

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No 56 (EC)

Introduced by:

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AN ACT TO AMEND SUBSECTIONS (2) AND (29) OF § 67100 OF ARTICLE 1 AND TO ADD NEW SUBSECTIONS (g), (h), and (i) TO § 67.302 OF ARTICLE 3 OF CHAPTER 67 OF TITLE 9 OF THE GUAM CODE ANNOTATED (THE UNIFORM CONTROLLED SUBSTANCES ACT), AND TO ADD A NEW § 121906 TO ARTICLE 19 OF CHAPTER 12, DIVISION 1, PART 1 OF TITLE 10 OF THE GUAM CODE ANNOTATED, TO ALLOW POSSESSION OF APPROVED CONTROLLED SUBSTANCES AT ANIMAL SHELTERS FOR THE HUMANE EUTHANASIA OF ANIMALS AND TO PROVIDE FOR LICENSED EUTHANASIA TECHNICIANS UNDER THE GUAM BOARD OF ALLIED HEALTH EXAMINERS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Statement.** The Legislature finds that amendments to the
3 Guam Uniform Controlled Substances Act (Chapter 67 of Title 9 of the Guam Code
4 Annotated) should be made to allow euthanasia technicians licensed by the Guam Allied
5 Health Board to administer sodium pentobarbital or any controlled substance medically
6 recognized by the American Veterinary Medical Association for the purpose of humane
7 euthanasia of injured, sick or unwanted animals.

8 By way of background, on February 17, 2000, Guam Animals in Need, Inc.
9 (GAIN), a Guam humane society, and Guam Department of Health and Social Services
10 (DPHSS) entered into a six-year contract wherein GAIN would provide all animal care
11 services for cats and dogs delivered to the DPHSS Animal Shelter, Yigo, in accordance
12 with the laws and regulations concerning such care set forth in Articles 1 and 2 of
13 Chapter 34 of Title 10, Guam Code Annotated. These services include the humane
14 euthanasia of sick, injured or unwanted cats and dogs. Humane Euthanasia includes the

1 administration of the controlled substances sodium pentobarbital and other controlled
2 substances used to sedate animals before euthanasia.

3 Guam’s Uniform Controlled Dangerous Substances Act presently prohibits the
4 purchase, possession, or administration to animals of controlled substances by any
5 person other than a veterinarian registered under the Allied Health Practices Act,
6 Chapter 12 et seq. of Title 10 of the Guam Code Annotated. Thus, euthanasia at the
7 Shelter can only be performed by a veterinarian who holds a registration through the
8 DPHSS and the Drug Enforcement Administration (DEA), and who is licensed by the
9 Guam Board of Allied Health Examiners. The present law does not allow GAIN to
10 purchase, possess, or administer such euthanasia drugs through its own DPHSS and
11 DEA registration.

12 The Legislature finds the restrictions of the present law result in animal suffering,
13 in that sick, injured and unweaned animals brought to the Shelter must be transported
14 to a veterinarian for euthanasia, thereby prolonging the animal’s suffering. If the
15 animal is brought to the Shelter on a weekend, it is likely that its suffering will be
16 prolonged until a weekday or until a veterinarian can be located who will agree to
17 euthanize the animal. As well, many registered veterinarians on Guam are reluctant to
18 perform euthanasia. When the veterinarians who are willing to provide such services
19 are not on Guam, it is difficult for GAIN to find veterinarians who are available and
20 willing to provide such services.

21 The Legislature finds that 28 other states have successfully amended their
22 controlled substance laws to allow the purchase, possession, and administration of such
23 euthanasia drugs by animal control shelters and animal pounds, and that these
24 amendments have had a positive impact on reducing animal suffering without causing
25 any danger to the general public.

26 It is the Legislature’s intent to allow animal shelters duly licensed on Guam to
27 apply for licensing to purchase, possess, and administer euthanasia drugs for the

1 specific purpose of humane euthanasia of sick, injured and unwanted animals, and to
2 limit the personnel who may perform such euthanasia to those individuals specifically
3 trained in euthanasia procedures by a registered veterinarian as provided for under the
4 Guam Board of Allied Health Examiners.

