



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

25 APR 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 3:14 Date: 4-25-05

Dear Mr. Speaker:

Transmitted herewith is Bill No. 56 (EC), "AN ACT TO AMEND SUBSECTIONS (2) AND (29) OF §67.100 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 THE GOVERNMENT OR GOVERNMENT CONTRACTED ANIMAL SHELTER FOR THE HUMANE EUTHANASIA OF ANIMALS AND TO PROVIDE FOR LICENSED ANIMAL EUTHANASIA TECHNICIANS UNDER THE GUAM BOARD OF ALLIED HEALTH EXAMINERS," which I signed into law on April 22, 2005, as Public Law 28-34.

Sinseru yan Magåhet,

[Signature]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker
MARK FORBES

Date: 4/26/05
Time: 5:45
Rec'd by: [Signature]
Print Name: [Signature]
28-057-0150



**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

April 11, 2005


The Honorable Felix P. Camacho  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 5(LS), 34(EC), 39(EC), 40(EC), 43(EC), 52(EC), 54(EC) and 83(EC); and Substitute Bill Nos. 6(LS), 9(LS), 32(EC), 56(EC), 74(EC) and 78(EC) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on April 9, 2005.

Sincerely,

  
EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (14)


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

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

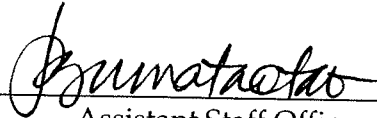
This is to certify that Substitute Bill No. 56 (EC), "AN ACT TO AMEND SUBSECTIONS (2) AND (29) OF §67.100 OF ARTICLE 1 AND TO ADD NEW SUBSECTIONS (g), (h), and (i) TO §67.302 OF ARTICLE 3 OF CHAPTER 67 OF TITLE 9 OF THE GUAM CODE ANNOTATED (THE UNIFORM CONTROLLED SUBSTANCES ACT), AND TO ADD A NEW §121906 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 THE GOVERNMENT OR GOVERNMENT CONTRACTED ANIMAL SHELTER FOR THE HUMANE EUTHANASIA OF ANIMALS AND TO PROVIDE FOR LICENSED ANIMAL EUTHANASIA TECHNICIANS UNDER THE GUAM BOARD OF ALLIED HEALTH EXAMINERS," was on the 9<sup>th</sup> day of April, 2005, duly and regularly passed.

  
Mark Forbes  
Speaker


Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 11 day of April, 2005,  
at 4:32 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 4/22/05

Public Law No. 28-34

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

**Bill No. 56 (EC)**

As substituted by the Committee  
and further substituted on the Floor.

Introduced by:

R.J. Respicio  
J. M.S. Brown  
R. Klitzkie  
F. B. Aguon, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
Mark Forbes  
L. F. Kasperbauer  
L. A. Leon Guerrero  
J. A. Lujan  
A. B. Palacios  
Ray Tenorio  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO AMEND SUBSECTIONS (2) AND (29) OF §67.100 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 THE GOVERNMENT OR GOVERNMENT CONTRACTED ANIMAL SHELTER FOR THE HUMANE EUTHANASIA OF ANIMALS AND TO PROVIDE FOR LICENSED ANIMAL EUTHANASIA TECHNICIANS UNDER THE GUAM BOARD OF ALLIED HEALTH EXAMINERS.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Statement.** *I Liheslaturan Guåhan* finds that  
3 amendments to the Guam Uniform Controlled Substances Act (Chapter 67 of  
4 Title 9 of the Guam Code Annotated) should be made to allow animal  
5 euthanasia technicians licensed by the Guam Allied Health Board to  
6 administer sodium pentobarbital or Xylazine which are recognized by the  
7 American Veterinary Medical Association for the purpose of humane  
8 euthanasia animals.

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

19           Guam's Uniform Controlled Dangerous Substances Act presently  
20 prohibits the purchase, possession, or administration to animals of controlled  
21 substances by any person other than a veterinarian registered under the  
22 Allied Health Practices Act, Chapter 12 et seq. of Title 10 of the Guam Code  
23 Annotated. Thus, animal euthanasia at the Shelter can only be performed by a  
24 veterinarian who holds a registration through the DPHSS and the Drug  
25 Enforcement Administration (DEA), and who is licensed by the Guam Board  
26 of Allied Health Examiners. The present law does not allow GAIN to

1 purchase, possess, or administer such animal euthanasia drugs through its  
2 own DPHSS and DEA registration.

