

MINUTES OF THE MEETING  
PUBLIC HEALTH AND WELFARE  
MONTANA STATE SENATE

March 2, 1983

The meeting of the Public Health and Welfare Committee was called to order by Chairman Tom Hager on March 2, 1983 at 1:00 p.m. in Room 410, State Capitol.

ROLL CALL: Roll was called with Senators Hager, Marbut, Himsel, Christiaens present. Those Senators late: Senators Stephens, Jacobson and Norman.

HOUSE BILL NO. 128: Hearing commenced on House Bill No. 128, introduced by Representative Schye. Representative Schye told the committee he introduced this bill by request of the Department of Health and Environmental Sciences. The title of the bill tells it all. It is an act to clarify that the school immunization requirements must be met at the time a person commences school attendance rather than the time of enrollment. In Section 1, line 15, language is changed to read: "The governing authority of any school may not allow any person to commence attendance as a pupil unless the person:" Also, throughout the bill, enrollment is replaced by "attendance". Representative Schye went through the changes in the bill.

Senator Marbut asked Representative Schye if there might be a problem with the local health department concerning Page 2, Section 2.

Representative Schye said no, as the local health department has input into the vaccination criteria that the governing authority of the school allows.

There being no further discussion, hearing on House Bill No. 128 was closed.

HOUSE BILL NO. 262: Hearing commenced on House Bill No. 262, introduced by Representative Schye. Representative Schye told the committee he introduced this bill by request of the Department of Institutions. It is an act to conform the definition of developmentally disabled for treatment purposes to that for purposes of community-based programs and residential facilities. Developmentally disabled means suffering from a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically handicapping condition closely related to mental retardation and requiring treatment similar to that required by mentally retarded individuals, if the disability originated before the individual attained age 18, has continued or can be expected to continue indefinitely and constitutes a substantial

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handicap of such individual. This is not a complicated change and will prevent future admissions to Boulder, to those who would not be appropriately served at these institutions.

Curt Chisholm, Department of Institutions told the committee the Department asked for this bill. It clarifies the age. This bill will not affect the current population that is currently being served. We support this bill and hope that you will concur in its passage.

Senator Hims1 asked Mr. Chisholm what does the bill really do. On Page 2, Line 12, individuals becomes "individual". Single instead of plural. Would you explain this.

Mr. Chisholm told him the basic change is to put age limitation in the bill. Those that can be up to and including age of 18.

Senator Hims1 asked Mr. Chisholm if this deals with Boulder and Eastmont.

Mr. Chisholm said yes.

There being no further discussion, hearing on House Bill No. 262 was closed.

HOUSE BILL NO. 90: Hearing commenced on House Bill No. 90, introduced by Representative Harper. Representative Harper told the committee this bill is about killing dogs and cats. This is a real problem. Seventeen thousand dogs and cats were killed in Lewis and Clark County last year. There are various methods used in killing these animals. I have many proponents here and they will talk about the methods used. There is no ideal way, but the most humane way is to use Sodium Pentobarbital for euthanasia. At least 14 states have passed legislation similar to HB90, and others will certainly do so in the future as they recognize the importance and benefit of the legislation. I sincerely hope Montana will be one of them.

Kurt Hanson, appearing on behalf of Doctor Painter, Helena, told the committee Doctor Painter supports this bill. He believes the word "use" should be retained and is concerned that if this is changed to "administer", the bill will be of no value.

Dr. Scott Carter, Helena, told the committee he supports this bill. He told the committee he has helped put animals away. There is a problem in getting large animals into euthanasia chambers. There is also a problem in that some animals just won't die in these chambers. They need another method to put these animals away. Clearly, the use of sodium pentobarbital

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for euthanasia of animals is the most desirable method. Passage of HB90 will enable more shelters to use this method, benefiting the shelters, the animals, and improving public opinion that strongly affects the financing of animal shelters throughout the state.

Judith Fenton, Sec.-Treasurer of Federated Humane Societies of Montana and Lewis and Clark County Humane Society gave the committee written testimony which she read to the committee. See Exhibit 1. In highlighting she told the committee: This is a proper use of Sodium Pentobarbital; Animal shelters can easily comply with all necessary safety and security requirements; Euthanasia of unwanted animals is a public service; Proper training in the use of sodium pentobarbital for euthanasia is readily available; The cost to us and the convenience to local vets is important; and less-desirable methods of euthanasia are being used in many Montana shelters.

Dianne Nickman, Lewis & Clark Humane Society, testified in support of HB90 for Mikal Kellner, President of the Lewis & Clark Humane Society. She read from prepared testimony, see Exhibit 2. She also read a letter from Matt E. Tombre, see Exhibit 3.

Darlene Larson, Billings Animal Shelter, spoke in support of HB90. She read from prepared testimony. See Exhibit 4.

Diane Lane, Executive Director of the Humane Society of Gallatin Valley spoke in support of HB90. She read from prepared testimony. See Exhibit 5.

Judith Fenton, Lewis & Clark Humane Society, presented written testimony from Barbara Dahlgren, Missoula County Humane Society, see Exhibit 6; Ronald W. Buzzeo, Chief Compliance Division, Drug Enforcement Administration, U.S. Department of Justice, see Exhibit 7; and Phyllis Wright, The Humane Society of the United States, see Exhibit 8. Ms. Fenton also presented a copy of SB71 from the State of Colorado pertaining to sodium pentobarbital, see Exhibit 9.

There were no further proponents to HB90.

Frank B. Davis, representing the Montana State Pharmaceutical Association presented an amendment to the committee. He proposes to change the word "use" to "administer", to clarify and make uniform the language in this bill. The Montana State Pharmaceutical Association wishes to propose the following amendment to the statement of Intent and to HB90 to which it applies. The amendment is proposed for the

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following reasons: 1. Sodium Pentobarbital is a Schedule II dangerous drug. MCA 50-32-223 states criteria for placement of drugs in Schedule II. The board shall place a drug in Schedule II if it finds that: (1) the drug has high potential for abuse; (2) the drug has currently accepted medical use with severe restrictions; and (3) the abuse of the drug may lead to severe psychic or physical dependence. 2. To make the language of the sections of the law being added consistent with the existing language in the dangerous drug act. In all sections of the present act where reference is made to the application of dangerous drugs to a body the word "administer" is used, and not the word "use". 3. There is a definition of the word "administer" in the dangerous drug act beginning on Line 16 of page 1 of this act - HB90. There is no definition for "use". To "administer" a dangerous drug requires the direction of a licensed practitioner or his authorized agent, who is a person knowledgeable in the proper administration techniques and as well the required record keeping for dangerous drugs with the federal Drug Enforcement Administration. 4. This amendment will give us uniform language, a clear indication of intent from the legislature to the Board of Pharmacists to write their administrative rule to accommodate this limited license and more specific and definable terms for legal interpretation. We will appreciate your favorable action on this proposed amendment. See Exhibit 10.

