogs and cats.—

174 (1) Sodium pentobarbital, a sodium pentobarbital
 175 derivative, or other agent the Board of Veterinary Medicine may
 176 approve by rule shall be the only methods used for euthanasia of
 177 dogs and cats by public or private agencies, animal shelters, or
 178 other facilities which are operated for the collection and care
 179 of stray, neglected, abandoned, or unwanted animals. A lethal
 180 solution shall be used in the following order of preference:

- 181 (a) Intravenous injection by hypodermic needle;
- 182 (b) Intraperitoneal injection by hypodermic needle;
- 183 (c) If the dog or cat is unconscious with no corneal
 184 reflex, intracardial injection by hypodermic needle;~~or~~
- 185 ~~(d) Solution or powder added to food.~~

186 Section 4. This act shall take effect July 1, 2012.