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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/09  
 SPONSOR Martinez, K. LAST UPDATED 03/19/09 HB 593/aSfI#1  
 SHORT TITLE Animal Euthanasia Requirements SB \_\_\_\_\_  
 ANALYST Wilson

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		(\$50.0)	(\$50.0)	(\$100.0)	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Attorney General's Office (AGO)  
 Board of Veterinary Medicine (BOVM)  
 Regulation & Licensing (RLD)

### SUMMARY

#### Synopsis of SFI#1 Amendment

The Senate Floor amendment #1 to HB 593 restores the definition of "supervising veterinarian" to mean a person who is a veterinarian, who holds both a valid New Mexico controlled substance license and a valid federal drug enforcement agency license and who approves the drug protocols and the procurement and administration of all pharmaceuticals.

The amendment also clarified that a supervising veterinarian is not required to be on the premises of a euthanasia agency when euthanasia is performed.

#### Synopsis of Original Bill

House Bill 593 renames Chapter 77, Article 1B as the Animal Sheltering Act instead of the Animal Sheltering Services Act. It also amends the Animal Sheltering Act (ASA), New Mexico Drug, Device and Cosmetic Act, NMSA 1978, Section 26-1-2 and Controlled Substances Act, NMSA 1978, Section 30-31-2 to create greater authority for a licensed euthanasia technician.

It renames a euthanasia provider to a euthanasia technician.

It provides that a euthanasia technician may purchase, possess and administer euthanasia drugs for animals for a euthanasia agency with a formulary to be developed by the Animal Sheltering Board (ASB) and Board of Pharmacy.

It deletes the requirement that a veterinarian be on premises when a euthanasia technician performs euthanasia on an animal.

The bill also makes small organizational changes to the Animal Sheltering Board (ASB).

### **FISCAL IMPLICATIONS**

The controlled substances portion of the bill will not have a fiscal impact to the ASB or RLD.

The amendments to the ASA will be a cost saving change because the RLD will not have to hire a veterinarian for the ASB. Currently RLD is required to hire a vet which can cost over \$50,000 annually.

### **SIGNIFICANT ISSUES**

The purpose of this bill is to give euthanasia technicians who are licensed by the ASB the authority to purchase, possess and administer controlled substances that are used for euthanasia and pre-euthanasia of cats and dogs at animal shelters.

RLD noted that people authorized to handle controlled substances must register with the State and DEA. Currently, animal shelters rely on veterinarians to obtain the substances and register with the State and DEA. Not all shelters can afford to hire or contract with a veterinarian and so are not able to perform euthanasia by injection. Authorizing euthanasia technicians to purchase, possess and administer controlled substances for euthanasia will give shelters an alternative to contracting with veterinarians.

RLD provided the following:

- Euthanasia technicians must be licensed by the ASB.
- They must have taken a board approved course in euthanasia and take continuing education.
- The ASB will perform background checks on applicants to screen for drug and violence charges.
- The authority is limited and will extend only to controlled substances used for euthanasia and pre-euthanasia. The Pharmacy Board will develop a formulary of controlled substances that meet the criteria.
- Pharmacy Board will educate pharmacists and wholesale dealers about the limitations with respect to euthanasia technicians and put the information on its website.
- The State has strict requirements regarding the documentation of sales and use of controlled substances. Animal shelters must log each purchase of such substances, and every millimeter that is used, with only a very small margin of error.

**ADMINISTRATIVE IMPLICATIONS**

RLD not have to hire a veterinarian and will not have to purchase and distribute controlled substances for euthanasia services in communities that can not hire a veterinarian.

DW/mt:svb