Elmer Davis, Great Falls, representing himself told the committee he did not feel this bill could be regulated as it is written. Also, there is no way to obtain knowledge about the people working with this drug, as to their own drug habits.

James H. Bailey, Great Falls, representing himself spoke in opposition to HB90. He is concerned about the availability of restricted dangerous drugs. It is my understanding that a DEA Permit can only be issued to an individual and not to a group, such as an animal shelter. We cannot obtain one for our clinic. Each person in the clinic must obtain their own DEA Permit. T61 can be administered safely. We use T61 by choice in our clinic. It is a little more expensive. But, it does not have the availability for misuse. Also I feel this is a special interest request for a particular group. I object to special interest legislation.

William A. Rogers, Great Falls, representing himself, told the committee this would allow more access to drugs by lay people, and more opportunity for misuse. There are other drugs available. We use T61 at the dog pound and I have not had problems with it. It is easy to use. If you should decide to recommend this bill, I strongly recommend changing the word "use" to "administer".

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Senator Marbut asked the veterinarians from Great Falls if they could live with the bill if the language was tightened up, providing for the humane societies to receive training.

Mr. Bailey spoke for the three men and told the committee, No. He asked Senator Marbut who is going to administer the drug.

Senator Marbut said the amendment he was thinking about, would be to have an employee who is trained by the vet and certified by the vet.

Mr. Bailey said there would be a cost factor is training and it would probably still cost about \$2 for each animal killed. So, there would be no savings.

Senator Stephens asked if he was correct that the Montana Veterinary Association has not taken a stand one way or the other on this.

Kurt Hanson said he had attempted to make it clear, they have no position on it.

Senator Stephens asked Ms. Lane, since there are effective and safe methods without using a drug that could be abused, why is there a need for this bill.

Ms. Lane said she feels there is a disagreement among veterinarians in administering T61. It was mentioned that T61 is slightly more expensive. It is two times the cost.

Senator Himsl asked Mr. Bailey why they use T61 instead of Sodium pentobarbital.

Mr. Bailey said T61 is available in large quantities, and they carry it on all their trucks. We prefer not to have sodium pentobarbital around. We keep the sodium pentobarbital in the clinic. We also feel we can be just as humane using T61.

Senator Himsl asked why sodium pentobarbital would be dangerous to have around, what does it do to people.

Mr. Bailey said it is a downer.

Senator Himsl asked Mr. Davis from Great Falls if he did the actual work of putting the animals asleep and why, its a very unrewarding job.

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Mr. Davis told the committee there are 14 vet's that share the responsibility of putting these animals to sleep. When it is my turn it is not a pleasant week. There is no compensation for this job. We feel that it is part of our job and we owe society to take care of this. We are very fortunate that all of the vet's in Great Falls share this responsibility, and are willing to cooperate. It takes me about 1½ hours twice a week to do the job.

Senator Christiaens asked Mr. Bailey if T61 falls under DEA.

Mr. Bailey said no, its not a restricted drug.

Senator Christiaens asked Scott Carter why he uses sodium pentobarbital instead of T61.

Mr. Carter said he uses sodium pentobarbital partly as a matter of cost. I am aware of problems with T61 and the controversy surrounding it's use. All I can say is I believe sodium pentobarbital is more humane. T61 is two or three times more expensive than sodium pentobarbital. There are a lot of drugs available, and I guess the chance of drug abuse is not a major issue with me. I would just like to see them have this drug to use and be able to get the job done.

Senator Jacobson asked Ms. Lane whether they would be able to get a DEA number to administer this drug.

Ms. Lane read parts of a letter, Exhibit 7, that said: DEA's policy concerning the methods whereby animal shelters can obtain and use pentobarbital sodium has not changed since our letter of March 20, 1978. Animal shelters in states without laws allowing them to purchase drugs directly can still obtain the drug through a cooperating veterinarian registered with DEA at the shelter's location. Additionally, DEA continues to register those clinics, animal shelters or societies in those states in which the state has recognized them as being authorized to obtain and use controlled substances. Currently this type of authority has been granted by the States of Virginia, Maryland, Indiana, Washington, Utah, New Mexico, Colorado and New York.

In closing Representative Harper told the committee these people are doing some very unpleasant work and we want to make it as easy to carry on this work. Fourteen other states have done it and there has been no problem with it. If you change "use" to "administer", you are killing the bill, and they will be in the same position they are in now.

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Senator Hager appointed a subcommittee to study this bill further. Senator Marbut, Senator Christiaens and Senator Jacobson were appointed.

There being no further discussion, hearing on House Bill 90 was closed.

HOUSE BILL NO. 28: Hearing commenced on House Bill No. 28, introduced by Representative Kitselman. This bill was precipitated by a need for people to know how their neighborhood is impacted. This past summer residential support services contracted and built three new group homes in the Billings area. The homes are low profile and are an asset to the community. The problem arose when a neighbor wondered about a large hole for a new foundation across the street from the house he just bought. He was told it was for a group home. Rumors were passed freely around the neighborhood and things were blown out of proportion. A meeting was called by me between Chuck Supper (R.S.S.), and two builders and the people impacted. The meeting allowed information to flow freely and constructive criticism was made. The only changes to the plan were a 6' wooden fence and some landscaping. By providing an informational hearing, the provider and the neighbors can work out potential problems productively. Without it, people have a tendency to mistrust and resist change. This is simply a bill that gives the people the right to know how they are being impacted. Since there are already zoning and planning boards in existence, they plan to use the same boards. This makes sense and reduces duplication, since public buildings are available in each neighborhood and evening meetings are important because of work hours. Since notice must be given for zone changes, this law complies with existing procedures.

Jack Ellery, Department of SRS, told the committee the Department recognizes the problem and is aware of the problem. We have taken measures to insure that people are informed throughout the communities. With the amendments that have already been made, the Department is in support of this legislation and has no problem with it.

Senator Hager removed himself from the committee for the purpose of speaking as a proponent to House Bill No. 28. Senator Hager told the committee it is his neighborhood that this problem arose from. The neighborhood was rather unhappy. The house was originally owned by private individuals, then they moved out and sold it to the State, without any notice going to any of the neighbors. The people came to me and of course I could not tell them anything that was helpful. I think these meetings are necessary.

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Senator Hager went on to say we have a situation where people are living in these homes and they have to be under constant supervision. These people are not dangerous, but irritating. One example being, a resident of the home came across the street to our home and demanded to be fed. I went over to the home to have the caretaker come and get the resident. The caretaker said she could not, that she was not permitted to leave the house. This is a management problem. If there had been a neighborhood meeting, we would have had the name of a person to contact in case of problems. They would be handled easier without getting the neighborhood frustrated. I think this is a good neighbor bill and I think that goes for the State too.

There were no further proponents.

