

## Memo

**To:** Tennessee Veterinary Medical Association  
**From:** Meagan Frazier & Lou Alsobrooks  
**Date:** June 13, 2014  
**Re:** 2014 Legislative Wrap-up

---

The second session of the 108<sup>th</sup> General Assembly adjourned on April 17, 2014. Leadership in both houses made a concerted effort to finish by the middle of April to continue their effort to be more efficient. Also 2014 is an election year, and it is important for the legislators to get back to their districts to prepare.

Some items of interest from this session include:

### **Controlled Substances**

Drugs were the hot topic again this session. We spent the majority of our time learning about these bills and how they could affect the practice of veterinary medicine. The profession is often an afterthought when the legislators are drafting bills relating to prescription drugs and could pose a problem to the way veterinarians practice everyday.

During the very last meeting of the House Health Subcommittee SB2547/HB2400 was amended to require reporting of dispensed controlled substances to the Controlled Substance Monitoring Database every 24 hours by the dispenser. Under the amendment all dispensers would also be required to use nationally recognized pharmacy telecommunications format standards. We immediately went to work to notify the bill sponsors about veterinarians' lack of ability to report such information every 24 hours and the lack of the specific kind of software required, which had already been noted in the current law. We were successful in our explanations and the bill was further amended to keep veterinarians at their current level of reporting and to delete the pharmacy software requirement for veterinarians as well. Under the current law, the failure to submit the data by the dispenser can be punishable by the appropriate licensing board. This bill does include a provision that states the failure to submit by a dispenser, "will not be considered a violation if a good faith effort was made and the failure of the report to be transmitted was due to technical difficulties or the inability to have the report received by the database. Such technical difficulties include the failure of the database to receive the transmission of any report, the failure of any dispenser's system or switch used in the transmission of a report, electrical problems, natural disasters, fires, flooding, or other unforeseen circumstance as defined in rules by the board." This bill became Public



Chapter 1011 and is a good example of why TVMA must always be on the plugged in to the happenings of the legislature even when committees are coming to a close.

Governor Haslam's administration passed Public Chapter 622 which allows the publishing of aggregate, unidentifiable information from the Controlled Substance Monitoring Database to the public for educational outreach purposes. It also makes reports from the database that are placed in the patient's medical record subject to disclosure as allowed in the current law regarding medical records. This provision should not have much of an effect on veterinarians since the patient is the animal.

Public Chapter 983 was another attempt to control "pill mills" in Tennessee. The bill requires wholesalers to report to the Board of Pharmacy or other appropriate board when they have received suspicious orders of controlled substances. Suspicious orders include orders of unusual size, orders deviating substantially from a normal pattern, and orders of unusual frequency. The bill also created a prohibition against health care prescribers dispensing an opioids or benzodiazepines. We had the bill amended to exclude veterinarians from this prohibition.

Prior to an authorized dispenser dispensing a prescription for any schedule II-IV opioid, benzodiazepine, zolpidem, barbiturate, or carisoprodol medication for greater than a seven (7) day supply, the dispenser must see government-issued identification of the person taking possession of the drugs unless the dispenser personally knows such person. We also ensured that veterinarians were not subject to this new requirement set forth by Public Chapter 872.

Governor Haslam's meth bill had a difficult road to passage this session. The House and Senate could not agree on the final version of the bill until it went to a Conference Committee. There were a lot of passionate debates on this topic. The important issue for veterinarians to note is that any product containing ephedrine or pseudoephedrine base, or their salts, isomers or salts of isomers is completely legal as long as it is pursuant to a valid prescription issued by a licensed health care practitioner authorized to prescribe by the laws of the state. We understand the products of this type used in veterinary medicine are prescription only.

### **The Business of Veterinary Medicine**

Online applications and renewals of a veterinary license will be possible with the passage of SB1629/HB1425, which was part of Governor Haslam's administrative package. Also Department of Health annual health care facility and pharmacy survey inspection reports will be available to the public with the passage of Public Chapter 949.

