

From: Glaccum, David <DavidGlaccum@gov.sc.gov>
To: Baker, JoshJoshBaker@gov.sc.gov
Haley Mottelhaleymotettel@gov.sc.gov
Veldran, KatherineKatherineVeldran@gov.sc.gov
Date: 6/1/2016 3:31:44 PM
Subject: Fwd: shelters

Ott attached bad amendment related to mobile veterinarian practice to a bill we would have otherwise supported. We are not supportive of the amendment, and I would venture to say we will veto it.

Haley - correct me if I am wrong but didn't the Governor tell some people she opposed these new regulations? Thanks.

David M. Glaccum
Office of Governor Nikki R. Haley

Sent from my iPhone

Begin forwarded message:

From: Holly Beeson <Holly.Beeson@llr.sc.gov>
Date: June 1, 2016 at 3:24:25 PM EDT
To: "Glaccum, David" <DavidGlaccum@gov.sc.gov>
Subject: RE: shelters

SCAV is behind the bill, and Verdin supports it (because his father and brother are veterinarians, we have always been told). I am certain he will push it through the Senate if the clock doesn't get it first. I am certain they are busily trying to devise a maneuver to get third reading today so the Senate would still have tomorrow to concur to the amendments. Hoping that doesn't happen.

Holly Beeson
Counsel to the Office of Communications
and Governmental Affairs
South Carolina Department of Labor, Licensing and Regulation

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From: Glaccum, David [<mailto:DavidGlaccum@gov.sc.gov>]

Sent: Wednesday, June 01, 2016 3:07 PM

To: Holly Beeson

Subject: Re: shelters

Thanks, Holly. Why won't they let this die? And word on what Senate will do?

David M. Glaccum

Office of Governor Nikki R. Haley

Sent from my iPhone

On Jun 1, 2016, at 3:03 PM, Holly Beeson <Holly.Beeson@lr.sc.gov> wrote:

David,

Below is the most recent version of the animal shelter bill, which was further amended and received second reading today. We continue to believe this regulation is unnecessary, but also, we noticed they have retained language that keeps mobile vets from practicing within "eyesight" of a brick and mortar store. We thought the market protection language was gone, but apparently it is not; only the financial thresholds which limited access based on income have been removed.

Thanks,

Holly

Rep. OTT proposes the following Amendment No. 3 to S. 980 (COUNCIL\DKA\980C002.DKA.SA16):
Reference is to Printer's Date 5/25/16--H.

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 69, Title 40 of the 1976 Code is amended by adding:

"Section 40-69-300. (A) For purposes of this section:

(1) 'Animal shelter' means:

(a) a veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose of impounding, care, adoption or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals ; or

(b) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals but for the purpose of impounding, care, adoption or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals.

(c) 'Veterinary services' means the examination, diagnosis, and treatment of animal patients, administration of vaccines, diagnostic, imaging, surgery, laboratory, pharmacology, and provision of hospitalization and emergency treatment.

(B) Notwithstanding another provision of law, all animal shelters operating in this State that provide veterinary services are subject to the regulation of the South Carolina Board of Veterinary Medical Examiners.

(C) A veterinarian providing veterinary services in an animal shelter, and each animal shelter itself, shall prepare, or cause to be prepared, a written or electronic record concerning the animals in their respective care. An animal shelter shall maintain records for a minimum of three years after the last entry. A copy of a record relating to an animal whose ownership is being transferred must be provided to the owner at the time of adoption or fostering.

(D) An animal shelter shall prepare and maintain records documenting the number of animals admitted to the facility and the method by which those animals exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge. The report also must contain the mailing address and street address of the current place of business, and working telephone number of the animal shelter. The shelter shall compile this data in a report and submit the report to the Department of Labor, Licensing and Regulation before January thirty-first of each year. The department shall make these reports available on its Internet website.

(E) An animal shelter operated by the State or a county, municipal corporation, or other political subdivision of the state is exempt from the provisions of Section 40-69-300 and is regulated pursuant to Sections 47-3-10, et al. However, the Department of Labor, Licensing and Regulation is authorized to enter public animal shelters for

purposes of regulating the practice of veterinarian medicine or investigating suspicion of unauthorized practice of veterinarian medicine.

(F) The Department of Labor, Licensing and Regulation shall place on its website a list of all emergency veterinarian clinics in each county within six months of the renewal license period after the enactment of this section.

(G) All shelters and emergency veterinarian clinics that provide veterinary services must register with the South Carolina Board of Veterinary Medical Examiners."

