

Veterinary Medical Board

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MEMORANDUM

DATE	July 7, 2014
TO	Veterinary Medical Board
FROM	Annemarie Del Mugnaio, Executive Officer DCA/Veterinary Medical Board
SUBJECT	Animal Control Officer Training Proposal

Background:

Senate Bill 1162, Chapter 594, became effective January 1, 2013. This bill allows animal control officers to carry controlled substances for purposes of tranquilizing animals but imposes certain prerequisite requirements. One of the requirements in the Bill is officers undergo “training approved by the Board.”

Staff reported at the January 2013 Board meeting that the California Veterinary Medical Association (CVMA) is developing a proposed training program. The CVMA prepared and presented a draft training guide at the Board's October 2013 Meeting.

At its April 2014 Meeting, the Board approved the CVMA's proposed guidelines and directed staff to develop proposed regulations in the model of CCR section 2039 and bring back to the Board for review at its July meeting.

Action Requested:

- Review and consider approval of proposed language.
- Direct staff to initiate rulemaking action and schedule public hearing

Attachment(s):

- Animal Control Officer Training proposed language
- Animal Control and Humane Officer Tranquilizer Administration Training Guidelines, June 2014

Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board
Article 4. Practice

2039.5. Animal Control Officer and Humane Officer Training

Any animal control officer or humane officer who seeks to administer a tranquilizer that contains a controlled substance, as defined in Division 10 of the Health and Safety Code, shall have received training as required under section 597.1 of the Penal Code. Training that meets the standards described in "Animal Control and Humane Officer Tranquilizer Administration Training Guidelines, June 2014" which are hereby incorporated by reference, is deemed training "approved by the California Veterinary Medical Board" pursuant to Penal Code section 597.1(a)(2)(A).

Authority: Section 4808, Business and Professions Code, Section 597.1, Penal Code;
Reference: 597.1, Penal Code

Animal Control and Humane Officer Tranquilizer Administration Training Guidelines June 2014

I. Introduction

Effective January 1, 2013, animal control or humane officers may possess and administer tranquilizers that contain a controlled substance provided certain statutory requirements are met.

This document is the outline for the training required under Section 597.1(a)(2)(A) of the Penal Code and has been approved by the Veterinary Medical Board (Board) for such purpose.

a. Summary Requirements [Penal Code § 597.1(a)(2)]

- i. Board approved training must be provided by a California licensed veterinarian in good standing.
- ii. Board approved training must cover all the material in these Guidelines
- iii. All animal control or humane officers are eligible for training to administer tranquilizers that contain a controlled substance.
- iv. Board approved training must be a minimum of four hours and include didactic and hands-on training.
- v. A California licensed veterinarian providing Board approved training must:
 1. Cover all the material in the Guidelines.
 2. Administer an examination upon completion of the required curriculum that includes all controlled substances that may be used by the officer during his or her employment with the agency or organization.
 3. Issue a signed certificate of training to each animal control or humane officer who successfully completes the course.
- vi. Board approved training must also include training in:
 1. **PC 832 Course (Firearms-Component only).** The animal control or humane officer must complete the firearms-component of the Penal Code § 832 course. This 24-hour course includes a firearms range qualifications examination. The Commission on Peace Officers Standards and Training website (<http://www.post.ca.gov/>) lists upcoming courses. [Penal Code § 597.1(a)(2)(B)]

2. **Official Policy.** The agency or organization must have a policy regarding the possession and administration of the tranquilizer to be used and that policy must be approved by the veterinarian who obtained the controlled substance.

Note: Although the statute does not specify that the policy must be in writing, best practices would dictate that this policy, the veterinarian's approval, and the (below) agency authorization be in writing. [Penal Code § 597.1(a)(2)(C)]

3. **Agency Authorization.** The animal control or humane officer must be specifically authorized by his or her agency or organization to possess and administer the tranquilizer in accordance with the official policy. [Penal Code § 597.1(a)(2)(C)]

4. **Euthanasia Training.** The animal control or humane officer must complete the euthanasia training set forth in Section 2039 of Title 16 of the California Code of Regulations.

Note: The State Humane Association of California and the California Animal Control Directors Association list many of the available trainings on their websites (www.californiastatehumane.org and www.cacda.org). [Penal Code § 597.1(a)(2)(D)]

5. **Fingerprinting.** The animal control or humane officer must complete state and federal fingerprinting background check.