Chuck Supper, R.R.S., spoke in opposition to HB28. I oppose this bill for several reasons. First, the home that was sold in Billings, was one of three, and was sold to a private non-profit organization. At times, we have had management problems. Part of the problem is related to funding. The issue that I would like to deal with here is the hearing itself. This project started about two and a half years ago. The proposal was accepted by the City of Billings, and articles were ran in the newspaper. After all the criteria was met for the City, we went about and acquired land, picking three sites within the Billings city limits. We went through five different public hearings. It was approved. One of the things I object to is the bill says the cost of hearing will be borne by the non-profit organization. It cost our organization about \$7,200 to have the hearings in Billings on this particular project. I don't think this bill is necessary, as SRS tells you how to go into the community. There were things I did not know when I developed this project. The non-profit organization cannot bear the costs of these hearings.

Art Dreiling, LBSS, told the committee he opposes this legislation. I represent a small town, 1,700 people, and we started a group home in June of 1982. Prior to that time, the home had been in Hot Springs, about 20 miles away. So we moved some into group home in town and left some in Hot Springs. We had a similar hearing when we started our group home. We tried to figure out the best way to inform the community. Two years prior to actually establishing the group home, I talked to every church group, citizen group, etc., that I could, about this project, and what we wanted to do. It seemed that people did not want to listen until we were right down to the wire. We did have an informational hearing. A lot of people came who where not going to be impacted. We had people drive many miles to our little meeting and what happened it set up a forum for a



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lot of people to express bias. The hearing provides an avenue to keep the group homes out of certain areas. It makes it difficult for a person to sell his home to a non-profit organization, because the neighbors put pressure on them. It denies a person's rights to sell his house. We have procedures within SRS to conduct public meetings. This bill will invite communities to run us out.

Joe Roberts, DD/LAC, told the committee in a way this bill closes the barn door after the horse is already out. I think this bill is well intended. There is a process already established and I think if you formalize this process you may create some problems. It could open the door for a law suit.

There were no further opponents.


Senator Christiaens said there seem to be inconsistencies within the title and the amendments. He referred to Line 12, and line 18. The title of the bill is changed from hearing to meeting and the body of the amendment still says hearing.

Representative Kitselman said he has amendments to correct that.

In closing, Representative Kitselman stressed the main problem is to have the meeting at night, when the residents of a neighborhood would have the opportunity to attend, and not have to take off work to attend.

There being no further discussion, hearing on House Bill No. 28 was closed.

ADJOURN: There being no further business before the Committee, the meeting was adjourned at 3:00 p.m.



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Senator Tom Hager  
Chairman

TH/cdf

[illegible]

BILL \_\_\_\_\_

VISITORS' REGISTER

DATE 3/2/83

Please note bill no.

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Elmer B Davis	Self	90		X
Chris J Davis				
Walter A Rogers	Self	90		X
James G. Baker	Self	90		X
Judith Fenton	Federated Humane Soc. of MT	90	✓	
Dianne Dickman	Lewis & Clark Humane Society	90	✓	
Dorlene Hansen	Billings Animal Shelter	90	✓	
John F. Kuffel	Shelby Animal Shelter	90	✓	
Steve Brown	Great Bear & Animal Care Center	90	✓	
CURT CHISHOLM	DEPT OF INSTITUTIONS	HB 262	✓	
Richard Nelson	Dept. Health	HB 128	✓	
Joe Roberts	DD/LAC	HB 28		✓
Art Weiling	LBSS	HB 28		✓
FRANK J. DAVIS	MT. ST. PHARM. ASSN.	HB 90		
Diane Lane	Bozeman MT	90	✓	
David B Lackman	MT Health Assn Vet & Animal Helene	HB 28	✓	
" "	" "	HB 128	✓	
JACK ELLERY	DEPT SRG	HB 28	✓	

NAME: Judith Finton DATE: 3/2/83ADDRESS: Blue Sky Heights #26  
Clancy, MT 59634PHONE: 933-5955REPRESENTING WHOM? Federated Humane Societies of MontanaAPPEARING ON WHICH PROPOSAL: H B #90DO YOU: SUPPORT? ✓ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_COMMENTS: (Copies given to committee members  
and secretary)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Animal Shelter: 1712 East Custer Ave.  
P.O. Box 274  
Helena, Montana 59624  
406/442-1660

December, 1983

#### OUTLINE OF TESTIMONY FAVORING PASSAGE OF HB90

- \* ~~THIS IS A PROPER USE OF SODIUM PENTOBARBITAL.~~ In-depth studies by AHA (the American Humane Association), HSUS (the Humane Society of the United States), and also AVMA (the American Veterinarian Medical Association) all conclude that where available use of sodium pentobarbital is the preferred method of euthanasia of animals. The Federal Drug Enforcement Administration has also approved sodium pentobarbital for euthanasia of animals.
- \* ~~ANIMAL SHELTERS CAN EASILY COMPLY WITH ALL NECESSARY SAFETY AND SECURITY REQUIREMENTS.~~ Not all of the eight incorporated Humane Societies in Montana that belong to the Federated Humane Societies of Montana operate animal shelters. The Federation has minimum shelter standards to which all member Societies operating a shelter must comply. Some of these shelters are satisfied with their present mechanical methods of euthanasia. Only 2 or 3 are interested in using sodium pentobarbital in the near future.
- \* ~~EUTHANASIA OF UNWANTED ANIMALS IS A PUBLIC SERVICE.~~ Public irresponsibility has forced us to do this unpleasant job. We should have access to the best methods available to do it properly.
- \* ~~PROPER TRAINING IN THE USE OF SODIUM PENTOBARBITAL FOR EUTHANASIA IS READILY AVAILABLE.~~ In most areas local veterinarians have already offered to assist in training shelter personnel to use this drug. AHA and HSUS both offer training workshops leading to certification. There is also a great deal of written, audio, and video material available to assist us with euthanasia techniques as well as with personnel stress management.
- \* ~~THE COST TO US AND THE CONVENIENCE TO LOCAL VETS IS IMPORTANT.~~ Using sodium pentobarbital, the shelter in Bozeman euthanated 1305 animals at a total cost of \$464 in 1982. This seems to be a reasonable and affordable cost. Most vets do not want to take time from their own practice each day to do this job for the animal shelter, and most shelters couldn't afford to have a vet come in each day. We also receive animals in need of emergency euthanasia at all hours of the day.
- \* ~~LESS DESIRABLE METHODS OF EUTHANASIA ARE BEING USED IN MANY MONTANA SHELTERS.~~ This is mostly because sodium pentobarbital is not available to many shelters and animal control facilities.



Animal Shelter: 1712 East Custer Ave.  
P.O. Box 274  
Helena, Montana 59624  
(406) 442-1660

March, 1983

## TESTIMONY MB 90

The general public doesn't want to even hear about this aspect of Humane work, and I'm sure many of you here would rather not have to learn any more about it. The problem is that we who do humane work know in our hearts that if we refused to do this job, someone else would have to do it and they would probably not care if it were done right or wrong. You can help us do it right.