The non-payment of the professional privilege tax has kept a professional from being able to renew a license to practice and the passage of Public Chapter 763 does not change that. However it does require the Commissioner of Revenue to submit a list of delinquent taxpayers to the appropriate licensing board monthly in order for the board to hold any



applications for renewal. Upon the payment of the appropriate tax and penalties, the Department of Revenue will alert the board to the payment so the renewal application can proceed.

Due to the egregious acts of a pet crematorium operator in the Cumberland Plateau area, a bill was introduced in an attempt to keep what had happened there from happening in other areas of the state. The bill, SB2284/HB1737, was later amended to require receipts to be given to a pet owner who drops their pet off at a crematorium and to be given a receipt on pick up of the cremains. The receipt would include identifying information of the pet and owner. The failure to provide such a receipt would be a Class E Felony. Knowing many veterinarians have animals picked up from their clinics by crematoriums in cases where the owners may or may not want the cremains, we had licensed veterinarians excluded from this act which is now Public Chapter 1002.

A bill by Senator Delores Gresham and Rep. Andy Holt drew the ire of some animal advocates. It defined the term “disrupt” to mean “to engage in conduct that materially interferes with the operations of the animal facility in a manner and to an extent that the activities conducted by or in the facility are permanently or temporarily halted, compromised, delayed, harmed or impaired.” The word “disrupt” is already used in current law but had not been defined: **39-14-803(b)** “A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility and the damage or loss thereto exceeds five hundred dollars (\$500).” A veterinarian clinic appears to meet the definition of “animal facility” used in this section of the law. The intent of the original law was to protect farm operations and research facilities that use animals.

The Department of Agriculture introduced SB1614/HB1410 to make it clear that entertainment activities are included in the “Right to Farm Act” as long as these activities are secondary to commercial farming. The issue arose from a court case where a neighbor sued her farming neighbor who had a band on his farm in conjunction with an agri-tourism event. The neighbor won her case by pointing out that entertainment was not considered in the “Right to Farm Act.” This bill was important to the Farm Bureau and became Public Chapter 581. Additionally the Farm Bureau passed Public Chapter 568, which was an attempt to streamline the definition of “livestock” throughout Tennessee Code. One change was made within the Veterinary Practice Act but only the reference to the code section was changed. The definition used was the same as had appeared in the Act.

### **Animal Abuse**

A bill, SB1359/HB1260, introduced last session by Williamson County legislators Rep. Jeremy Durham and Senator Jack Johnson was heard in March by the House Agriculture and Natural Resources subcommittee with a new amendment to be considered. It specified the conditions upon which tethering a dog would be acceptable and what would



be considered cruelty to animals. The subcommittee considered the amendment but the legislation failed to pass.

In Governor Phil Bredesen's last year, his office agreed to fund HSUS's "Commercial Breeder Act" or "Puppy Mill Bill" which paved its way towards passage. Included in the final version was a sunset provision that would require the program to be reauthorized. The Act never brought in the money necessary to fund its functions within the Department of Health and was set to end on June 30, 2014 unless reapproved. This session Senator Ferrell Haile and Rep. Susan Lynn introduced a set of two bills to help the Act. Both bills were considered on the same day in the Senate Energy and Agriculture Committee. SB2170/HB2008 was presented with an amendment to remove the inspection process since it was costly. The committee debated it and passed the bill with the amendment. However, the committee then heard the next bill which would have extended the "Commercial Breeder Act" for one more year but the bill failed. Therefore the former was obsolete since the "Act" failed to be reauthorized and will no longer exist on June 30, 2014

### **State Budget**

The legislature passed Governor Bill Haslam's \$32.4 billion balanced budget without making any changes to his proposal. With tight revenues, no raises for state employees or teachers were included as he had originally proposed. There was a big push to completely get rid of the Hall Income Tax but those efforts were not successful due to the low revenues.

### **Public Chapters**

The public chapters are accessible via <http://www.tn.gov/sos/acts/index.htm> by number or subject matter.