Note: All humane officers and some animal control officers have already completed state and federal fingerprinting background checks as a condition of appointment (humane officers) or employment (animal control officers). [Penal Code § 597.1(a) (2) (E)]

6. **No Alcohol/Drug-Related Convictions.** The animal control or humane officer may not have any drug- or alcohol-related convictions. [Penal Code § 597.1(a)(2)(E)]

II. General

Board approved training must include a basic understanding of which substances qualify as “controlled”, which substances will be used by the agency, and how to understand and read weights and measures.

a. Definition of “Controlled Substance”

- i. The animal control or humane officer must be familiar with current federal and California definitions of a controlled substance and how and why these substances are placed in their various schedules and classifications.
- ii. Required Reference:
 1. Drug Enforcement Administration: Controlled Substances Act of 1970, as may be amended.
 2. California Health and Safety Code: Section 11007 and Sections 11054-11058, as may be amended.

b. Identification of specific drugs that will be used by the agency

- i. Each controlled substance that will be authorized by the agency for use in chemical capture/immobilization must be reviewed during the training.
 - 1. If an agency wishes to authorize the use of a controlled substance by an animal control or humane officer after this training has been completed, the animal control or humane officer must receive training from a California-licensed veterinarian in the use of that substance and the policy must be updated accordingly.
 - 2. Any additional training must be documented by the agency.
- ii. The animal control or humane officer must be familiar with and be able to demonstrate an understanding of the type of drug used, its DEA schedule classification and be aware of any hazards associated with exposure to the substance.
- iii. All controlled substances used by the agency and reviewed during the training must be accompanied by the appropriate Material Safety and Data Sheet (MSDS). Each MSDS should be reviewed to provide the animal control or humane officer with procedures for handling or working with that substance in a safe manner.

c. Understanding of common units of measure

- i. The animal control or humane officer should understand common units of measure for both weight and volume, their abbreviations, and how they relate to one another.
 - ex: ml, cc, oz, lb, Kg, mg
 - ex: 1 ml=1cc, 16 oz = 1lb
- ii. The animal control or humane officer should be familiar with the syringes and darts that will be used for delivery of the controlled substance, how to determine their carrying capacity, and how to maintain sterility.
- iii. The animal control or humane officer should be familiar with the bottles and containers that hold the controlled substances and how to read the label to determine the name of the drug, concentration, route of administration, volume and expiration date.

III. Use of Tranquilizers Containing Controlled Substances

The training must include all of the following for each drug and administration route available to the animal control or humane officer and for each species that is likely to be tranquilized in the field.

a. Understand the classification and the method of action of each drug

b. Understand common drug combinations/mixtures

- i. Advantages/disadvantages of drug combinations
- ii. Altered/enhanced effect of individual drugs in the mixture
- iii. How to formulate and store the mixture

- iv. How long the mixture remains effective – expiration date of the mixture
- c. Be able to determine which drug or combination/mixture is appropriate for each situation and species**
- i. An understanding of how the following factors can affect the choice of drug(s) and dosage:
 - 1. Age of the animal
 - 2. Animal's condition (emaciated, weak, etc.)
 - 3. Animal's temperament (agitated, frightened, aggressive, depressed, etc.)
 - 4. Duration of effect
 - 5. Contraindications and precautions for various species or situations
 - 6. Drug side effects
 - 7. Reversing agents
- d. Understand the method and route of administration**
- i. Be proficient with the equipment available to administer drugs, and have an understanding of the advantages and disadvantages of each method, including:
 - 1. Syringe and needle
 - 2. Pole syringe
 - 3. Dart (tranquilizer) gun
 - 4. Blow gun
 - ii. Be proficient at each route of drug administration and have an understanding of the advantages and disadvantages of each route, including:
 - 1. Intramuscular
 - 2. Subcutaneous
 - 3. Intravascular
 - 4. Intraperitoneal
 - iii. Understand species differences when determining the appropriate method and route of administering tranquilizing drugs.
 - iv. Understand potential complications with each method and route of drug administration.
- e. Be able to calculate the proper drug dosages for each drug and species. The training should include how to calculate a drug dosage with the following considerations:**
- i. How to estimate the animal's weight
 - ii. How to estimate the animal's age
 - iii. How the animal's condition (emaciated, weak, etc.) will affect drug dosage

- iv. How the animal's temperament (agitated, frightened, aggressive, depressed, etc.) will affect drug dosage, onset of action and duration of tranquilization
- v. How species variations affect dosage for each drug
- vi. Why the calculated dosage may be different than the label dosage
- vii. How to identify drug overdose or adverse drug reactions
 - 1. Have an understanding of the signs of a drug overdose or adverse drug reaction
 - 2. Learn the proper steps to reverse the overdose, if available, including dosage and route of administration
 - 3. Be proficient in providing supportive care in the event of a drug overdose or adverse drug reaction
 - 4. Be able to identify when an animal requires veterinary care as a result of complications due to tranquilization

IV. Caring for Tranquilized Animals

The training must include a thorough understanding of normal and abnormal signs and behavior as well as how to care for an animal that is tranquilized in the field.