I would like to read a short letter from Phyllis Wright, Vice President, Companion Animals Division, of the Humane Society of the United States. (See copy)

The Federal DEA (Drug Enforcement Agency) has determined that euthanasia of unwanted animals is a proper use of sodium pentobarbital. Their present policy is expressed in the following letter to Phyllis Wright. I'd like to read an excerpt from this letter. (see copy of letter attached)

Virginia passed the 1st state law allowing the use of sodium pentobarbital by Humane Societies and Animal Control Shelters in 1971. Since then this type of legislation has passed in at least 14 states. (Colorado, Utah, Kansas, Michigan, New York, Connecticut, Florida, Ohio, California, Oklahoma, Illinois, Indiana, Pennsylvania, and Virginia)

There are only 8 Incorporated Humane Societies in the Federated Humane Societies of Montana. Only 5 of these Societies operate animal shelters, and only 2 or 3 of these are presently interested in an alternative method of euthanasia.

I would also like you to note the wording in the Colorado Bill passed in 1979 on the requirements for a license. This wording could be incorporated in our Bill or left as part of the requirements of the Board that issues the limited use permits. (See copy attached)

Cost is an important factor to all Animal Shelter operations. As non-profit organizations or municipal agencies, adequate funding is always a problem. Not only is sodium pentobarbital one of the least painful and least stressful methods to euthanate animals but it is reasonable in cost. At present some of our Animal Shelters are having to pay a vet to come to the shelter to do the job at a cost of \$2.00 per animal. Anywhere from 1300 to 4000 animals are euthanated in each of our larger Montana shelters in a year. Thus the cost could be \$8000 or more as compared to not more than \$800 if shelter personnel were trained to use sodium pentobarbital. The money saved could go a long way toward financial assistance to people wishing to have animals spayed or neutered or toward educational programs. These are the only things that will really help to solve this problem of unwanted animals.

Judith Fenton, Sec.-Treas.  
Federated Humane Societies of Mt  
& Lewis & Clark Humane Soc.

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Public Health

3/2/83

NAME:

DIANNE NICKMAN

DATE:

3-2-83

ADDRESS:

1022 LeGrande, Helena

PHONE:

442-8866

REPRESENTING WHOM?

Lewis & Clark Humane Society

APPEARING ON WHICH PROPOSAL:

H.B. 90

DO YOU:

SUPPORT?

☒

AMEND?

☐

OPPOSE?

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COMMENTS:

Copy of testimony has been handed out.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Human Services Committee  
Testimony in Favor of H.B. 90

I am speaking in favor of HB 90 because it is necessary that agencies responsible for the very unpleasant job of euthanasia of unwanted animals be able to do it in the most humane way possible. Sodium pentobarbital is the best and least painful method of euthanasia available.

~~Veterinarians use sodium pentobarbital almost exclusively because they recognize that it is the superior method of euthanasia. Presently, in Montana, only veterinarians are legally able to obtain sodium pentobarbital. Some veterinarians do put animals to sleep for humane societies, but it is costly to the society and takes time away from the veterinarian's practice. But the majority of veterinarians, understandably, do not want the responsibility of euthanizing for shelters.~~ Therefore, humane societies need the legal authority to purchase and use sodium pentobarbital for the purpose of euthanizing injured, sick, homeless, and unwanted animals.

Several other states have already passed similar bills. Virginia was the first in 1971 and was followed by 13 other states: Colorado, Utah, Kansas, Michigan, New York, Connecticut, Florida, Ohio, California, Oklahoma, Illinois, Indiana, and Pennsylvania. To date there has not been one reported case of misuse of sodium pentobarbital by humane agencies.

~~In Montana, individual humane societies in the major cities are organized into the Federated Humane Societies of Montana. The member societies are all professional, responsible groups having the support of city and county governments and the general public. For instance, our local society, the Lewis & Clark Humane Society, runs a \$100,000 shelter on a budget of \$75,000 per year. We employ 9 people, have a membership of over 400, and work with both our city and county governments. We are expected to use the best and most humane methods of handling, housing and euthanizing animals. The same is true for all humane societies in Montana.~~

~~In 1981, Montana's humane society shelters took in 32,700 animals. Of those, over 17,000 had to be put to sleep. The totals are not in for 1982, but we expect that number increased last year and will again in 1983. For the sake of the animals that must be put to sleep and for the sake of the shelter employees who must put those animals to sleep, we need to have access to the most humane method of euthanasia possible. That method is sodium pentobarbital.~~

We urge you to pass HB 90. Thank you.

Mikal Kellner, President  
Lewis & Clark Humane Society  
Helena, Montana



ROCKY MOUNTAIN VETERINARY CLINIC

1340 EAST MAIN  
BOZEMAN, MONTANA 59715  
TELEPHONE (406) 587-5518

February 3, 1983

TO: House Human Services Committee

I am writing to urge your support of HB90, which would allow Humane Societies and Animal Shelters to apply for permit to purchase sodium pentobarbital for the purpose of euthanizing unwanted and stray animals.

~~From the economic point of view, this is the most economic means of accomplishing this task. The use of this drug is also recognized to be the most humane and accepted agent for the euthanasia of animals.~~

~~Animal shelters in the state which are currently using this method are having the drug dispensed to them by a licensed veterinarian.~~

~~Unfortunately, there are some areas where veterinarians will not dispense this drug. As a result, less acceptable methods of euthanasia are used, or the shelter's cost per animal euthanized is greatly increased when the procedure is done by veterinarians. The cost is then passed on to the public and to local governments which the shelters serve.~~

*read*

Thank you for your time and consideration.

Matt E. Tombre, D.V.M.

*M. E. Tombre*

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Public Health 3/2/83

NAME: Darlene Larson DATE: 2-2-83

ADDRESS: 1156 Babcock Blvd Billings MT

PHONE: 259-3942

REPRESENTING WHOM? Billings Animal Shelter

APPEARING ON WHICH PROPOSAL: HB 90

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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Public Health  
3/2/82



Exhibit 4

NATIONAL ANIMAL CONTROL ASSOCIATION  
P.O. BOX 1178  
Billings, MT 59103  
(406) 245-8989 Ext. 227

Darlene Larson  
Vice President

Given the above methods to use, one can understand the desire of those involved in euthanizing animals wanting to use the best available.

~~The advantages of sodium pentobarbital far outweigh the disadvantages. In 1973 it was moved from a Schedule III to a Schedule II drug to strengthen control over an abuseable substance. Restrictions and regulations can be established to prevent abuse. Any abuse found could result in the loss of privileges to purchase this drug.~~

~~Prior to 1973 the Billings Animal Shelter used sodium pentobarbital purchased locally for over ten years. No incidents of abuse or loss occurred.~~

Although each animal must be individually restrained, our personnel prefer this method. The animal can be reassured during the process and less stress and fright occurs with the animal.

