

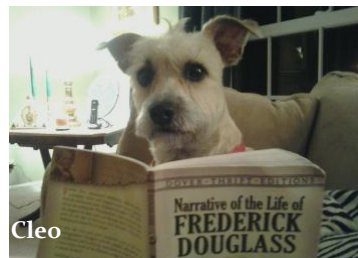


Veterinary Specialty Practice Alliance State Legislative Update and Outreach

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September 26, 2013



Muffin



Cleo

AVMA Assists State VMAs



Legislative and regulatory tracking in all 50 states

- 2012:
 - 150,000 bills introduced, 40,000 bills adopted
 - 2,150 legislative and regulatory alerts sent to individual state VMAs

AVMA Assists State VMAs



- Analyze legislation
- Assist with drafting language, testimony
- Facilitate coalition building
- Direct involvement
- Recent examples
 - Filed court brief in Texas Supreme Court case deciding valuation of animals in negligence cases – Texas VMA
 - Review and advice on not-for-profit delivery bill drafts – Alabama and South Carolina VMAs
 - Drafted message points in opposition of bill to create animal advocates in family court cases – Connecticut VMA

Outreach to Profession

- Public policy symposia (2004, 2006, 2009, 2012)
- Fall 2014



- State legislative updates and advocacy training at AVMA, regional conferences

Outreach to Legislators and Regulators



AVMA Legal Outreach Program

- Law schools offering animal law courses jumped from 9 to 120 since 2000.
- Student chapters of Animal Legal Defense Fund explode from 12 to 162 law schools in 10 years
- 2007 - Georgetown offers animal law fellowship (opportunity to work in HSUS litigation dept. for a year upon graduation, funded in part by \$1M endowment from Bob Barker)
- Fall 2012 - Lewis & Clark Law School will be first to offer advanced degree in animal law
- ABA TIPS, 24 state bar associations, 13 local bar associations



AVMA Legal Outreach Program

Launched Summer 2008

- Ongoing contact with law schools and bar associations
- Recruited 25 speakers
- Presented at 25 law schools and bar associations

Recent Presentations

- John Marshall Law School
- Chicago Bar Association
- Lewis & Clark School of Law
- Northern Illinois University College of Law
- Ohio State Bar Association
- DePaul University Law School
- Louisiana State Bar Association
- Washington State Bar Association





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National Issues
The AVMA represents the interests of veterinarians on federal legislative and regulatory issues that influence animal health, public health and the veterinary profession. Learn what AVMA is doing to advance veterinary medicine at the national level.

State & Local Issues
Here you will find summaries of selected AVMA policies, state veterinary medical associations, AVMA federal and state government relations contacts, comprehensive issue papers, and tools to make your advocacy efforts more effective.

International Issues
The AVMA has played a role in veterinary medicine on an international level for many decades. Learn about what we do and how you can get involved.

TAKE ACTION!
★ ★ ★ ★ ★
CAN
CONGRESSIONAL ACTION NETWORK

► Soring Horses is an unethical practice making horses suffer. Tell your member of Congress to end Soring today!

► Tell your Member of Congress not to support legislation that would require veterinarians to write out every prescription! Oppose H.R. 1406, The Fairness to Pet Owners Act.

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State Legislative Updates

Monthly Updates

- [August 2013](#)
- [July 2013](#)
- [June 2013](#)
- [May 2013](#)
- [April 2013](#)
- [March 2013](#)
- [February 2013](#)
- [January 2013](#)

Mid Year/Year End Summaries

- [Mid-Year Report - July 16, 2013](#)
- [Year-End Report - December 15, 2012](#)
- [Mid-Year Report - August 15, 2012](#)

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State Legislative Resources by State

Click on a link to go to that state's resource page, or use the map below.