3 *I Liheslatura* finds the restrictions of the present law result in animal  
4 suffering, in that sick, injured and unweaned animals brought to the Shelter  
5 must be transported to a veterinarian for euthanasia, thereby prolonging the  
6 animal's suffering. If the animal is brought to the Shelter on a weekend, it is  
7 likely that its suffering will be prolonged until a weekday or until a  
8 veterinarian can be located who will agree to euthanize the animal. As well,  
9 many registered veterinarians on Guam are reluctant to perform animal  
10 euthanasia. When the veterinarians who are willing to provide such services  
11 are not on Guam, it is difficult for GAIN to find veterinarians who are  
12 available and willing to provide such services.

13 *I Liheslatura* finds that thirty-one (31) other states have successfully  
14 amended their controlled substance laws to allow the purchase, possession,  
15 and administration of such euthanasia drugs by animal control shelters and  
16 animal pounds, and that these amendments have had a positive impact on  
17 reducing animal suffering without causing any danger to the general public.

18 It is *I Liheslatura's* intent to allow the government animal shelter duly  
19 licensed on Guam and recognized by the Department of Agriculture to apply  
20 for licensing to purchase, possess, and administer euthanasia drugs for the  
21 specific purpose of humane euthanasia of animals, and to limit the personnel  
22 who may perform such animal euthanasia to those individuals specifically  
23 trained in animal euthanasia procedures by a registered veterinarian as  
24 provided for under the Guam Board of Allied Health Examiners.

25 **Section 2. Amendment to definition of "administer" in Guam**  
26 **Uniform Controlled Substances Act.** The first paragraph of Subsection (2) of

1 §67.100 of Chapter 67 of Title 9 of the Guam Code Annotated is hereby  
2 *amended* to read:

3 “(2) *Administer*, unless the context otherwise requires, means to  
4 apply a controlled substance, whether by injection, inhalation, ingestion  
5 or any other means, directly to the body of a patient, an animal, or  
6 research subject by:”

7 **Section 3. Amendment to definition of “practitioner” in Guam**  
8 **Uniform Controlled Substances Act.** Subsection (29) of §67.100 of Chapter  
9 67 of Title 9 of the Guam Code Annotated is hereby *amended* to read:

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

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

21 “(g) A government operated or government contracted animal  
22 shelter recognized by the Department of Agriculture is authorized to  
23 purchase, possess, and administer sodium pentobarbital and Xylazine  
24 for the purpose of humane euthanasia of animals provided that a U.S.  
25 Drug Enforcement Administration controlled substance permit is also  
26 secured. The possession and administering of sodium pentobarbital and

1 Xylazine for euthanasia pursuant to Subsections (g) and (h) of this  
2 Section is restricted solely to the premises of a government operated or  
3 government contracted animal shelter recognized by the Department of  
4 Public Health and Social Services.

5 (h) Agents of a government operated or government contracted  
6 animal shelter recognized by the Department of Public Health and  
7 Social Services shall possess a current animal euthanasia technician  
8 license issued by the Guam Board of Allied Health Examiners to  
9 administer sodium pentobarbital and Xylazine for the euthanasia of  
10 animals. The requirements for the issuance of an animal euthanasia  
11 technician license shall be determined and developed by the Guam  
12 Board of Allied Health Examiners.”

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

16 “§121906. Trained Persons Performing Animal Euthanasia.  
17 Notwithstanding any other provision of this Chapter 12, agents or  
18 employees of a government operated or government contracted animal  
19 shelter may lawfully possess and administer, under the supervision of a  
20 Guam licensed veterinarian, sodium pentobarbital or Xylazine for the  
21 purpose of euthanasia of animals; provided, that the agents or  
22 employees of the licensed government operated or government  
23 contracted animal shelter have successfully completed an animal  
24 euthanasia technician certification course approved by the Board of  
25 Allied Health Examiners. This training shall be conducted by a  
26 veterinarian currently registered on Guam, and shall include the



1 following areas: knowledge of federal and Guam laws regarding the  
2 proper storage, inventory and handling of controlled substances, the  
3 potential hazards of such controlled substances, the use and  
4 administration of such controlled substances, humane animal  
5 euthanasia procedures, and other subjects as shall be required by the  
6 Guam Board of Allied Health Examiners. Upon certification by the  
7 veterinarian that a person has successfully completed the course, the  
8 Guam Board of Allied Health Examiners may issue an animal  
9 euthanasia technician license to said person, subject to annual renewal.  
10 The Board may revoke or suspend the license at any time for good  
11 cause.”

