

State Legislative Update

December 2023

This issue of the State Legislative Update includes select summaries of bills and regulations tracked by the AVMA Division of State Advocacy and introduced in December. For more information, please contact Madeline Brezin, Policy Analyst, AVMA Division of State Advocacy (mbrezin@avma.org).

Animal Disease | Vaccination

New Hampshire prefiled NH H.B. 1556, which would remove certain requirements from the state's existing rabies vaccination exemption statute. Under this bill, an exempted animal would no longer need to have their veterinary written recommendation signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian, be kept in isolation until such time as the medical condition has been resolved and the animal can be immunized, or be muzzled when outdoors.

Continuing Education

This month **Ohio** finalized OH r. 4741-1-11, which will revise continuing education requirements by requiring at least 12 hours (of the required 30 hours) for veterinarians and four hours (of the required 10 hours) for veterinary technicians to be taken in-person per renewal period and clarifying there is no carryover for extra hours. Previously, a maximum of 15 hours for veterinarians and six hours for registered veterinary technicians were allowed to be earned through online courses. This regulation will take effect January 8, 2024.

Euthanasia

Ohio finalized OH r. 4741-1-23, which requires shelters and dog wardens to perform euthanasia only with a substance in a manufactured dosage form, approved by the Ohio Veterinary Medical Licensing Board in consultation with the Ohio Board of Pharmacy. The regulation also clarifies that the laboratory portion of the euthanasia technician curriculum must be an in-person lab with oversight by a veterinarian or a registered veterinary technician. This regulation will take effect January 8, 2024.

In **Missouri**, MO H.B. 1559 was prefiled and would require the use of sodium pentobarbital, or a derivative, as the sole method of inducing the death in a dog or cat in an animal control agency, animal shelter, or pound; and ban the use of, but not limited to, non-anesthetic inhalants, decompression chambers, electrocution, gunshot, blunt force trauma, or injection of a neuromuscular blocking agent as methods of inducing

death. It would also permit a physician who is properly trained, in addition to a licensed veterinarian, to induce the death of a dog or cat.

Licensure

New Hampshire prefiled [NH H.B.1526](#), which would create a conditional license for certain foreign-educated veterinarians who are currently in the process of obtaining an ECFVG certificate and have completed all steps of the ECFVG except the clinical proficiency examination. The New Hampshire Board of Veterinary Medicine would be able to summarily revoke a conditional license with a majority vote.

Ohio finalized [OH r. 4741-1-04](#), which removes the “good moral character” requirement for a veterinarian seeking licensure. This regulation will take effect January 8, 2024.

Mid-Level Position

Florida introduced [FL S.B. 1038/FL H.B. 1245](#) which would create the position of veterinary professional associate that would be able to perform actions defined as the practice of veterinary medicine while working under the supervision of a veterinarian. They would be prohibited from prescribing medicinal drugs or controlled substances and from performing surgery, except for spay/neuters and dental surgeries. The bill would allow veterinarians to supervise through telecommunication.

Scope of Practice

In **New Hampshire**, [NH H.B. 1233](#) was prefiled. This bill would exempt individuals who have completed a qualifying nationally recognized animal chiropractic program from veterinary licensure requirements. Further, it would require the Executive Director of the Office of Professional Licensure and Certification, in consultation with the New Hampshire Board of Veterinary Medicine and the New Hampshire Board of Chiropractic Examiners, to determine qualifying programs.

VCPR | Telemedicine

Early this December in the **District of Columbia**, the D.C. City Council Committee on Health had a hearing on [DC B25-0545](#). The measure would allow a practitioner-client relationship to be established virtually and would require all health professionals providing telehealth services who are authorized to prescribe medications to register with the District and comply with all requirements of the Prescription Drug Monitoring Program Act of 2013. During the December 7 hearing and in support of an in-person examination to establish the VCPR, Dr. Lori Teller testified on behalf of AVMA and Dr. Janine Calabro, President of the **District of Columbia Veterinary Medical Association**, testified on their behalf.

In **Florida**, [FL S.B. 1040/FL H.B. 849](#) was introduced for the 2024 session. This bill would allow for the practice of telemedicine to evaluate and treat an animal without researching the patient's medical history or conducting a physical examination. It would allow veterinarians to prescribe via telehealth services, in keeping with state and federal laws, with an exception for substances listed in the Schedule II controlled substance list. However, this bill would require a veterinarian to be personally acquainted with the caring and keeping of an animal or group of animals on a food-producing animal operation on land classified as agricultural and to have recently seen the animal or group of animals or to have made medically appropriate and timely visits to the premises where the animal or group of animals is kept in order for the veterinarian to provide telemedicine services to that operation.