- a. Be proficient in identifying normal and abnormal behavior for tranquilized animals**
- b. Understand and be able to administer normal supportive care required for a tranquilized animal, such as:**
 - i. Temperature control
 - ii. Maintaining an open airway
 - iii. How to protect the eyes of a tranquilized animal
 - iv. Be able to recognize and provide supportive care for the animal when needed due to drug overdose, adverse drug reaction or other complications
 - v. Be able to identify when an animal requires veterinary care as a result of complications due to tranquilization
- c. Be proficient at administering CPR for various species**
- d. Be proficient in properly and safely transporting a tranquilized animal**

V. Federal Laws Governing the Use of Controlled Substances

The training must include information regarding the Federal Control Substances Act and the regulations promulgated by the Drug Enforcement Agency related to the use of controlled substances.

a. Federal Controlled Substances Act and Regulations: Federal laws governing who is able to possess and administer controlled substances, drug schedules, registration, penalties for violation, etc.

- i. Statutes: 21 U.S.C. 801 et seq:
- ii. Regulations: 21 CFR 1300 – 1399

The full text of these laws can be found on the DEA’s website: www.deadiversion.usdoj.gov

b. Registration

- i. A separate registration is required for each principal place of business where controlled substances are manufactured, distributed, imported, exported or dispensed. 21 U.S.C 822(a); 21 CFR 1301.12

c. Persons Authorized to Possess and Administer Tranquilizers that Contain Controlled Substances

- i. A veterinarian
- ii. An animal control officer or humane officer who has successfully completed the requirements of Section 591.1(a)(2) of the Penal Code

d. Recordkeeping and Inventory Control

- i. Understand the “closed” system required by the DEA.
- ii. Controlled Drug Logs
 - 1. The practitioner registered with the DEA is responsible for maintaining drug logs on each controlled substance in his/her possession.
 - There must be an **individual drug log** for each controlled substance that includes the name of the drug, schedule, form, strength, the date, name and address of the client, species of animal, name of animal, practitioner ordering and administering the drug, the amount held over, used and the final amount remaining. 21 CFR 1304.22
- iii. Biennial Inventory: The practitioner registered with the DEA must prepare a biennial inventory of all controlled substances in inventory. 21 CFR 1304.11
- iv. Monitor Losses: Regularly compare the actual amount on hand with the amount indicated in your log to make sure they match. If there is a significant difference, you must notify the DEA and the local police of the loss. Correcting entries should be made into your log to account for measurement errors. (See Section V i – Loss or Theft of Controlled Substances)

Note: Recordkeeping and inventory are the responsibility of the veterinarian, who is the DEA licensee. Regardless, the animal control or humane officer should be aware of the requirements and work with the veterinarian to ensure compliance.

e. Physical Security Controls

Controlled substances in Schedules II, III, IV and V must be stored in a securely locked, substantially constructed cabinet. 21 CFR 1301.75. In the field, they should be stored in a locked cabinet that is physically attached to an inside area of the animal control or humane officer's vehicle.

f. Access to Controlled Substances

Any person convicted of a felony offense relating to controlled substances or who at any time had an application for DEA registration denied, revoked or surrendered cannot have access to controlled substances. 21 CFR 1301.76

g. Disposal

- i. Excess drugs should be placed in an injection bottle, vial or ampule that is used specifically for that purpose and labeled as "Waste Controlled Substance". The container must be stored in a securely locked, substantially constructed cabinet until disposed of through an authorized reverse distributor.
- ii. Outdated or otherwise unwanted scheduled drugs should be given to a reverse distributor for destruction.

Note: Contact your local DEA field office for a list of authorized reverse distributors.

h. Loss or Theft of Controlled Substances

- i. Monitor losses: Regularly compare the actual amount on hand with the amount indicated in your log to make sure they match. Make correcting entries as needed.
- ii. If there is a theft or significant loss, you must:
 1. Within one business day of the discovery of the loss or theft, notify *in writing* the Field Division Office of the DEA in the area where the registrant is located. 21 CFR 1301.76
 2. Submit to the Field Division Office a DEA Form 106. 21 CFR 1301.76
 3. Notify the local police agency

VI. Supervision

The training must include information regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency.