6

**I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN**  
**2005 (FIRST) Regular Session**

Date: 4/9/05

**VOTING SHEET**

S. Bill No. 56 (EC)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.					GA
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14      0      0      0      1

CERTIFIED TRUE AND CORRECT:

*Patricia Cepanillo*  
 Clerk of the Legislature

\* 3 Passes = No vote  
 EA = Excused Absence

2nd  
4-7-05

3rd  
4-8-05

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

**Bill No. 56 (EC)**

As Substituted by the Committee  
And Further Substituted on the Floor

Introduced by:

R.J. Respicio  
J.S. Brown  
R. Klitzkie  
F. B. Aguon, Jr.

AN ACT TO AMEND SUBSECTIONS (2) AND (29) OF §67.100 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 THE GOVERNMENT OR GOVERNMENT CONTRACTED ANIMAL SHELTER FOR THE HUMANE EUTHANASIA OF ANIMALS AND TO PROVIDE FOR LICENSED ANIMAL 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  
3 to the Guam Uniform Controlled Substances Act (Chapter 67 of Title 9 of the  
4 Guam Code Annotated) should be made to allow animal euthanasia technicians  
5 licensed by the Guam Allied Health Board to administer sodium pentobarbital or  
6 Xylazine which are recognized by the American Veterinary Medical Association  
7 for the purpose of humane euthanasia animals.

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

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

20           The Legislature finds the restrictions of the present law result in animal  
21 suffering, in that sick, injured and unweaned animals brought to the Shelter must  
22 be transported to a veterinarian for euthanasia, thereby prolonging the animal's  
23 suffering. If the animal is brought to the Shelter on a weekend, it is likely that its  
24 suffering will be prolonged until a weekday or until a veterinarian can be located  
25 who will agree to euthanize the animal. As well, many registered veterinarians on  
26 Guam are reluctant to perform animal euthanasia. When the veterinarians who are  
27 willing to provide such services are not on Guam, it is difficult for GAIN to find

1 veterinarians who are available and willing to provide such services.

2 The Legislature finds that 31 other states have successfully amended their  
3 controlled substance laws to allow the purchase, possession, and administration of  
4 such euthanasia drugs by animal control shelters and animal pounds, and that these  
5 amendments have had a positive impact on reducing animal suffering without  
6 causing any danger to the general public.

7 It is the Legislature's intent to allow the government animal shelter duly  
8 licensed on Guam and recognized by the Department of Agriculture to apply for  
9 licensing to purchase, possess, and administer euthanasia drugs for the specific  
10 purpose of humane euthanasia of animals, and to limit the personnel who may  
11 perform such animal euthanasia to those individuals specifically trained in animal  
12 euthanasia procedures by a registered veterinarian as provided for under the Guam  
13 Board of Allied Health Examiners.

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

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

20 **Section 3. Amendment of definition "practitioner" in Guam**  
21 **Uniform Controlled Substances Act.** Subsection (29) of §67.100 of Chapter  
22 67 of Title 9 of the Guam Code Annotated is amended to read:

23 "(29) *Practitioner* means a physician, dentist, veterinarian, scientific  
24 investigator, pharmacist, pharmacy, hospital, government operated or government  
25 contracted <sup>animal</sup> shelter, or other person licensed, registered, or otherwise permitted, by  
26 Guam, to distribute, dispense, conduct research with respect to, administer, or use

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**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 56

JAL

**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

page (3) Line 25 add contracted "Animal" shelter

page (5) Line 2 add a Guam licensed veterinarian.

*(Below only for Clerk of Legislature's use and processing)*

Date 4/8, 2005

Floor Amendment No. 1 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:**

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

[Signature]  
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_ Ass't. Amend. Clerk  
\_\_\_\_ Engrossment Staff

1 in teaching or chemical analysis, a controlled substance in the course of  
2 professional practice or research.”

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

7 “(g) A government operated or government contracted animal  
8 shelter recognized by the Department of Agriculture is authorized to purchase,  
9 possess, and administer sodium pentobarbital and Xylazine for the purpose of  
10 humane euthanasia of animals provided that the a U.S. Drug Enforcement  
11 Administration controlled substance permit is also secured. The possession and  
12 administering of sodium pentobarbital and Xylazine for euthanasia pursuant to  
13 Subsections (g) and (h) of this Section is restricted solely to the premises of a  
14 government operated or government contracted animal shelter recognized by the  
15 Department of Public Health and Social Services.