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2012-13 State Legislative Update



Legislative Issues Tracked

- Animal Cruelty
- Animal Abuse Reporting
- Animal Welfare
- Breed-Specific Legislation
- Breeder Restrictions/ Pet Retail
- Complementary and Alternative Medicine
- Dangerous Dogs
- Delivery of Services by Not-for-Profits
- Domestic Violence Orders of Protection
- Emergency Preparedness
- Euthanasia
- Guardianship
- Livestock Animal Husbandry Practices
- Loan Repayment Programs
- Local Government Authority
- Non-Economic Damages
- Pet Trusts
- Pharmacy Rules
- Rabies Vaccination
- Sales Tax
- Scope of Practice for Non-veterinarians
- Spay/Neuter Laws
- Unwanted Horses
- Veterinary Licensure
- Veterinary Technicians

Who Can Treat Animals? (2011)

- Oklahoma HB 1310 (certification program for non-veterinary reproductive services technicians)
- Texas HB 414 (licensing path for equine dental providers with certification and supervision)
- Arkansas HB 1763
 - 2-year moratorium pending study for prosecuting equine teeth floating or equine massage therapy
 - 6/28/12 ArVMA policy based on member survey, oppose non-veterinarian equine teeth floating, support non-veterinarian equine massage certification program



Who Can Treat Animals? (2012)

- Nebraska LB 686 - allows a non-veterinarian to perform bovine transplantation of embryos with doctorate degree in animal science and professional liability insurance
- Mississippi Board of Veterinary Medicine - rule clarifying that diagnosing of pregnancy in cattle and other livestock is veterinary medicine and may only be performed by a licensed veterinarian
- California AB 2304 – attempt to overturn California Veterinary Medical Board decision in 2011, proposed to allow pet groomers to use non-motorized instruments for cosmetic dental procedures **DEFEATED**



Pharmacy and Prescriptions

- FTC workshop on Oct. 3, 2012
- Efforts to curtail illegal prescription practices, enforce pharmacy laws (Oregon VMA and others)
- Maine LD 676 (defeated in 2011)
 - require a veterinarian to provide a client with a written prescription whether or not requested by the client
 - NJ A 2995, introduced on 5/24/12, reintroduced on 7/29/13 as S 2915 – also requires oral and written notification that the prescription item may be obtained from sources other than the veterinarian
- Is a pharmacist without additional training meeting the legal standard of care of pharmacy practice acts by dispensing veterinary specific medications?



Controlled Substances

Prescription monitoring programs

- Veterinarians exempt from reporting:
 - 2013 – Louisiana, North Carolina, Wisconsin
 - Tennessee (if don't prescribe controlled substance in an amount intended to treat a non-human patient for more than 48 hours. Waiver process if you do not have automated recordkeeping systems or electronic reporting would cause an undue hardship)
 - 2012 – Georgia, Idaho and Kentucky
- New Mexico and Washington reduced the reporting burden on veterinarians
- Connecticut, New Hampshire and West Virginia created or expanded programs which include veterinarian reporting

AVMA advocating for veterinarians' right to carry controlled substances legally

- Veterinary Medicine Mobility Act of 2013 (H.R. 1528, S. 950)



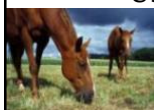
Compounding

- Increased interest after meningitis outbreak (Federal legislation drafted, AVMA policy under review)
- Colorado, Mississippi and Texas clarified rules covering in-office use of compounded drugs
- New law in Arizona (HB 2137) includes compounding in definition of dispensing; joins California as only states that specifically allow a veterinarian to dispense product compounded by pharmacy



Unwanted Horses

- NJ AB 2023 prohibits slaughter of horses, sale of horseflesh for human consumption or transport for such purpose
- OK HB 1999 allows regulated horse slaughter (previous 50-year ban). Several states have studied feasibility of a state inspection program to lead to creation of horse processing plants
- Since GAO report and removal of Congressional funding prohibition in 2011, plants are attempting to open:
 - Valley Meats, Roswell, NM and Responsible Transportation, LLC, Sigourney, IA received USDA FSIS grants of inspection in 2013
 - HSUS filed suit, *Front Range Equine Rescue v. Vilsack*, federal court, Albuquerque, NM
 - USDA 2014 inspection funding?