- a. The animal control or humane officer** is permitted to administer controlled substances under the direct or indirect supervision *as determined* by a California-licensed veterinarian pursuant to the

following:

- iii. **Penal Code 597.1 section (a)(2):** Notwithstanding any other law, if an animal control officer or humane officer, when necessary to protect the health and safety of a wild, stray, or abandoned animal or the health and safety of others, seeks to administer a tranquilizer that contains a controlled substance, as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, to gain control of that animal, he or she may possess and administer that tranquilizer with direct or indirect supervision as determined by a California-licensed veterinarian.
- iv. **Cal. Code Regs., tit. 16 § 2032.1 subd. (a):** *Except where the patient is a wild animal or its owner is unknown*, it shall constitute unprofessional conduct for a veterinarian to administer or prescribe a drug, medicine, appliance, or application or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture or bodily injury or disease of an animal without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client. It shall also constitute unprofessional conduct for a veterinarian to prescribe, dispense, or furnish either a veterinary drug, as defined by Section 1747.1, Title 16, California Code of Regulations, or a dangerous drug, as defined by Section 4022 of the code, without having first established a veterinarian-client-patient relationship with the animal patient or patients and the client.
- v. **Cal. Code Regs., tit. 16 § 2034 subd. (e):** "Direct Supervision" means: (1) the supervisor is physically present at the location where animal health care job tasks are to be performed and is quickly and easily available; and (2) the animal has been examined by a veterinarian at such time as good veterinary medical practice requires consistent with the particular delegated animal health care job task.
- vi. **Cal. Code Regs., tit. 16 § 2034 subd. (f):** "Indirect Supervision" means: (1) that the supervisor is not physically present at the location where animal health care job tasks are to be performed, but has given either written or oral instructions ("direct orders") for treatment of the animal patient; and (2) the animal has been examined by a veterinarian at such times as good veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized as defined in Section 2032.4.

The official policy of each agency should clearly state whether an animal control or humane officer is permitted to administer controlled substances under direct supervision, indirect supervision, or if the level of supervision will be determined on a case-by-case basis.

VII. Examination and Certification

a. Examination

The trainer shall administer an examination at the end of the training that covers the required curriculum, including information about each controlled substance that may be used by the animal control or humane officer in his or her employment with the agency or organization. The examination may be oral or written, include a practical component and must demonstrate to the

satisfaction of the trainer that the animal control or humane officer is competent to possess and administer tranquilizers in a safe and humane manner.

b. Certification

Upon successful completion of the course, the trainer shall issue a signed certificate verifying that the animal control or humane officer completed the course.

VIII. Suggestions and Best Practices on Implementation of These Guidelines

- a. **Recordkeeping – Animal control or humane officers must be familiar with the recordkeeping requirements pursuant to**
 - i. Drug Enforcement Administration, as may be amended
 - ii. California Code of Regulations, as may be amended
- b. **Written Protocols and Policies**
 - i. The animal control or humane officer should be familiar with the requirement that the agency establish a policy authorizing the use of controlled substances, and be provided guidance, examples, or templates of such policies.
 - ii. Agencies should be encouraged to write protocols outlining the procedure for use and administration of a controlled substance, and be provided examples or templates of such protocols.
- c. **Training Updates**
 - i. Animal control and human officers should regularly review the training materials to ensure familiarity with the information and methodology.
 - ii. Animal control and human officers who use firearms and/or devices that shoot projectiles should develop a regular schedule where they practice their marksmanship and maintain familiarity with how the equipment works.
 - iii. Any new controlled substances that were not reviewed in the original training should be reviewed thoroughly with a California-licensed veterinarian prior to their use.
 1. These new substances must also be incorporated into the existing policies and procedures prior to use.
- d. **Reference Material** - Each animal control or humane officer should be provided with a manual that contains the materials reviewed in the training, including, but not limited to:
 - i. Clearly marked sections for each category required in the training and a table of contents and/or index
 - ii. Tables and diagrams that explain and review the information presented
 - iii. Quick reference guide for dosages and common questions or situations
 - iv. References for the source materials presented, including relevant governing laws/regulations

- v. References to best practice publications
- vi. Templates/examples of forms, policies, and procedures

IX. Resources

U.S. Drug Enforcement Administration

1. Practitioner's Manual
<http://www.deadiversion.usdoj.gov/pubs/manuals/pract/index.html>

PDF version:
http://www.deadiversion.usdoj.gov/pubs/manuals/pract/pract_manual012508.pdf
2. Security Outline of the Controlled Substances Act of 1970
<http://www.deadiversion.usdoj.gov/pubs/manuals/sec/index.html>
3. Code of Federal Regulations, Section 1304
<http://www.deadiversion.usdoj.gov/21cfr/cfr/2104cfrt.htm>
4. Section 1304.11 – Inventory Requirements
http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304_11.htm
5. Section 1304. – Records for manufacturers, distributors, dispensers, researchers, importers and exporters. Specifically for dispenser - sub-section (c)
http://www.deadiversion.usdoj.gov/21cfr/cfr/1304/1304_22.htm
6. Code of Federal Regulations, Section 1301 – Separate Registrations for Separate Locations
http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301_12.htm
7. Section 1301.75(b) Physical security controls for practitioners
http://www.deadiversion.usdoj.gov/21cfr/cfr/1301/1301_75.htm

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1. Controlled Substances FAQ for California-Licensed Veterinarians
http://vmb.ca.gov/licensees/controlled_subs.shtml