Xylazine

In **Arizona**, [AZ H.B. 2045](#) was prefiled for the 2024 session. As introduced, the bill would include xylazine in the definition of a “dangerous drug,” which criminalizes the use, possession, or administration of the drug. There is no exemption for veterinary use.

In **Arkansas**, [AR 007.35.23-007](#) would classify xylazine as a Schedule III drug. While the Board of Pharmacy acknowledged that there is no approved use for humans and is used in veterinary medicine, there is no veterinary exemption.

[SD H.B. 1028](#) was prefiled in **South Dakota**, which would classify xylazine as a Schedule III controlled substance, but provides an exemption for dispensing, prescribing, administering, manufacturing, or distributing xylazine when done for an animal and has been approved by the U.S. Secretary of Health and Human Services.

Animal Abuse Cruelty			
State	Link	Summary of Proposed Bill or Regulation	Status
New Hampshire	NH S.B. 385	Would allow for payments from the cost of care fund to be distributed to a third party for costs incurred caring for animals in animal cruelty cases and remove the State Veterinarian from the list of who reviews applications for payment.	Prefiled 10/13/2023
New Hampshire	NH H.B. 1102	Would prohibit selling an animal that has a birth deformity that causes suffering, such as brachycephaly, or the intentional breeding with the intent to sell, two individual animals with the same birth deformity that causes suffering, such as brachycephaly.	Prefiled 10/13/2023

Animal Disease Vaccination			
State	Link	Summary of Proposed Bill or Regulation	Status
New Hampshire	NH S.B. 587	Would allow the Department of Agriculture Markets and Foods to adopt rules about quarantine requirements for dogs, cats, or ferrets brought into the state for transfer.	Prefiled 10/13/2023
New Hampshire	NH H.B. 1556	Would remove requirements that an animal exempted from the state’s rabies vaccine requirement:	Prefiled 10/13/2023

		<ol style="list-style-type: none"> 1. Have their veterinary written recommendation exempting the animal also be signed by an American College of Veterinary Internal Medicine diplomate and the state veterinarian; 2. That the animal be kept in strict rabies isolation, under conditions that are at the discretion of the local rabies control authority, until such time as the medical condition has been resolved and the animal can be immunized; and, 3. That, when outdoors, the animal be muzzled in a manner approved by the local rabies control authority. 	
New Hampshire	<u>NH H.B.1572</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Prohibit the sale of food in the state with “mRNA technology” added to it; 2. Require Any food determined to contain “mRNA technology” to be confiscated and the manufacturer fined \$10,000 per item discovered; 3. Classify the introduction of “mRNA technology” into the food supply as intentional poisoning and treat it as a class A felony in the state; and, 4. Define “mRNA technology” as messenger RNA injected into animals by vaccination or genetic nanotechnology material inside of a protective casing added into plant cells. 	Prefiled 10/13/2023
Ohio	<u>OH r. 4741-1-16</u>	Requires veterinarians at companion animal vaccination clinics to be readily identifiable to the public by some acceptable means posted in a conspicuous location.	Final File 12/08/2023 Effective 1/8/2024

Animal Shelters

State	Link	Summary of Proposed Bill or Regulation	Status
Kentucky	<u>201 KAR 16:550</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Update required application materials to apply for Kentucky Board of Veterinary Examiners authorization for an animal shelter to operate as a certified animal control agency and apply for a DEA controlled substance registration to include a verification letter and a list of counties served; and, 2. Clarify designated on-site managers assume responsibility only for the procurement, management, and disposal of drugs. 	Proposed 12/11/2023
Virginia	<u>VA H.B. 9</u>	Would increase the number of hours of required additional training in animal control and protection from 15 to 24 every three years for all animal control officers and deputy animal control officers employed by a locality.	Prefiled 12/4/2023

Continuing Education

State	Link	Summary of Proposed Bill or Regulation	Status
Ohio	<u>OH r. 4741-1-11</u>	<p>Revised continuing education requirements by:</p> <ol style="list-style-type: none"> 1. Requiring at least 12 of the total 30 required hours for veterinarians and four of the total 10 required hours for registered veterinary technicians be taken in-person per renewal period; and, 2. Clarifying there is no carryover for extra hours. 	Final File 12/08/2023 Effective 1/8/2024

