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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

Com. Sub. for House Bill No. 2656

(By Delegates Overington, Anderson, Fragale,
Proudfoot, Border and Davis)



Passed March 9, 1998

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 2656

(BY DELEGATES OVERINGTON, ANDERSON, FRAGALE,
PROUDFOOT, BORDER AND DAVIS)

[Passed March 9, 1998; in effect ninety days from passage.]

AN ACT to amend chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article ten-a, relating to creation of the position of certified animal euthanasia technician; under the control of the state board of veterinary medicine; provision for controlled substance permits issued by the state board of pharmacy and drug enforcement administration identification numbers all of which issued to humane societies or animal shelters incorporated and organized under the laws of this state; institutional recognition by the federal internal revenue service as a tax exempt or governmental organization; the certified animal euthanasia technician education program, requiring passage of written and practical examinations; areas in which applicants are tested; background checks; board to approve registration; annual renewal required; limitations of authority; responsibility; loss of certification; disciplinary authority; and board to propose legislative rules.

Be it enacted by the Legislature of West Virginia:

That chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article ten-a, to read as follows:

ARTICLE 10A. ANIMAL EUTHANASIA TECHNICIANS.

§30-10A-1. Definitions.

1 (a) "Board" means the West Virginia board of
2 veterinary medicine established under article ten of this
3 chapter.

4 (b) "Animal euthanasia technician" means a person
5 who is certified by the board to euthanize animals
6 assigned to the care of a legally operated humane society,
7 animal shelter or animal control facility within this state.

§30-10A-2. Certification required and requirements for certification.

1 (a) No person may perform the duties of an animal
2 euthanasia technician at a humane society, animal shelter
3 or animal control facility unless he or she is certified by
4 the board. A person who has completed the certified
5 animal euthanasia technicians program sponsored by the
6 board shall complete and submit an application for
7 certification to the board at least thirty days prior to the
8 date the next written examination is scheduled. The
9 application shall be accompanied by the required
10 application fee and examination fee set by the board by
11 legislative rule.

12 (b) Prior to being certified, an applicant shall complete
13 the certified animal euthanasia technicians program
14 sponsored by the board and pass the written and practical
15 skills examinations required under this section. The board
16 shall certify a person as an animal euthanasia technician
17 who has completed the program, passed the examinations
18 and met other requirements established by the board by
19 legislative rule.

§30-10A-3. Certified animal euthanasia technicians program; application for certification; and written and practical skills examinations.

1 (a) The board shall sponsor a certified animal
2 euthanasia technicians program. The board shall design
3 this program to teach applicants for certification
4 recordkeeping and the legal, safety and practical
5 information needed to become a certified animal
6 euthanasia technician.

7 (b) (1) The board shall administer a written
8 examination to an applicant for certification. The written
9 examination shall test the applicant's knowledge of the
10 following:

11 (A) Animal restraint;

12 (B) Drug enforcement agency regulations;

13 (C) Record-keeping requirements for controlled
14 substances;

15 (D) Handling, inventory and secure and proper
16 storage of euthanasia drugs and solutions;

17 (E) The certification process;

18 (F) Legal requirements;

19 (G) Stress management;

20 (H) Sodium pentobarbital usage; and

21 (I) Other subject areas specified by the board in a
22 legislative rule.

23 (2) The applicant shall pass the written examination
24 with a minimum correct score as determined by the board
25 by legislative rule in order to be eligible to take the
26 practical skills examination provided for in subsection (d)
27 of this section.

28 (c) In addition to the written examination provide for
29 under subsection (b) of this section, the board shall
30 administer a practical skills examination to an applicant
31 who has successfully passed the written examination. The
32 board shall conduct the examination in a manner that tests
33 an applicant's ability to properly restrain an animal,
34 measure a correct dosage of euthanasia solution, locate an
35 injection site and perform an injection. In order to pass

36 the practical skills examination, an applicant shall exhibit
37 to the board that he or she can locate an injection site and
38 perform an injection and also perform euthanasia
39 correctly and humanely.