16 (h) Agents of a government run or government contracted  
17 animal shelter recognized by the Department of Public Health and Social Services  
18 shall possess a current animal euthanasia technician license issued by the Guam  
19 Board of Allied Health Examiners to administer sodium pentobarbital and  
20 Xylazine for the euthanasia of animals. The requirements for the issuance of an  
21 animal euthanasia technician license shall be determined and developed by the  
22 Guam Board of Allied Health Examiners.”

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

26 “§121906. Trained Persons Performing Animal Euthanasia.  
27 Notwithstanding any other provision of this Chapter 12, agents or employees of a

*jal FAS*

1 government operated or government contracted animal shelter may lawfully  
2 possess and administer, under the supervision of a <sup>*Guam*</sup> licensed veterinarian, sodium  
3 pentobarbital or Xylazine for the purpose of euthanasia of animals; provided, that  
4 the agents or employees of the licensed a government operated or government  
5 contracted animal shelter have successfully completed an animal euthanasia  
6 technician certification course approved by the Board of Allied Health Examiners.  
7 This training shall be conducted by a veterinarian currently registered on Guam,  
8 and shall include the following areas: knowledge of federal and Guam laws  
9 regarding the proper storage, inventory and handling of controlled substances, the  
10 potential hazards of such controlled substances, the use and administration of such  
11 controlled substances, humane animal euthanasia procedures, and other subjects as  
12 shall be required by the Guam Board of Allied Health Examiners. Upon  
13 certification by the veterinarian that a person has successfully completed the  
14 course, the Guam Board of Allied Health Examiners may issue an animal  
15 euthanasia technician license to said person, subject to annual renewal. The Board  
16 may revoke or suspend the license at any time for good cause.”





**Senator Mike Cruz, M.D.**  
**Chairman, Committee on Health & Human Services**  
***I Mina'Bente Ocho Na Liheslaturan Guåhan***  
**155 Hesler St., Hagåtña, Guam 96910**  
**Tel: (671) 477-5960/2/3 Fax: (671) 477-5984**  
**email: [senmike@ite.net](mailto:senmike@ite.net)**

2005 APR -6 PM 4: 11

April 6, 2005

The Honorable Mark Forbes  
Speaker  
*I Mina'Bente Ocho Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Forbes:

The Committee on Health and Human Services, to which was referred, **Bill 56 (EC)**, An Act To Amend Subsections (2) And (29) Of § 67.100 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, now wishes to report back the same with the recommendation **TO PASS**, as substituted by the Committee.

The voting record is as follows:

TO PASS	<u>8</u>
NOT TO PASS	_____
TO REPORT OUT ONLY	_____
ABSTAIN	_____
TO PLACE IN INACTIVE FILE	_____

A copy of the Committee Report and other pertinent documents are attached for your information and file.

MIKE CRUZ, M.D.  
Senator

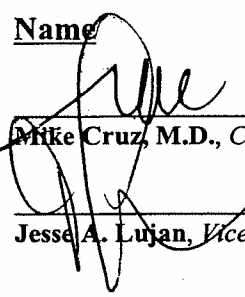
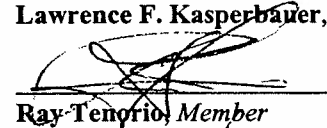
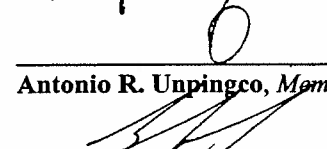
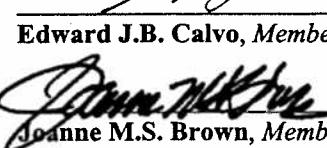
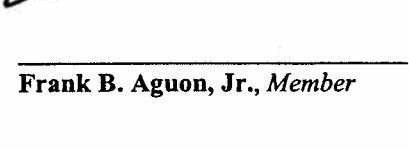

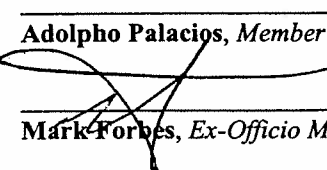


# Senator Mike Cruz, M.D.

Chairman, Committee on Health & Human Services

## Voting Sheet

Bill 56 (EC), An Act To Amend Subsections (2) And (29) Of § 67.100 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, as substituted by the Committee.