Similar legislation to HB 90 has been passed in fourteen states in the U.S.A.. They are as follows:

Colorado, Utah, Kansas, Michigan, New York, Connecticut, Florida, Ohio, California, Oklahoma, Illinois, Indiana, Pennsylvania and Virginia. No abuse has been identified in any of these states.

~~Billings and Bozeman currently use sodium pentobarbital under the license of local veterinarians. Other communities would like to use it if they could. They are unable to find veterinarians who will purchase it for them as any abuse could lead to the license being revoked for that vet.~~

Other methods used in Montana: high altitude chamber, nitrogen tank (recently shut down and kept for back-up), T-61 and shooting.

Those of us involved in this task ask for the tools to allow us the most humane, pleasant, clean and quick method of destroying the animals in our charge.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene Larson".

Darlene Larson, Superintendent of Animal Control  
Billings Animal Shelter

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Exhibit 4

NATIONAL ANIMAL CONTROL ASSOCIATION  
P.O. BOX 1178  
Billings, MT 59103  
(406) 245-8989 Ext. 227

Darlene Larson  
Vice President

G. Pharmacologic agents - injectable T-61.

1. Advantages

- a. Availability
- b. Not regulated.
- c. Quick
- d. Esthetically more pleasant.

2. Disadvantages

- a. Must be properly injected ie. two thirds of total dosage at the rate of 0.2 ml/sec. with last third given at 1.2 ml/sec. Failure to do so results in overexcitation and convulsions.
- b. Difficulty in restraining animal for time needed to properly introduce drug in vein.
- c. Trained personnel required.
- d. Intravenous route recommended.
- e. Individual restraint required of each animal.
- f. Cannot be given to cats intraperitoneally.

H. ~~Sodium Pentobarbital~~

1. ~~Advantages~~

- a. ~~Speed of action - works in seconds or time.~~
- b. ~~Depresses entire central nervous system.~~
- c. ~~Smooth induction of euthanasia.~~
- d. ~~Minimal discomfort to animal.~~
- e. ~~Favorable impression to observer.~~
- f. ~~Can be given intraperitoneal and intracardiac routes as well as intravenously.~~

2. ~~Disadvantages~~

- a. ~~Schedule II drug requiring USDEA permit.~~
- b. ~~Trained personnel required.~~
- c. ~~Individual restraint of each animal.~~

I. Electrocution

1. Advantages

None

2. Disadvantages

- a. Extremely dangerous
- b. Unpleasant
- c. Too time consuming for mass euthanasia.
- d. Death doesn't always occur in small animals.

J. Gunshot

1. Advantages

- a. Instant death

2. Disadvantages

- a. Dangerous to personnel
- b. Esthetically unpleasant
- c. Must hit brain
- d. Brain destroyed for rabi testing if needed.

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Exhibit 4

NATIONAL ANIMAL CONTROL ASSOCIATION  
P.O. BOX 1178  
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(406) 245-8989 Ext. 227

Darlene Larson  
Vice President

- b. Takes longer on young animals.
- c. Malfunctions can occur.
- d. Overcrowding in tank.
- e. Frightening to animal.
- f. Outlawed in some states.
- C. Hydrogen Cyanide
  - Too dangerous to be used on routine basis.
- D. Carbon Monoxide
  - 1. Advantages
    - a. Painless
    - b. Animal is unaware.
  - 2. Disadvantages
    - a. Leakage dangerous to personnel.
    - b. Time consuming.
    - c. Filtering and cooling of gas necessary.
    - d. Overcrowding
- E. Carbon Dioxide
  - 1. Advantages
    - a. Cheap-once facilities are constructed.
  - 2. Disadvantages
    - a. Heavier than air - climbing animals will survive.
    - b. Difficult to administer in mass euthanasia
    - c. Overcrowding
- F. Rapid decompression - high altitude chamber
  - 1. Advantages
    - a. Safe for personnel.
    - b. Humane when used properly.
  - 2. Disadvantages
    - a. Malfunctioning common.
    - b. No longer manufactured - replacement parts hard to obtain.
    - c. No one in Montana to certify proper functioning on a yearly basis.
    - d. Esthetically unpleasant as operator must watch to ensure proper functioning.
    - e. Lack of understanding mechanisms.
    - f. Accidental recompression and recovery followed by another decompression.
    - g. Tolerance of immature animals.
    - h. Overcrowding.
    - i. Bloating, bleeding, vomiting, defecation and urinating.
    - j. Pain occurs if respiratory or ear infections exist.
  - K. Outlawed in many states.

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Exhibit 4

NATIONAL ANIMAL CONTROL ASSOCIATION

P.O. BOX 1178  
Billings, MT 59103  
(406) 245-8989 Ext. 227

Darlene Larson  
Vice President

Testimony for Passage of HB 90

~~In animal welfare and control work, the act by which animals are put to death peacefully and without pain is known as euthanasia. This is an act abhorred by the general public as well as those responsible for the task. Nevertheless, it must be done. The very least that can be done is to allow the animals to be put to sleep gently, painlessly and with the least stress possible.~~

~~The American Humane Association and the Humane Society of the United States recommend injection of sodium pentobarbital, a schedule II drug. Although there is no ideal form of euthanasia, this method has the least disadvantages.~~

~~Criteria for judging methods of euthanasia are:~~

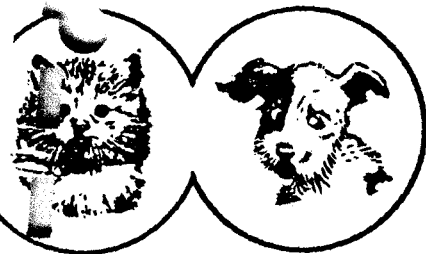
- ~~1. Ability to cause death without pain~~
- ~~2. Time required for unconsciousness and death~~
- ~~3. Reliability~~
- ~~4. Safety of personnel~~
- ~~5. Potential for minimizing undesirable psychological stress to animal.~~
- ~~6. Compatibility with objectives~~
- ~~7. Emotional effect on operators~~
- ~~8. Economics~~
- ~~9. Availability and potential for abuse.~~

~~There are many methods to kill an animal. When mass euthanasia is called for, the method must fit the above criteria. In 1982 the Billings Animal Shelter euthanized 4,397 animals. Many methods would be costly, dangerous and time consuming with such a large number of animals.~~

Methods Available

- A. Inhalants - ether, halothane, methoxyflurane, chloroform
  1. Advantages
    - a. Good for rodents and birds.
    - b. Chloroform, Halogen, and methoxy flurane are non flammable and non explosive under ordinary circumstances.
  2. Disadvantages
    - a. Occupational exposure is a health hazard.
    - b. Ether is explosive and flammable.
    - c. Chloroform in flame produces phosgene gas.
    - d. Cost is prohibitive.
- B. Nitrogen Tank
  1. Advantages
    - a. Availability
    - b. Minimal hazard to personnel.
    - c. Effective
  2. Disadvantages
    - a. Esthetically unpleasant to personnel who must watch.