40 (d) An applicant who successfully passes the written
41 examination and the practical skills examination required
42 by this section shall sign a form authorizing the board to
43 make inquiries through the United States department of
44 justice, or any other legal jurisdiction or entity, for the
45 purposes of determining the character and reputation of
46 the applicant and other matters relating to the certification
47 of the applicant.

§30-10A-4. Scope of practice.

1 (a) A certified animal euthanasia technician may
2 euthanize animals assigned to the care of a legally
3 operated humane society, animal shelter or animal control
4 facility within this state. A certified animal euthanasia
5 technician shall practice euthanasia under the authority of
6 a licensed veterinarian as defined in article ten of this
7 chapter or a county humane officer as defined in article
8 ten, chapter seven of this code within the limitations
9 imposed by this article and rules promulgated by the
10 board under this article.

11 (b) For the purposes of this article, controlled
12 substance permits issued by the state board of pharmacy
13 and the federal drug enforcement administration shall be
14 issued to a municipal or county run animal control
15 facility, or a humane society or animal shelter
16 incorporated and organized under the laws of the state,
17 with one or more duly appointed agents. The humane
18 society or animal shelter shall possess a tax exempt
19 charitable or tax exempt governmental determination
20 under the Internal Revenue Code of 1986, as amended.

21 (c) A certified animal euthanasia technician may not
22 practice or offer to practice his or her profession outside
23 the direct authority of the humane society, animal shelter
24 or animal control facility which employs him or her or
25 otherwise contracts for his or her services. A certified
26 animal euthanasia technician is not qualified and may not

27 indicate that he or she is qualified to act in any capacity
28 relative to animals beyond his or her specified and
29 regulated authority to euthanize animals at the instruction
30 of the humane society, animal shelter or animal control
31 facility by which he or she is employed and under the
32 supervision of a humane officer or licensed veterinarian.

§30-10A-5. Annual renewal of certification required.

1 (a) A certified animal euthanasia technician shall
2 renew his or her certification annually. The board shall
3 mail certification renewal applications to all certified
4 animal euthanasia technicians at their last known business
5 address on or about the first day of December of each
6 year. The certified animal euthanasia technician shall
7 complete and return the renewal application to the board
8 no later than the thirty-first day of December, with the
9 required fee. The certified animal euthanasia technician
10 shall sign the renewal application and list the physical
11 location of the primary facility where he or she provides
12 euthanasia services.

13 (b) The annual renewal fee is twenty-five dollars if
14 received by the board by the thirty-first day of December
15 for the next calendar year, and thirty-five dollars if
16 received by the board after the thirty-first day of
17 December.

18 (c) The board may revoke the certification of an
19 animal euthanasia technician who fails to submit his or her
20 renewal application as required under subsection (a) of
21 this section.

22 (d) A certified animal euthanasia technician who no
23 longer provides euthanasia services under the provisions
24 of this article shall notify the board of that he or she is no
25 longer providing services.

§30-10A-6. Recordkeeping.

1 A humane society, animal shelter or animal control
2 facility which was issued a controlled substances permit by
3 the board of pharmacy and an identification number by
4 the federal drug enforcement administration is responsible
5 for insuring that certified animal euthanasia technicians in

6 its employ maintain proper records regarding the
7 inventory, storage and administration of controlled
8 substances. The proper completion and retention of these
9 records is the joint responsibility of the humane society,
10 animal shelter or animal control facility and the certified
11 animal euthanasia technician. The humane society, animal
12 shelter or animal control facility and the certified animal
13 euthanasia technicians are subject to inspection and audit
14 by the board, the West Virginia board of pharmacy and
15 any other appropriate state or federal agency with
16 authority regarding the recordkeeping, inventory, storage
17 and administration of controlled substances used under
18 authority of this article.