Education			
State	Link	Summary of Proposed Bill or Regulation	Status
New Hampshire	<u>NH S.B. 545</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Reestablish the Large Animal Veterinarian Education Repayment Program for the promotion, acquisition, and retention of a large animal veterinarian in the north country; 2. Require applicants to devote at least 35% of their practice to large animal care; 3. Repay up to 20% of a participant's qualifying veterinary medical education costs for each three full years of practice agreed to in qualifying areas; and, 4. Appropriate \$50,000 for the Large Animal Veterinarian Education Repayment Fund. 	<p>Prefiled 12/15/2023</p>

Equine			
State	Link	Summary of Proposed Bill or Regulation	Status
New Hampshire	<u>NH H.B.1182</u>	<p>Would add the practices of hoof soring, tail nicking, tail blocking, and gingering as crimes under animal cruelty.</p>	<p>Prefiled 10/13/2024</p>
New York	<u>NY S. 2163B</u>	<ol style="list-style-type: none"> 1. Prohibits any person from slaughtering a horse where such person knows or has reason to know that such horse will be used for human consumption; and, 2. Prohibits any person from possessing, importing into or exporting from the state, selling, buying, giving away, holding or accepting any horse with the intent of killing, or having another kill, such horse, if such person knows or should have known that any part of such horse will be used for human consumption. 	<p>Enacted 12/13/2023</p>

Euthanasia			
State	Link	Summary of Proposed Bill or Regulation	Status
Kentucky	<u>201 KAR 16:552</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require the Kentucky Board of Veterinary Examiners (KBVE) be notified in writing within 10 days of the termination of employment of a certified euthanasia specialist; 2. Require a certified animal control agency to report to the KBVE and DEA within 24 hours of any suspected diversion or theft of controlled substances; 3. Restrict animal control agencies to the purchase of sodium pentobarbital for euthanasia; and, 4. Update safe storage requirements for controlled substances at animal control agencies. 	<p>Proposed 12/11/2023</p>
Missouri	<u>MO H.B. 1559</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require the use of sodium pentobarbital, or a derivative, as the sole method of inducing the death in a dog or cat in an animal control agency, animal shelter, or pound; 2. Ban the use of, but not limited to, non-anesthetic inhalants, decompression chambers, electrocution, gunshot, blunt force trauma, or injection of a neuromuscular blocking agent as methods of inducing death; 3. Permit only a licensed veterinarian or a physician who is properly trained to induce the death of a dog or cat; and, 4. Permit the use of any substance clinically proven to as humane as sodium pentobarbital and officially recognized by the AVMA to be used in lieu of sodium pentobarbital if it is determined there is a shortage. 	<p>Prefiled 12/1/2023</p>

Ohio	<u>OH r. 4741-1-23</u>	<ol style="list-style-type: none"> 1. Requires shelters and dog wardens to perform euthanasia only with a substance in a manufactured dosage form, approved by the Ohio Veterinary Medical Licensing Board, in consultation with the Ohio Board of Pharmacy; and, 2. Clarifies the laboratory portion of the euthanasia technician curriculum must be an in-person lab with oversight by a veterinarian or a registered veterinary technician. 	Final File 12/08/2023 Effective 1/8/2024
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Licensure

State	Link	Summary of Proposed Bill or Regulation	Status
Alaska	<u>AK 12 AAC 68.010 et.al.</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Update the regulation with an additional pathway to licensure for foreign graduates via the Program for the Assessment of Veterinary Education Equivalence (PAVE) certification and remove the requirement for licensees to obtain preapproval from the board to sit for the North American Veterinary License Examination (NAVLE); 2. Update the regulations to remove the requirement for the board to notify candidates and sponsors of the candidate's score on the NAVLE; 3. Remove the requirement for licensees to obtain preapproval from the board to sit for the Veterinary Technician National Examination (VTNE); and, 4. Remove the requirement to comply with the controlled substance prescription database. 	Proposed 12/13/2024
New Hampshire	<u>NH H.B.1526</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Allow the BVM to issue a conditional license to a foreign-educated veterinarian currently in the process of obtaining an ECFVG certificate who has completed all steps of the ECFVG except the clinical proficiency examination; 2. Require applicants to <ol style="list-style-type: none"> a. Have legal immigration status; b. Apply to take/retake and be in the queue for the CPE, or to have taken the CPE and be awaiting the results, or have passed the CPE and apply to write the New Hampshire examination; and, c. Be employed by and practice the profession under the supervision of a duly licensed veterinarian practicing in the state; and, 3. Allow the BVM to summarily revoke a conditional license with a majority vote. 	Prefiled 12/12/2024
Ohio	<u>OH r. 4741-1-04</u>	Removes “good moral character” requirement for a veterinarian seeking licensure.	Final File 12/08/2023 Effective 1/8/2024