A non-profit corporation representing the interests of animal control



P.O. Box 914  
2125 North Rouse  
Bozeman, Montana

59715

February 3, 1983

Re: House Bill 90

On behalf of the Humane Society of Gallatin Valley and other animal shelters in Montana, I strongly encourage your support of HB90, which would enable shelters to apply for permit to purchase sodium pentobarbital for euthanasia of animals.

~~Animal shelters throughout the state must provide euthanasia of sick, injured, and unwanted animals as a routine public service, because members of society cannot or will not take care of them. In Bozeman alone, 1,305 animals had to be humanely destroyed by the Humane Society in 1982.~~

Euthanasia of animals should be done by the best method available. The method used should be quick and painless to the animal, safe for the handler, of reasonable, affordable cost, and acceptable to the public. Proper use of sodium pentobarbital is all of these.

~~The American Veterinary Medical Association, the American Humane Association (AHA), and the Humane Society of United States (HSUS) have all conducted extensive studies of euthanasia methods, and all concluded that injection of sodium pentobarbital is the preferred method. Use of this drug for euthanasia of animals has also been approved by the Federal Drug Enforcement Administration.~~

~~Training of animal shelter personnel in the use of the drug for euthanasia of animals is available from reliable sources. Local veterinarians in several Montana cities have already provided such training, and others have offered to do so.~~

~~The staff at the Humane Society Animal Shelter in Bozeman have been trained by a local veterinarian, who now dispenses the drug to the shelter for euthanasia purposes. Our experience with use of the drug for euthanasia has convinced us that, all aspects of euthanasia considered, it is far superior to alternative methods. Considering the cost, in 1982 our euthanasia drug expense was less than \$480—very reasonable.~~

~~Training of shelter personnel is also available from seminars conducted by HSUS and AHA, usually with cooperation of a School of Veterinary Medicine. Such a seminar was recently held at Colorado State University, and others are scheduled regularly.~~

~~Not all shelters in Montana are as fortunate as ours in Bozeman. Some are in areas without veterinarians. Others are unable to obtain the cooperation of a veterinarian willing to dispense sodium pentobarbital. Therefore many shelters in Montana are using other, less desirable methods of euthanasia.~~

FROM: Humane Society of Gallatin Valley  
TO: House Human Service Committee  
DATE: February 3, 1983  
RE: House Bill 90

(2)

Please consider the alternative methods available, some of which are being used by shelters in Montana:

- 1.) Veterinarian administered sodium pentobarbital. Most veterinarians do not want to be responsible for mass destruction of animals at their clinics. It can be bad for their practice. Most also find it difficult to take time from their practice to do the unpleasant task at the animal shelter. Most shelters are unable to afford to pay veterinarians for daily euthanasia service, and animal shelters can receive an animal in need of euthanasia at any time of day or night.
- 2.) Shelter staff administered T61. This drug can be purchased by animal shelters. It is twice as expensive as sodium pentobarbital. Many veterinarians and animal welfare organizations are opposed to the use of this drug, because it is not certain that the drug causes narcotic unconsciousness before respiratory paralysis. T61 is also known to cause cerebral excitation and/or pain if not administered intravenously according to instructions calling for precisely timed injection.
- 3.) High Altitude Euthanasia Chamber. Except for purchase, installation, and periodic maintenance costs, use of the chamber is inexpensive. If operating properly, it is believed to cause a quick painless death to animals. However, qualified personnel with equipment necessary to test the chamber to insure proper function are few and far between. Because of strong public opposition to use of the chamber, it has been outlawed in many states, including neighboring Wyoming.
- 4.) Carbon monoxide from car exhaust. Unless the exhaust is properly filtered and cooled by special equipment before entering the compartment holding the animal, this method causes burning, suffering, and a slow death. It can also be risky for the handler. It is not favored by the public.
- 5.) Specially manufactured gas euthanasia chambers. For many years the Humane Society in Bozeman used a Nitrogen Euthanasia Unit. Although considered humane when working properly, the gas was expensive, the animals being euthanized were prone to involuntary convulsion after unconsciousness, and obtaining parts and service for the unit was difficult. Similar units have been manufactured to be used with bottled carbon monoxide, but they can cause risk of poisoning the handler if gas should escape. These units have also been outlawed in several states.
- 6.) Shooting. If the animal is shot at close range and killed instantly, this method can be considered humane. However, discharging a firearm repeatedly for the euthanasia of numerous animals creates risk of injury to the animal, handler, and others. It is also unacceptable in the public eye.

~~Clearly, the use of sodium pentobarbital for euthanasia of animals is the most desirable method. Passage of HB90 will enable more shelters to use this method, benefiting the shelters, the animals, and improving public opinion that strongly affects the financing of animal shelters throughout the state.~~



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Public Health 3/2/83

Exhibit 5

FROM: Humane Society of Gallatin Valley  
TO: House Human Service Committee  
DATE: February 3, 1983  
RE: House Bill 90

(3)

~~Animal shelters can comply with necessary safety and security requirements. The Federation of Montana Humane Societies has minimum shelter standards to which all member agencies operating shelters must comply.~~

~~The Humane Society Animal Shelter in Bozeman maintains precise records regarding all animals handled and all activities. Euthanasia records include the date and time of euthanasia, identification and weight of animal, amount of drug used per animal, and name of employee administering the drug. These records are closely reviewed by staff supervisors, as are the employees using the drugs.~~

At least 14 states have passed legislation similar to HB90, and others will certainly do so in the future as they recognize the importance and benefit of the legislation. I sincerely hope Montana will be one of them.

Thank you for your time and consideration in the review of this proposed legislation.



Diane Lane  
Executive Director



TELEPHONE 549-3934

1105 CLARK FORK DR.

MISSOULA, MONTANA 59802

January 30, 1983

Legislative Committee Members  
Re H. B. # 90

With the passage of HB#90 we are aware that governing boards will place stringent requirements on whether or not a Humane Society would qualify for the possession of sodium pentobarbital to be used for euthanasia of unwanted animals. These requirements will include maximum storage, strict accountability of it's use, and records!.....This is as it should be, and we support it 100%.

It is our feeling that each agency should apply and be rejected and or accepted on thier own merits.

~~For years the public has placed a huge responsibility and burden on our agencies, in that according to Montana law, we must humanely destroy surplus and unwanted animals that the public has allowed to be born, because they have not cared enough to prevent them from being born in the beginning.~~

Whether or not we are a Humane organization or a municipal animal control agency, we must concern ourselves, with not only THAT they die, but HOW, we are are dedicated to the fact that they are entitled to a humane death.

Some Montana agencies rely, on what we refer to as mechanical methods of euthanasia, such as the high altitude chamber, carbon monoxide, and carbon dioxide, and chloroform boxes etc. Using any of those methods we have no back up method, which we feel that we are entitled to. Some agencies in this state employ a Veterinarian to euthanize the animals, this is often most inconvenient for the Veterinarian, our staff, and most of all the animal, and we do not feel that we should prevail upon the Veterinarians to do this work, plus the fact that it is more expensive than most of us can afford.