**§30-10A-7. Limitations of authority; responsibility; loss of
certification; and board's disciplinary
authority.**

1 (a) A certified euthanasia technician may not practice
2 euthanasia at any humane society, animal shelter or animal
3 control facility which does not possess a current state
4 controlled substance permit issued by the board of
5 pharmacy and a current drug enforcement administration
6 identification number issued by the drug enforcement
7 administration.

8 (b) A certified animal euthanasia technician shall
9 comply with the provisions of this article and any rules
10 promulgated by the board under the authority of this
11 article.

12 (c) The board shall immediately revoke the
13 certification of an animal euthanasia technician if he or
14 she:

15 (1) Is convicted of a felony;

16 (2) Is guilty of cruelty to animals; or

17 (3) Is guilty of any other act or omission which the
18 board prescribes by legislative rule in accordance with
19 article three, chapter twenty-nine-a of this code.

20 (d) The board of veterinary medicine may take
21 disciplinary action against a certified animal euthanasia
22 technician who is guilty of misconduct. The board may
23 take disciplinary actions which may include, but are not

24 limited to, the levying of fines or the suspension or
25 revocation of the animal euthanasia technician's
26 certification. Any disciplinary action by the board may
27 not infringe upon the authority of any law-enforcement
28 department or agency.

29 (e) If the board suspends or revokes the certification
30 of an animal euthanasia technician under the provisions of
31 this section, it is the sole responsibility of the humane
32 society, animal shelter or animal control facility to replace
33 him or her with a certified animal euthanasia technician.

§30-10A-8. Drug selection.

1 (a) In the event that sodium pentobarbital is no longer
2 approved as the euthanasia "drug of choice" for animals
3 by either state or federal mandate, the board shall
4 determine the replacement "drug of choice" for sodium
5 pentobarbital for use by certified animal euthanasia
6 technicians by legislative rule. The replacement "drug of
7 choice" shall be administered, controlled, stored and
8 secured by a humane society, animal shelter or animal
9 control facility which meets the qualifications in section
10 one of this article in accordance with legislative rules
11 promulgated by the board.

12 (b) The board may replace sodium pentobarbital as
13 the "drug of choice" at any time by legislative rule
14 promulgated pursuant to article three, chapter twenty-
15 nine-a of this code. The determined "drug of choice"
16 for animal euthanasia as specified by the board shall be
17 used by animal euthanasia technicians certified under the
18 provisions of this article.

**§30-10A-9. Responsibilities of individual boards, coordination
between boards, rule-making authority.**

1 The board is responsible for the implementation and
2 enforcement of this article. After consultation with the
3 board of pharmacy, the board shall propose legislative
4 rules for promulgation in accordance with the provisions
5 of article three, chapter twenty-nine-a of this code to
6 implement the provisions of this article.

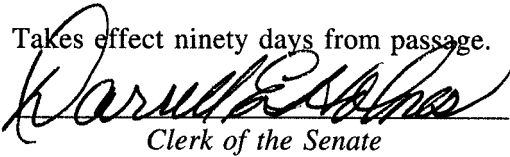
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

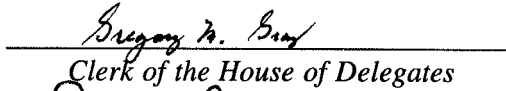

Chairman Senate Committee

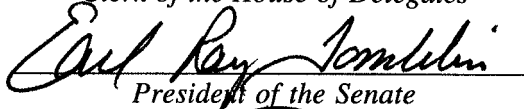

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

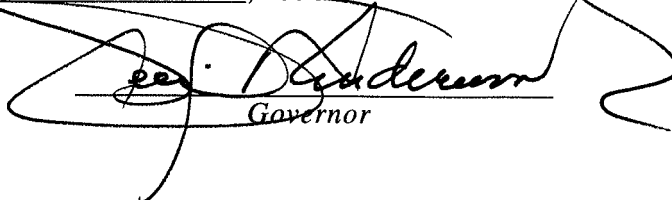

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 23rd
day of March, 1998


Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/98

Time 2:40 pm