<u>Name</u>	<u>To Pass</u>	<u>Not to Pass</u>	<u>To Report Out Only</u>	<u>Abstain</u>	<u>To Place in Inactive File</u>
 Mike Cruz, M.D., <i>Chairman</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jesse A. Lujan, <i>Vice Chairman</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lawrence F. Kasperbauer, <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Ray Tenorio, <i>Member</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Antonio R. Unpingco, <i>Member</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Edward J.B. Calvo, <i>Member</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Joanne M.S. Brown, <i>Member</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank B. Aguon, Jr., <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lou A. Leon Guerrero, <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Benjamin J.F. Cruz, <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Rory J. Respicio, <i>Member</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adolpho Palacios, <i>Member</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Mark Forbes, <i>Ex-Officio Member</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMITTEE REPORT**

**BILL NO. 56 (EC)**

**AUTHOR:** R. J. Respicio;  
2<sup>nd</sup> – J. S. Brown; 3<sup>rd</sup> – R. Klitzkie  
4<sup>th</sup> - F. B. Aguon, Jr.

**TITLE:**

An Act To Amend Subsections (2) And (29) Of § 67.100 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.

<b>Members present:</b>	Chairman Mike Cruz	Vice Chair Jesse A. Lujan
	Senator Joanne Brown	Senator Lou Leon Guerrero
	Senator Rory Respicio	Senator B. J. Cruz
<b>Ex-Officio:</b>	Speaker Mark Forbes	

**Other senators present:** Senator Robert Klitzkie Senator Adolpho Palacios

**Chairman Mike Cruz** invited the author, Senator Rory Respicio, to explain the intent and purpose of the bill.

**Senator Respicio** thanked the Chairman and stated that Bill 56 would provide some standards to address a growing need of a non-profit organization tasked with taking care of unwanted or otherwise abandoned animals, pets, or stray dogs or cats.

Senator Respicio noted that this bill was introduced in the last legislature, which had many issues raised, and although substituted, it needed more time to iron out these issues, resulting in Bill 56, the culmination of numerous hours of discussion, highlighting what other jurisdictions have done. He acknowledged Karon Johnson from GAIN and Tom Nadeau from Public Health present to provide testimony today.

**Chairman Cruz** thanked Senator Respicio for his introduction and set the direction for the presentation due to the large numbers of testifiers signed up to speak. Calling up first Dr. Hazen, Bambi Leone, Richard Brown and Tom Nadeau.

**Richard Brown** asked to speak last, to which the Chairman concurred, calling up Dr. Joseph.

**Dr. Larry Hazen**, a podiatrist and Chairman of the Allied Health Board, spoke in opposition of Bill 56, speaking in behalf of the Board expressed concern relative to issues addressed by this legislation. Although the Board has great compassion for unwanted animals on Guam, admitting that he and his wife have a boonie dog; however, the Board feels that the bill – if passed in its current form – would be setting a very dangerous precedent regarding the administration of controlled substances.

**(reading, in part, from written testimony of Dr. Malakooti, Guam Animal Clinic)**

Bill 56 permits the use of controlled substances by non-professionals to euthanize sick, injured or unwanted cats and dogs. The bill does not address what is a sick cat or dog. This requires medical knowledge to make this determination – a diagnosis – and the only person trained to make this diagnosis with assurance is a veterinarian.

A euthanasia technician can be taught to kill an animal. Only a veterinarian has the knowledge to determine the need for euthanasia. Should Bill 56 be enacted? It is highly likely that there would be needless euthanasia of animals that, in fact, do not require euthanasia and could be perfectly healthy, but because of mange and may look sickly, the decision made by an unprofessional individual to euthanize this perfectly healthy animal. This does not say that all of GAIN's volunteers are callous. Many of them have great compassion and value for life, but there are others who have lost the compassion for life. The law will allow GAIN employees to make random, split second decision, take the drugs and kill the animals at their convenience. How trivial this bill makes these drugs and lives.

GAIN's staff is also very temporary and transient. Who will oversee all these people and their access to these drugs? Bill 56 in its present form would permit any veterinarian licensed on Guam to train one of their employees to be a euthanasia technician and work as such in their clinic/animal shelter since animal shelter is not defined in Bill 56. These are controlled and potentially dangerous substances that, if placed in the wrong hands, can be abused and impact the unknowing general public, such as date rape and robbery.