Animals and the Law

Pet Protection Orders (21 states)

2013: Maine LD 687

2012: California AB 1117
Mass. SB 2192
New Jersey A 1633

Pet Trusts (45 states)

2012: Mass. SB 2128

Guardianship vs. Ownership

Nebraska LB 459 - prohibits local government from defining a legal status to an animal that is inconsistent with personal property (2nd state after Missouri)

Rhode Island H 7139 and S 2034 authorize a state agency to designate an animal advocate in animal cruelty cases in which custody or well-being of an animal is at issue

Nonhuman Rights Project, Yale conference, December 2013

Non-Economic Damages

Legislature → Courts

Proponents are becoming more strategic with bills



Animals and the Law

- Euthanasia of a dog misidentified by a shelter employee
- The term “property” is not a pejorative but a legal descriptor, and its use should not be misconstrued as discounting the emotional attachment that pet owners undeniably feel. Nevertheless, under established legal doctrine, recovery in pet-death cases is, barring legislative reclassification, limited to loss of value, not loss of relationship.
- Permitting sentiment-based damages for destroyed heirloom property portends nothing resembling the vast public-policy impact of allowing such damages in animal-tort cases.
- Loss of companionship is fundamentally a form of *personal-injury* damage, not property damage.
- We decline to recognize a new cause of action, so we need not calibrate the public-policy impact of such claims (something legislators are better equipped to do). But, were we to consider that analysis, we could not overlook two legal-policy impacts: (1) the anomaly of elevating “man’s best friend” over multiple valuable human relationships; and (2) the open-ended nature of such liability.

Medlen v. Strickland, Texas Supreme Court, April 5, 2013, reversing Court of Appeals



Animal Cruelty



- Broader definitions and harsher penalties for animal fighting
- Animal abuse registries in two NY counties, bills pending in several states
- Washington SB 5102 - immunity for veterinarians reporting suspected animal cruelty - good faith, normal course of business (27th state).
- Rhode Island joins California in prohibiting landlords from requiring devocalization or declawing of animals as condition of real estate occupancy - H 5426/S 177.

Wild Animals



Connecticut and Nebraska tightened ownership restrictions

Ohio SB 310

- prohibits or restricts importation and possession of dangerous animals
- registration and licensing

West Virginia SB 477 – similar bill **VETOED**

- fear that definition was too broad and gave regulators too much power to ban species commonly kept as pets

Dangerous Dogs



- Ohio HB 14 removes state's status as the only one that included pit bulls in the definition of vicious dogs
- Nevada AB 110, Connecticut HB 6311, Rhode Island H 5671 - no dog may be deemed dangerous based upon its breed
- American Bar Association, August 2012 resolution to focus on deed not breed



Dangerous Dogs

Florida HB 997 proposed eliminating the exemption that counties such as Miami-Dade currently has from the statewide prohibition of breed-specific ordinances. **NOT ADOPTED**

REFERENDUM TO ELIMINATE 1989 BSL ORDINANCE IN MIAMI-DADE WAS DEFEATED

Tracey v. Solesky, Maryland court of appeals

- owner of pit bull or pit bull mix involved in an attack is strictly liable for the damages caused by the dog on or from the owner's premises.
 - a plaintiff has established a prima facie case of negligence and no longer needs to prove that the particular dog is dangerous.
 - legal and legislative options? **BILLS DID NOT PASS, in 2012, RECONSIDERED IN 2013**



Pet Breeders and Retailers



- Recent laws regulating commercial breeders:
 - 2011: Texas HB 1451, Nevada SB 299, Oklahoma SB 637
 - 2012: Ohio SB 130
 - 2013: West Virginia SB 437
- Oklahoma HB 1359 extends many pet breeder licensure and inspection requirements to also apply to animal shelters
- Illinois SB 1631 provides remedies to pet shop purchasers of dogs and cats if the animal is unfit due to illness or disease

Pet Breeders and Retailers



- AVMA Model Dog Welfare Bill and Regulations for high volume breeders and retailers
- Los Angeles - largest city in the U.S. to adopt a ban on selling commercially bred animals in pet stores, purpose is to increase adoptions and reduce number of animals euthanized (2016 sunset date)
 - Chicago proposal