SECTION 2. Chapter 69, Title 40 of the 1976 Code is amended by adding:

"Section 40-69-305. (A) Dispensing a prescription drug to the owner of an end-user for the treatment of a bodily injury or disease of an animal is unlawful unless the prescription is:

- (1) labeled with all information required by state and federal law; and
- (2) prescribed by a veterinarian licensed under this chapter.

(B) The South Carolina Board of Veterinary Medical Examiners shall regulate the dispensing of prescription drugs as pursuant to Section 40-69-305(A) to animal owners."

SECTION 3. Section 40-69-295 of the 1976 Code is amended to read:

"Section 40-69-295. (A) Regardless of mode of transportation, a mobile facility must have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations. The mobile practice or facility must identify the closest local emergency veterinary services facility to the mobile location. The contact information of the local emergency veterinary services facility must be posted at the mobile location and be included in the paperwork given to the pet owner documenting the services rendered.

(B) A mobile practice affiliated with, operated by, or supported by a public or private nonprofit animal shelter is prohibited from operating within eyesight of the nearest privately owned veterinarian practice.

(C) As used in this section:

- (1) 'mobile veterinary practice' means any form of clinical veterinary practice that may be transported or moved from one location to another for delivery of services to a pet; and
- (2) 'pet' means a domesticated animal kept as a pet but does not include livestock, as defined in Section 47-9-210(1)."

SECTION 4. Section 56-3-9600 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

"Section 56-3-9600. (A) The Department of Motor Vehicles may issue 'No More Homeless Pets' special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate 'No More Homeless Pets'. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of seventy dollars.

(B) Notwithstanding any other another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's caseload in the preceding calendar year was of the total caseload of all applicants in that year. The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

(E) The Department of Agriculture annually shall provide an accounting and summary of this program to the Chairman of the Senate Agriculture and Natural Resources Committee and to the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee before September first.

(F) A local private nonprofit animal spaying and neutering program that requests reimbursement for services related to this program shall provide to the SCACCA the name and address of each person who brought the animal to the program. Before the Department of Agriculture may send a reimbursement to the SCACCA, the SCACCA shall provide the Department of Agriculture a list of each individual who brought a pet in for spaying or neutering and the number of animals brought in by that individual for spaying or neutering."

SECTION 5. (A) There is established the Pet Care and Humane Treatment Study Committee to review, study, and make recommendations concerning the need for improved oversight and regulation in the State.

(B) The study committee shall:

(1) identify issues relating to pets including, but not limited to, breeding, adoption, purchase, veterinary care, transportation, and sale of pets out of this State;

(2) identify and categorize a statewide estimate of the historical and current private nonprofit animal shelters in this State, rescue shelters, county animal shelters, and municipal animal shelters;

(3) identify and categorize the range of services offered in an animal shelter including kenneling, grooming, and veterinary services;

(4) identify and categorize any limitations on services based on income status or other poverty measures;

(5) identify any underserved areas of the State for basic veterinary services;

(6) identify concerns related to unhealthy breeding practices;

(7) identify and quantify the sale of pets by animal shelters to out of state individuals or organizations;

(8) identify how animals are transported to other states and any regulation that might apply;

(9) review the animal cruelty laws and determine if the enforcement and penalties are working;

(10) review appointments to the Board of Veterinary Medical Examiners to determine if it needs any updating or structural change; and

(11) recommend changes to public policy, regulations, or statutes that would improve the overall health and safety of animal shelters, breeding practices, sale, and transportation of pets.

(C) The study committee must be composed of eleven members.

(1) The Chairman of the Senate Agriculture and Natural Resources Committee shall appoint the following five members:

(a) a member of the Senate;

(b) a licensed doctor of veterinary medicine residing in South Carolina;

(c) a representative from an animal shelter located in this State;

(d) a representative from the American Kennel Club; and

(e) a representative of the Municipal Association of South Carolina.

(2) The Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee shall appoint the following four members:

(a) a member of the House of Representatives;

(b) a licensed doctor of veterinary medicine residing in South Carolina;

(c) a representative from the National Humane Society; and

(d) a representative of the South Carolina Association of Counties.

(3) The Governor shall appoint one member to represent the South Carolina Department of Labor, Licensing, and Regulation.

(4) The Commissioner of Agriculture shall appoint one member.

(D) The appointed Senator shall serve as the study committee chairman. The members of the study committee shall serve without compensation and may not receive mileage or per diem. Staff from the Senate Agriculture and Natural Resources Committee and staff from the House Agriculture, Natural Resources, and Environmental Affairs Committee shall provide support for the study committee.

(E) The study committee shall make a report of its findings and recommendations to the General Assembly during the 2017 legislative session, at which time the study committee shall cease to exist.

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this Act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 7. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

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