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HOUSE BILL NO. 424

Offered January 10, 2018

Prefiled January 6, 2018

A *BILL to amend and reenact §§ 54.1-3423 and 54.1-3801, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to animal shelters; administration of biological products.*

Patrons—Levine and Helsel

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3423 and 54.1-3801, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to conduct research; application and fees.

A. The Board shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

1. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

2. Compliance with applicable state and local law;

3. Any convictions of the applicant under any federal and state laws relating to any controlled substance;

4. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

5. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

7. Any other factors relevant to and consistent with the public health and safety.

B. Registration under subsection A does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

C. Practitioners must be registered to conduct research with controlled substances in Schedules II through VI. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this Commonwealth upon furnishing the evidence of that federal registration.

D. The Board may register other persons or entities to possess controlled substances listed on Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled substances complies with applicable state and federal laws and regulations, and (iv) the subsequent storage, use, and recordkeeping of the controlled substances will be under the general supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in subsection A of this section in determining whether the registration shall be issued. Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify in its regulations. The Board shall promulgate regulations related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase, possess, and administer certain Schedule II-VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals; and to purchase, possess, and administer certain Schedule VI ~~controlled substances~~ *drugs and biological products* for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter. ~~The drugs~~ *Controlled substances* used for euthanasia shall be administered only in accordance with protocols established by the State Veterinarian and only by persons trained in accordance with instructions by the

59 State Veterinarian. The list of Schedule VI drugs *and biological products* used for treatment and
60 prevention of communicable diseases within the shelter shall be determined by the supervising
61 veterinarian of the shelter and the drugs *and biological products* shall be administered only pursuant to
62 written protocols established or approved by the supervising veterinarian of the shelter and only by
63 persons who have been trained in accordance with instructions established or approved by the
64 supervising veterinarian. The shelter shall maintain a copy of the approved list of drugs *and biological*
65 *products*, written protocols for administering, and training records of those persons administering drugs
66 *and biological products* on the premises of the shelter.

67 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601
68 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of
69 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis
70 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order
71 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances
72 shall only be maintained if so authorized by federal law and Board regulations.

73 G. The Board may register an entity at which a patient is treated by the use of instrumentation and
74 diagnostic equipment through which images and medical records may be transmitted electronically for
75 the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II
76 through VI controlled substances when such prescribing is in compliance with federal requirements for
77 the practice of telemedicine and the patient is not in the physical presence of a practitioner registered
78 with the U.S. Drug Enforcement Administration. In determining whether the registration shall be issued,
79 the Board shall consider (i) the factors listed in subsection A, (ii) whether there is a documented need
80 for such registration, and (iii) whether the issuance of the registration is consistent with the public
81 interest.

82 H. Applications for controlled substances registration certificates and renewals thereof shall be made
83 on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to
84 be determined by the Board.

85 I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the
86 controlled substances stock, (iii) the termination of authority by or of the person named as the
87 responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner,
88 if applicable, the registrant or responsible party shall immediately surrender the registration. The
89 registrant shall, within 14 days following surrender of a registration, file a new application and, if
90 applicable, name the new responsible party or supervising practitioner.

91 **§ 54.1-3801. (Effective until July 1, 2018) Exceptions.**

92 This chapter shall not apply to:

93 1. The owner of an animal and the owner's full-time, regular employee caring for and treating the
94 animal belonging to such owner, except where the ownership of the animal was transferred for the
95 purpose of circumventing the requirements of this chapter;

96 2. Veterinarians licensed in other states called in actual consultation with veterinarians licensed in the
97 Commonwealth who do not open an office or appoint a place to practice within the Commonwealth;

98 3. Veterinarians employed by the United States or by the Commonwealth while actually engaged in
99 the performance of their official duties;

100 4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice
101 veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary
102 medicine in another state, territory, district or possession of the United States, (iii) volunteer to provide
103 free care in an underserved area of the Commonwealth under the auspices of a publicly supported all
104 volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved
105 people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board,
106 (v) notify the Board at least five business days prior to the voluntary provision of services of the dates
107 and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only
108 be valid, in compliance with the Board's regulations, during the limited period that such free health care
109 is made available through the volunteer, nonprofit organization on the dates and at the location filed
110 with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license
111 has been previously suspended or revoked, who has been convicted of a felony or who is otherwise
112 found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian
113 who meets the above criteria to provide volunteer services without prior notice for a period of up to
114 three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted
115 license in another state; or

116 5. Persons purchasing, possessing, and administering drugs *and biological products* in a public or
117 private *animal* shelter as defined in § 3.2-6500, provided that such purchase, possession, and
118 administration is in compliance with § 54.1-3423.

119 **§ 54.1-3801. (Effective July 1, 2018) Exceptions.**

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121 1. The owner of an animal and the owner's full-time, regular employee caring for and treating the
122 animal belonging to such owner, except where the ownership of the animal was transferred for the
123 purpose of circumventing the requirements of this chapter;

124 2. Veterinarians licensed in other states called in actual consultation with veterinarians licensed in the
125 Commonwealth who do not open an office or appoint a place to practice within the Commonwealth;

126 3. Veterinarians employed by the United States or by the Commonwealth while actually engaged in
127 the performance of their official duties, with the exception of those engaged in the practice of veterinary
128 medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the
129 American Veterinary Medical Association Council on Education and located in the Commonwealth;

130 4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice
131 veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary
132 medicine in another state, territory, district, or possession of the United States, (iii) volunteer to provide
133 free care in an underserved area of the Commonwealth under the auspices of a publicly supported all
134 volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved
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146 5. Persons purchasing, possessing, and administering drugs *and biological products* in a public or
147 private *animal* shelter as defined in § 3.2-6500, provided that such purchase, possession, and
148 administration is in compliance with § 54.1-3423.