~~We are not a group of irresponsible people, the majority of us are long time residents of our respective communities, serving as Board members of our local organization, often handling thousands of dollars and performing dozens of duties to serve our community and the animals in it, all with out pay. We have set standards for our organization to be members of the Federated Humane Societies of Montana, we all have met the requirements set forth by the Internal Revenue Service, and our corporate papers are on file with the Secretary of States office in Helena. Since we meet responsibilities every bit as grave as handling a legitimate drug for the use of euthanizing animals, we feel that we could and would meet the standards set forth by the governing board related to the subject covered in HB90.~~

Taking the lives of innocent creatures whose only crime was being born is an awsome, horrible duty to have to perform, but since there is no other way to control the number of unwanted animals we must take care of it, and in taking care of it we feel, that these hapless creatures do have rights, and that among those rights, is a humane death, when it is with in our power to grant them that.

HB 90 will give us an alternative method to euthanize, when that is deemed necessary.

Please support this bill in this committee and present it to the Legislature.

Sincerely, Barbara Dahlgren, President Federated Humane Societies of Montana

home address 834 Marshall St  
Missoula, Montana 59801



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3/2/83

U.S. Department of Justice Exhibit 7

Drug Enforcement Administration

Washington, D.C. 20537

AUG 18 1980

Ms. Phyllis Wright, Director  
Animal Sheltering and Control  
The Humane Society of  
the United States  
2100 L Street, Northwest  
Washington, D.C. 20037

Dear Ms. Wright:

This is in reply to your correspondence dated July 22, 1980, requesting an update of our letter of March 20, 1978, which outlined the methods whereby animal shelters could obtain and use sodium pentobarbital.

DEA's policy concerning the methods whereby animal shelters can obtain and use pentobarbital sodium has not changed since our letter of March 20, 1978. Animal shelters in states without laws allowing them to purchase drugs directly can still obtain the drug through a cooperating veterinarian registered with DEA at the shelter's location.

Additionally, ~~DEA continues to register those clinics, animal shelters or societies in those states in which the state has recognized them as being authorized to obtain and use controlled substances.~~ Currently this type of authority has been granted by the States of Virginia, Maryland, Indiana, Washington, Utah, New Mexico, Colorado and New York.

If I can be of any further assistance to you in this matter please do not hesitate to contact me.

Sincerely,

Ronald W. Buzzeo, Chief  
Compliance Division



2100 L Street, N.W.  
Washington, D.C. 20037  
(202) 452-1100

January 27, 1983

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Ms. Judy Fenton, President  
Federated Humane Societies of Montana  
P.O. Box 274  
Helena, MT 59624

Dear Ms. Fenton:


Since 1969, The Humane Society of the United States has been active in promoting legislation on the state level authorizing the purchase and use of sodium pentobarbital by incorporated humane societies and city and county animal control departments. At this time, at least twelve states have passed such legislation.

My department is in frequent contact with the U.S. Drug Enforcement Agency, and I can assure you that there have been no major problems with local organizations or departments using the drug for euthanasia.

We feel that when properly trained and certified lay people use sodium pentobarbital, a great deal of fear, stress and apprehension is eliminated for the animals.

There are over 200 animal shelters using this method, and it certainly has proven to be workable and efficient.

Sincerely,

  
Phyllis Wright  
Vice President  
Companion Animals

PW:jdf  
Enclosures

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( Public Health 3/2/83 )

NAME: FRANK D. DAVIS DATE: 3/2/83

ADDRESS: GREAT FALLS, - MT

PHONE: 452.3201 (GREAT FALLS)

REPRESENTING WHOM? MONT. ST. PHARMACEUTICAL ASSN.

APPEARING ON WHICH PROPOSAL: HB-90

DO YOU: SUPPORT?                      AMEND? ✓ OPPOSE?                     

COMMENTS: Change word "use" to "administer" to clarify  
and make uniform the language in this bill

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Page 30 Public Review 3/4/83 EXHIBIT 10

# Montana State Pharmaceutical Association

Incorporated  
P.O. BOX 6335  
GREAT FALLS, MONTANA 59406  
TELEPHONE 406-452-3201

March 2, 1983

Testimony to amend HB90 - by Frank J. Davis, R.Ph.

The Montana State Pharmaceutical Association wishes to propose the following amendment to the statement of Intent and to HB90 to which it applies. The amendment is proposed for the following reasons:

1. Sodium Pentobarbital is a Schedule II dangerous drug. MCA 50-32-223 states criteria for placement of drugs in Schedule II. The board shall place a drug in Schedule II if it finds that:

- (1) the drug has high potential for abuse;
- (2) the drug has currently accepted medical use with severe restrictions; and
- (3) the abuse of the drug may lead to severe psychic or physical dependence.

2. To make the language of the sections of the law being added consistant with the existing language in the dangerous drug act. In all sections of the present act where reference is made to the application of dangerous drugs to a body the word "administer" is used, and not the word "use".

3. There is a definition of the word "administer" in the dangerous drug act beginning on line 16 of page 1 of this act - HB90. There is no definition for "use". To "administer" a dangerous drug requires the direction of a licensed practitioner or his authorized agent, who is a person knowledgable in the proper administration techniques and as well the required record keeping for dangerous drugs with the federal Drug Enforcement Administration.

4. This amendment will give us uniform language, a clear indication of intent from the legislature to the Board of Pharmacists to write their administrative rule to accomodate this limited license and more specific and definable terms for legal interpretation.

We will appreciate your favorable action on this proposed amendment.

Sincerely

*Frank J. Davis*

CH 110

49th Legislature

HB 90

HB 90

Proposal by the Montana State Pharmaceutical Association to amend HB 90 and its Statement of Intent by changing the word "use" to "administer" or "administration" on the following lines and pages:  
Statement of Intent: Lines 7, 15, 17, and 23.  
HB 90: Page 1 - line 6; page 7 - line 24 and page 8 - line 4.