Companion Animals



- Connecticut HB 5368 and Rhode Island Department of Environmental Management adopt registration and restrictions on those who transfer pets into their states
- Connecticut HB 5844 prohibits tethering of a dog outdoors under adverse weather conditions for more than 15 minutes.
- California SB 1229 prohibits a landlord from requiring a tenant to have an animal declawed or devocalized as a condition of occupancy

Companion Animals




- North Carolina S 626 - standards for holding periods, public viewing and disposition of animals in shelters
 - medical records requirement- 3 years
 - 72-hour period prior to euthanizing impounded animals
- AL SB 25 and SC S 194 propose to restrict not-for-profits from offering veterinary services other than spay/neuter, offer more regulation of shelters
- 17 states require engine coolant and antifreeze to contain bittering agent to prevent animals and children from being poisoned by the sweet-tasting liquid
 - Agreement between HSUS and industry, Dec. 13, 2012

Veterinarian-Client-Patient Relationship




- Vermont Board of Veterinary Medicine - changed the definition of VCPR so when a veterinarian is not available, he or she may arrange for emergency coverage for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen.
- IL HB 2517 - veterinarian may dispense up to five-days' worth of non-controlled substance medication or up to three-days' worth of controlled substance medication in an emergency situation (prescribing veterinarian is not available or client is not in reasonable proximity to obtain a refill in a timely manner.



Veterinarian-Client-Patient Relationship

Texas Board of Veterinary Medical Examiners

- Herds (managed as a group and confined to a specific geographic location) - VCPR met through medically appropriate and timely visits to the premises on which the animal is kept
- Individuals (dogs, cats, any animal in individual training, or that competes as an individual) - VCPR requires examination of the animal
- No separate standard for shelter veterinarians to administer core vaccines without individually examining each animal



Veterinarian-Client-Patient Relationship

- *Hines v. Alledrege*, U.S. District Court, suit filed on April 8, 2013
- Texas State Board of Vet Med Examiners suspended Dr. Hines's license for providing veterinary information and advice over the Internet for a fee (\$58) without a VCPR
- He is challenging the Texas rule, patterned after the AVMA model act, that a VCPR cannot be established solely through telephonic or other electronic means (alleges violation of free speech, no rational basis for requiring an examination)

Euthanasia

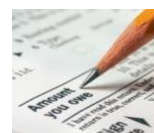
- AVMA Guidelines on Euthanasia of Animals published in 2013
 - Carbon monoxide/gas chamber use more restricted (companion animals, animal control)
 - Industry urged to look at alternatives to manual blunt force trauma (pigs, poultry)
- Several states enacted and revised standards. Example:
 - Pennsylvania HB 2630 bans decompression chambers, carbon monoxide gas from any source, drowning and any unacceptable methods or agents published in AVMA Guidelines on Euthanasia
 - Euthanasia technician certification for private and public shelters

Licensing

- Hawaii HB 2242 requires 20 CE hours every two years for veterinary license renewal – Michigan is last holdout
- New Jersey Board of Veterinary Medicine allows veterinarians to obtain up to two continuing education credit hours per licensing period by providing certain veterinary services without charge
- Alaska HB 251 – to allow a person licensed to practice veterinary medicine in another state to practice in Alaska if uncompensated.
DEFEATED
 - Regulations adopted to allow veterinary technicians to provide care under remote direction in communities with no veterinary practice
- Connecticut S 918 allows board to consider AVMA standards of care and guidelines in determining whether a veterinarian has acted with negligence (13th state to adopt AVMA PVME totally or partially)

Taxes

- Proposed service taxes on veterinary services defeated in California, Georgia, Maine and Michigan in recent years
- 2013: Governors' proposed budgets included taxing new services including veterinary:
 - Louisiana, Ohio, Minnesota and Puerto Rico
 - Vigorously opposed by state VMAs, not likely to pass this year



For more state advocacy information:

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<https://www.avma.org/Advocacy/StateAndLocal/Pages/default.aspx>



Got Questions?