Pharmaceuticals | Prescription Drug Monitoring Program

State	Link	Summary of Proposed Bill or Regulation	Status
Arizona	<u>AZ H.B. 2045</u>	Would include xylazine in the definition of a “dangerous drug,” which criminalizes the use, possession, or administration of the drug.	Prefiled 12/11/2023
Arkansas	<u>AR 007.35.23- 007</u>	Would classify xylazine as a Schedule III drug without a veterinary exemption.	Proposed 12/27/2023

South Dakota	<u>SD H.B. 1028</u>	Would classify xylazine as a Schedule III controlled substance, but provides an exemption for dispensing, prescribing, administering, manufacturing, or distributing xylazine when done for an animal and has been approved by the U.S. Secretary of Health and Human Services.	Prefiled 12/29/2023
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Scope of Practice

State	Link	Summary of Proposed Bill or Regulation	Status
New Hampshire	<u>NH H.B. 1233</u>	Would: 1. Exempt individuals who have completed a qualifying nationally recognized animal chiropractic program from veterinary licensure requirements; and, 2. Require the Executive Director of the Office of Professional Licensure and Certification, in consultation with the Board of Veterinary Medicine and the Board of Chiropractic examiners, to determine qualifying programs.	Prefiled 10/13/2023

Small Business

State	Link	Summary of Proposed Bill or Regulation	Status
Florida	<u>FL H.B. 701</u>	Would prohibit the sale of rabbits except in retail pet stores outside of the months of March and April and require retail pet stores to maintain certain records, including a certificate of veterinary inspection for each rabbit.	Filed 12/4/2023
Ohio	<u>OH r. 4741-1-17</u>	Requires all house call veterinary practices that are not extensions of a fixed veterinary care facility to provide the client with afterhours care and/or fixed location veterinary facility names and contact information, which the client can refer to as necessary. The house call veterinarian must receive a general approval from the veterinary facility to refer future patients to their facility.	Final File 12/08/2023 Effective 1/8/2024

Spaying | Neutering

State	Link	Summary of Proposed Bill or Regulation	Status
Virginia	<u>VA S.B. 31</u>	Would: 1. Create the Companion Animal Surgical Sterilization Fund for the purpose of paying the costs of surgical sterilizations of eligible animals and of presurgical examinations and vaccinations of companion animals eligible for surgical sterilization; 2. Create the Companion Animal Surgical Sterilization Program for care at no or reduced costs for animals in the custody of a releasing agency or nonprofit, companion animal of a low-income owner, or feral/free-roaming cats; 3. Restrict performance of surgical sterilizations to licensed veterinarians and outlines veterinarian participation in the program; and, 4. Levy against any person in the commonwealth engaged in business as a manufacturer, wholesaler, or distributor of pet food products a surcharge to fund the Companion Animal Surgical Sterilization Fund.	Prefiled 12/12/2023

State Programs Board of Veterinary Medicine			
State	Link	Summary of Proposed Bill or Regulation	Status
New Hampshire	<u>NH H.B. 1408</u>	<p>Would make changes to the veterinary board, including:</p> <ol style="list-style-type: none"> 1. Reducing members of the board from a total of seven to a total of five, and reducing the number of whom are veterinarians from five to three; 2. Removing the section for filling a vacancy; and, 3. Adding a requirement that annually, the board must organize by electing a president and other required officers and that officers serve a term of one year and until a successor is elected, without limitation on the number of terms an officer may serve. 	Prefiled 10/13/2023
New Hampshire	<u>NH H.B. 1676</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Establish a sunset commission to evaluate the need for or any improvements to various occupational boards, including the New Hampshire Board of Veterinary Medicine, and commissions within the office of professional licensure and certification, as well as the least restrictive regulation they can adopt; and, 2. Set a sunset date for the New Hampshire Board of Veterinary Medicine in 2028. 	Prefiled 10/13/2023

