

LEGISLATIVE BILL 573

Approved by the Governor April 28, 1999

Introduced by Landis, 46

AN ACT relating to animals; to adopt the Controlled Substances Animal Welfare Act.

Be it enacted by the people of the State of Nebraska,

Section 1. This act shall be known and may be cited as the Controlled Substances Animal Welfare Act.

Sec. 2. The purpose of the Controlled Substances Animal Welfare Act is to allow animal welfare organizations to obtain proper controlled substances for the purpose of humane euthanasia of seized, stray, injured, sick, homeless, abandoned, or unwanted domesticated and nondomesticated or wild animals.

Sec. 3. For purposes of the Controlled Substances Animal Welfare Act:

(1) Animal welfare organization means a Nebraska nonprofit corporation whose purpose is promoting the welfare, protection, and humane treatment of animals, and whose activities may include the seizure, impoundment, boarding, or kenneling of stray, injured, sick, homeless, abandoned, or unwanted animals;

(2) Euthanizing drug means sodium pentobarbital or any controlled substance used for the purpose of humane euthanasia of seized, stray, injured, sick, homeless, abandoned, or unwanted animals; and

(3) Veterinarian means a person authorized by law to practice veterinary medicine in this state.

Sec. 4. Possession and administration of a euthanizing drug by an animal welfare organization shall be pursuant to a collaborating veterinarian agreement. A collaborating veterinarian agreement is between a veterinarian and an animal welfare organization and includes:

(1) Designation of the responsible individual or individuals for the animal welfare organization;

(2) Provisions for the proper storage and inventory of the euthanizing drugs;

(3) Maintenance of effective controls against the diversion of such drugs;

(4) Provisions for proper training of any animal welfare organization staff whose duties include administering a euthanizing drug. Such training includes information in at least the following areas: The pharmacology, proper administration, and storage of euthanizing drugs; federal and state laws regulating the storage and inventory of euthanizing drugs; stress management; and proper disposal of euthanized animals; and

(5) Maintenance of a valid veterinary-client-patient relationship.

Pursuant to a collaborating veterinarian agreement, a veterinarian shall maintain a separate registration under section 28-408 at the principal place of business of the animal welfare organization.

Sec. 5. If a veterinarian assists an animal welfare organization in obtaining euthanizing drugs pursuant to a collaborating veterinarian agreement authorized by the Controlled Substances Animal Welfare Act, such veterinarian is not liable for any acts or omissions on the part of the animal welfare organization, except that disciplinary action may be taken against the separate registration pursuant to section 28-409. The animal welfare organization is liable under the Uniform Controlled Substances Act for acts or omissions on the part of its staff members.

Sec. 6. No animal welfare organization shall accept controlled substances under a collaborating veterinarian agreement unless, at the time of the acceptance, it has in effect third-party liability insurance covering damages resulting from the improper handling or control of controlled substances.