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1	STATEMENT OF INTENT	1	entity falls within the definition of "humane society";
2	HOUSE BILL 90	2	6. establish standards for determining what terms and
3	House Human Services Committee	3	conditions should be imposed on a permit; and
4		4	7. establish and charge a fee commensurate with the
5	House Bill 90 requires a statement of intent because it	5	cost of issuing the permit.
6	requires the Board of Pharmacists to adopt rules for the		
7	sale to, and possession and <del>use</del> <sup>of</sup> sodium pentobarbital by		
8	humane societies.		
9			
10	The legislature contemplates that the rules should		
11	consider procedures for application by humane societies,		
12	among other things, and:		
13	1. that the limited permit should be granted only to		
14	those humane societies whose personnel have the direction of		
15	a veterinarian or other person licensed to buy, possess, and		
16	<del>use</del> <sup>administer</sup> the drug;		
17	2. that procedures be implemented to insure adequate		
18	direction be given by such licensed person in the <del>use</del> <sup>administration</sup> of the		
19	drug, including proficiency requirements for persons		
20	administering and having access to the drug;		
21	3. that standards for safe storage of the drug be		
22	considered;		
23	4. that procedures for keeping accurate records of the		
24	<del>purchase, storage, and use</del> <sup>administration</sup> be kept by humane societies		
25	granted the limited permit;		
	5. establish standards for determining whether an		

2011

Approved by Comm. on Human Services

HOUSE BILL NO. 90

INTRODUCED BY HARPER, KEENAN, NILSON,

O'CONNELL, SALES, STOBIE, VELEBER,

VINCENT, REAM, HENSTAD

*2. (Ministry)*

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE USE OF  
~~EUTHANIZING--SUBSTANCES--CONTAINING SODIUM PENTOBARBITAL BY~~  
~~INCORPORATED HUMANE SOCIETIES AND ANIMAL-CONTROL-SHELTERS TO~~  
~~EUTHANIZE DOMESTIC PETS AND ANIMALS; DEFINING--HUMANE~~  
~~SOCIETY--AMENDING SECTION 50-32-101, MCA."~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-32-101, MCA, is amended to read:

"50-32-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Administer" means the direct application of a dangerous drug, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) a practitioner (or by his authorized agent); or  
(b) the patient or research subject at the direction and in the presence of the practitioner.

(2) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or

contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(3) "Board" means the board of pharmacists provided for in 2-15-1843.

(4) "Bureau" means the drug enforcement administration, United States department of justice, or its successor agency.

(5) "Counterfeit substance" means a dangerous drug which or the container or labeling of which without

authorization bears the trademark, trade name, or other identifying mark, imprint, number, or device or any likeness

thereof of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the drug.

(6) "Dangerous drug" means a drug, substance or immediate precursor in Schedules I through V hereinafter set forth.

(7) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a dangerous drug, whether or not there is an agency relationship.

(8) "Department" means the department of commerce provided for in title 2, chapter 15, part 18.

(9) "Dispensar" means to deliver a dangerous drug to an ultimate user or research subject by or pursuant to the

Page 2

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1 state; and

2 (b) a pharmacy or other institution licensed,  
3 registered, or otherwise permitted to distribute, dispense,  
4 or conduct research with respect to or to administer a  
5 dangerous drug in the course of professional practice or  
6 research in this state.

7 ~~§237.124~~ The term "prescription" is given the meaning  
8 it has in 37-7-101.

9 ~~§247.125~~ "Production" includes the manufacture,  
10 planting, cultivation, growing, or harvesting of a substance  
11 or drug regulated under the provisions of this chapter.

12 ~~§257.126~~ "State", when applied to a part of the United  
13 States, includes any state, district, commonwealth,  
14 territory, insular possession thereof, and any area subject  
15 to the legal authority of the United States of America.

16 ~~§267.127~~ "Ultimate user" means a person who lawfully  
17 possesses a dangerous drug for his own use or for the use of  
18 a member of his household or for administering to an animal  
19 owned by him or by a member of his household."

20 ~~NEW-SECTION. Section 2. Sodium--pentobarbital--permit~~  
21 ~~EUTHANIZING--SUBSTANCES--LICENSE -- rulemaking. (1) The board~~  
22 ~~shall issue to any humane society that makes proper~~  
23 ~~application therefor a limited permit LICENSE to buy,~~  
24 ~~<sup>Sodium pentobarbital</sup> possess, and use EUTHANIZING--SUBSTANCES--CONTAINING sodium~~  
25 ~~pentobarbital for the sole purpose of euthanizing injured,~~

-7-

HB 90

1 sick, homeless, or unwanted domestic pets and animals.

2 (2) The board may impose such terms and conditions on  
3 a ~~permit LICENSE~~ <sup>as it considers necessary to ensure the</sup>  
4 ~~proper use and handling of EUTHANIZING--SUBSTANCES--CONTAINING~~  
5 ~~sodium pentobarbital.~~

6 (3) The board shall adopt rules to implement this  
7 section.

8 ~~NEW-SECTION. Section 3. Codification instruction.~~  
9 Section 2 is intended to be codified as an integral part of  
10 Title 50, chapter 32, and the provisions of Title 50,  
11 chapter 32, apply to section 2.

-End-

-8-

HB 90

Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

~~12-22-408. License required - fee. (1.5) On and after July 1, 1979, a humane society which is duly registered with the secretary of state and has been in existence and in business for at least five years in the state of Colorado as a nonprofit corporation or an animal control agency which is operated by a unit of government may apply to the board for a license for the sole purpose of being authorized to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and animals. Any society or agency so licensed shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering the drug. The board may issue a limited license to carry out the provisions of this subsection (1.5). The board shall issue such rules as it deems necessary to insure strict compliance with the provisions of this subsection (1.5) and shall develop in conjunction with the state board of veterinary medicine criteria for training individuals in the administration of the drug. The board may suspend or revoke the license upon determination that the person administering sodium pentobarbital has not demonstrated adequate knowledge required by this subsection (1.5). Nothing in this subsection (1.5) shall be construed to apply to a licensed veterinarian.~~

*Read*

SECTION 3. 12-22-408 (4), Colorado Revised Statutes 1973, 1978 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12-22-408. License required - fee. (4) (b.5) The initial license fee for licenses issued pursuant to subsection (1.5) of this section shall be fifteen dollars. Thereafter, an annual fee of ten dollars shall be imposed, the payment of which shall accompany each application for renewal.

SECTION 4. 12-22-412, Colorado Revised Statutes 1973, 1978 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-22-412. Violations - penalties. (6.5) Any person who violates the provisions of section 12-22-408 (1.5) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SECTION 5. Safety clause. The general assembly hereby

Page 34

Public Health

NAME: Elmer Davis DATE: 3-2-83

ADDRESS: 316 Central Ave West

PHONE: 761-7055

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: HB-90

DO YOU: SUPPORT?            AMEND? ☒ OPPOSE? X

COMMENTS: Do not feel this bill can be regulated  
as written

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Bailey, James H. DATE: 3-2-87

ADDRESS: 717 51st St. S. Mt. Falls, Mt.

PHONE: 727-0477

REPRESENTING WHOM? \_\_\_\_\_

APPEARING ON WHICH PROPOSAL: HB 90

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? X X

COMMENTS: concerning availability of restricted drugs.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

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Public Health

NAME: William A Rogers DATE: 3-2-83

ADDRESS: 5100 9th Ave S Great Falls MT

PHONE: 7618183

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: HB-90

DO YOU: SUPPORT?        AMEND? ~~XX~~ OPPOSE? X

COMMENTS: ~~XXXX~~ This would allow more access  
to drugs by low people - more opportunity for  
mis use.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.