Veterinarian-Client-Patient Relationship Telemedicine			
State	Link	Summary of Proposed Bill or Regulation	Status
District of Columbia	<u>DC B25-0545</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Allow a health professional licensed in the District to provide telehealth services to a District resident or person located in the District if doing so is consistent with applicable standards of care, scope of authorized practice, and not prohibited by law or regulation; 2. Allow a practitioner-client relationship to be established via telehealth; 3. Require all health professionals providing telehealth services who are authorized to prescribe medications to register with the District and comply with all requirements of the Prescription Drug Monitoring Program Act of 2013; and, 4. Amend the definition of “veterinarian” to require the individual to be licensed by the Mayor of the District of Columbia to practice veterinary medicine in the District. 	Hearing 12/07/2023
Florida	<u>FL S.B. 1040/FL H.B. 849</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Permit the practice of telehealth by veterinarians licensed in the state; 2. Require a veterinarian practicing telehealth to have an existing VCPR and provide services within their scope of practice and in keeping with the prevailing professional standard; 3. Allow a veterinarian to use telehealth to provide an evaluation, and if evaluation is sufficient, to treat the patient without researching the patient's medical history or conducting a physical examination; 4. Allow veterinarians to prescribe via telehealth services, in keeping with state and federal laws, except for substances listed in the Schedule II controlled substance list; 5. Require a veterinarian to be personally acquainted with the caring and keeping of an animal or group of animals on a food-producing animal operation on land classified as agricultural and to have recently seen the animal or group of animals or to have made medically appropriate and timely 	Filed 12/12/2023

		<p>visits to the premises where the animal or group of animals is kept in order for the veterinarian to provide telemedicine services to that operation;</p> <ol style="list-style-type: none"> 6. Allow, under indirect supervision of a veterinarian, an employee, agent, or contractor of a county or municipal animal control authority or sheriff to vaccinate against rabies dogs, cats, and ferrets in the custody of an animal control authority or a sheriff; 7. Define “indirect supervision” as being available for consultation through telecommunications; and, 8. Require the supervising veterinarian to assume liability for anyone administering rabies vaccines at their direction or under their supervision. 	
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Veterinary Technicians Veterinary Assistants			
State	Link	Summary of Proposed Bill or Regulation	Status
Florida	<u>FL S.B. 1038/FL H.B. 1245</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Create the position of veterinary professional associate (VPA) with title protection for the position; 2. Require VPAs to earn a master’s degree from an approved program or meet the standards approved by the board and is authorized to perform veterinary medical services delegated by a supervising veterinarian; 3. Define “supervision” as responsible supervision and control, and, except in cases of emergency, requires the easy availability (includes the ability to communicate by telecommunication) or physical presence of a licensed veterinarian for consultation and direction of the actions of a VPA; 4. Allow a VPA to perform actions defined under state law as the practice of veterinary medicine, provided that they are competent in the task and have the necessary training, current knowledge, and experience to perform such actions, as assigned by a veterinarian licensed in this state, while working under the supervision of that veterinarian; 5. Prohibit a VPA from prescribing medicinal drugs or controlled substances and from performing surgery except for sterilizations and dental surgeries; and, 6. Assign liability for acts or omissions of the VPA acting under the supervision of a veterinarian to the supervising veterinarian. 	Filed 12/20/2023
Nevada	<u>NV R116-23</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require a licensed veterinary technician (LVT) to perform euthanasia under the immediate or direct supervision of a veterinarian; 2. Permit an LVT to perform the placement of external drainage under the immediate supervision of a veterinarian; 3. Permit an LVT to perform regional anesthesia, paravertebral blocks, local blocks; place intrasosseous and nasal catheters, and perform euthanasia under the immediate or direct supervision of a veterinarian; 4. Permit an LVT from performing a non-surgical placement of a nasoesophageal, nasogastric, oroesophageal, or orogastric tube, perform animal physical therapy, and perform internal and gland expression under the immediate, direct, or indirect supervision of a veterinarian; and, 5. Permit an LVT who is employed by an animal control agency or animal shelter to remove sutures or staples on an 	Proposed 12/11/2023

		animal and administer oral vaccinations if in compliance with written protocols by a veterinarian.	
Ohio	<u>OH r.</u> <u>4741-1-01</u>	<ol style="list-style-type: none"> 1. Removes “good moral character” and photograph requirement for seeking RVT licensure; 2. Adds requirement for applicants licensed in other states to submit verification of license or certificate of good standing; and, 3. Adds date for renewal and fee for reactivation of license. 	Final File 12/08/2023 Effective 1/8/2024
Ohio	<u>OH r.</u> <u>4741-1-14</u>	Allows RVTs to directly supervise animal aides performing venipuncture for the purpose of collecting blood samples.	Final File 12/08/2023 Effective 1/8/2024