5 **Section 2. Amendment to definition "administer" in Guam Uniform**
6 **Controlled Substances Act.** The first paragraph of Subsection (2) of § 67.100 of Chapter
7 67 of Title 9 of the Guam Code Annotated is amended to read:

8 "(2) *Administer*, unless the context otherwise requires, means to apply a
9 controlled substance, whether by injection, inhalation, ingestion or any other means,
10 directly to the body of a patient, an animal, or research subject by:"

11 **Section 3. Amendment of definition "practitioner" in Guam Uniform**
12 **Controlled Substances Act.** Subsection (29) of § 67.100 of Chapter 67 of Title 9 of
13 the Guam Code Annotated is amended to read:

14 "(29) *Practitioner* means a physician, dentist, veterinarian, scientific investigator,
15 pharmacist, pharmacy, hospital, animal shelter, or other person licensed, registered, or
16 otherwise permitted, by Guam, to distribute, dispense, conduct research with respect
17 to, administer, or use in teaching or chemical analysis, a controlled substance in the
18 course of professional practice or research."

19 **Section 4. Exception for purposes of euthanasia.** § 67.302 of Article 3 of the
20 Uniform Controlled Dangerous Substances Act, Title 9 of the Guam Code Annotated, is
21 amended by the addition of the following Subsections (g), (h), and (i):

22 "(g) A public or private animal shelter recognized by the Department of Public
23 Health and Social Services is authorized to purchase, possess, and administer sodium
24 pentobarbital or any other controlled substance medically recognized by the American
25 Veterinary Medical Association for animal euthanasia, for the purpose of humane
26 euthanasia of injured, sick, or unwanted animals. The possession and administering of
27 any controlled substance for euthanasia pursuant to Subsections (g) and (h) of this

1 Section is restricted solely to the premises of an animal shelter recognized by the
2 Department of Public Health and Social Services.

3 (h) Agents of a public or private animal shelter recognized by the Department of
4 Public Health and Social Services shall possess a current euthanasia technician license
5 issued by the Guam Board of Allied Health Examiners to administer controlled
6 substances for euthanasia to injured, sick, or unwanted animals. The requirements for
7 the issuance of a euthanasia technician license shall be determined and developed by the
8 Guam Board of Allied Health Examiners.

9 (i) If a veterinarian assists a recognized animal shelter in obtaining euthanasia
10 drugs, such veterinarian is not liable for any acts or omissions on the part of the staff or
11 agents of the animal shelter.”

12 **Section 5. Euthanasia technician certification.** § 121906 of Article 19 of Chapter
13 12 of Division 1, Part 1 of Title 10 of the Guam Code Annotated, is added to read:

14 “§ 121906. Trained Persons Performing Euthanasia. Notwithstanding any other
15 provision of this Chapter 12, agents or employees of an animal shelter may lawfully
16 possess and administer sodium pentobarbital or any other controlled substance
17 medically recognized by the American Veterinary Medical Association for animal
18 euthanasia for the purpose of humane euthanasia of injured, sick, or unwanted animals;
19 provided, that the agents or employees of the licensed animal shelter have successfully
20 completed a euthanasia technician certification course approved by the Board of Allied
21 Health Examiners. This training shall be conducted by a veterinarian currently registered
22 on Guam, and shall include the following areas: knowledge of federal and Guam laws
23 regarding the proper storage, inventory and handling of controlled substances, the
24 potential hazards of such controlled substances, the use and administration of such
25 controlled substances, humane euthanasia procedures, and other subjects as shall be
26 required by the Guam Board of Allied Health Examiners. Upon certification by the
27 veterinarian that a person has successfully completed the course, the Guam Board of

1 Allied Health Examiners may issue a euthanasia technician license to said person, subject
2 to annual renewal. The Board may revoke or suspend the license at any time for good
3 cause.”