Bill 56 is an attempt to circumvent the federal DEA regulations. This bill inserts a clause to hold harmless the veterinarian who procures these controlled substances. DEA regulations are clear – the person who orders the controlled substance is solely responsible for the distribution and end use of the drug. This is not negotiable. Federal law trumps local law. Those who have taken the many years to obtain professional degrees take an oath and have earned the right and privilege to dispense these drugs in the most restrictive and responsible manner, holding federal drug enforcement granted licenses. Along with this comes direct responsibility.

A non-professional technician with a handful of training hours would not be as zealous guarding these privileges. GovGuam does not have the resources to control and monitor individuals who have access to these controlled substances; yet the bill will allow for the ordering, dispensing and distributing of lethal and addictive drugs without restriction and responsibility of the person holding a DEA license.

What happens when controlled substances are unaccounted for, and more importantly, who will be responsible for accounting for these drugs? Public Health inspectors only check for cleanliness and the meeting of minimal standards. They do not license animal shelters. Guam Allied Health Board does not license clinics or shelters. The only license currently required is from Rev/Tax. Are they going to be responsible for accounting for these drugs at the animal clinics?

Dr. Hazen advised that of the few states that license euthanasia technicians, many of these positions are sponsored by and work under law enforcement agencies. Renewal of these licensed requires continuing education for up to six hours per renewal period. The professions compromising the Guam Allied Health Board require a minimum of 30-50 hours of continuing education for license renewal.

Dr. Hazen suggested that if the Legislature plans to continue to refine Bill 56 to create the position of a euthanasia technician on Guam, then the position should be placed under the sponsorship of the Guam Police Department where a system already exists to account for dangerous items. He suggests the following solution to the concerns of Bill 56 relative to preventing prolonged suffering of sick and wounded animals, particularly on weekends. He suggests that GAIN establish a 'house call' schedule among the licensed veterinarians on Guam. If they can fund a dog show, why not have them hire part-time coverage by a few veterinarians to address their concerns. In closing, Dr. Hazen reiterated the position of the Guam Allied Health Board against Bill 56 in its present form, solely on the emotional appeal of suffering animals.

**Chairman Cruz** thanked Dr. Hazen and requested that a written testimony be submitted in support of his testimony today, to which he concurred, and then asked his fellow committee members if they had questions for Dr. Hazen.

**Senator Klitzkie** asked Dr. Hazen to elaborate on his comment about a 'dangerous precedent.'

**Dr. Hazen** explained that it was the precedent of providing controlled substances to people who do not hold DEA license, who have not been trained in the use of controlled substances, making it available to non-professionals.

**Senator Klitzkie** then asked if Dr. Hazen inferred that if this exception was made, other exceptions would follow, to which the doctor stated that the potential exists. The senator then asked Dr. Hazen who was the veterinarian located five minutes from the shelter, to which he replied that it was Dr. Malakooti.

**Senator Kasperbauer** addressed Dr. Hazen on the subject of whether or not an animal should be put down, asking if it would be acceptable if the vet were to diagnose the situation and then the technician could euthanize, to which he concurred as acceptable and stated that would be a technician working under the direct control of a trained professional.

**Chairman Cruz** voiced his concern on not so much on whether a person was trained to decide on whether an animal was sick or injured, but the big category of 'unwanted,' because anything can be unwanted.

**Senator Palacios** noted that Dr. Hazen's testimony appeared to be from the Animal Medical Clinic by Dr. Malakooti opposing Bill 56, and as a provider of service, is there a conflict of interest here regarding the decision-making process on whether to dispose of the animal or not should be left to the medical clinic, which charges for their service.

**Dr. Hazen** responded that on the surface it could appear as if it were a conflict of interest; however, he defended that these were people who had given their life in training to taking care of animals properly. In speaking for the vets on the Allied Health Board, their concern is that it is done properly and in a humane manner.

**Bambi Leone** identified herself as living on Guam for 26 years, stated that she worked for veterinarians locally, at the animal shelter under both Public Health and GAIN. She clarified that no animal is ever put to sleep as lightly as people may feel, stating that it is difficult to do

this – and never on a whim, ever – adding that injured animals need to be euthanized quickly because of suffering.

Ms. Leone stated that others that are euthanized may have mange, which although is treatable, these are unwanted and homeless animals, so there is no home for them. She asked for help to end the suffering of those animals that cannot wait and stated that she is a certified euthanasia technician, having worked in Alaska. That clinic had a DEA license and the drugs were ordered by the manager and it was under lock and key. Every drop was accounted for and no animal put to sleep was ever taken lightly. Ms. Leone believes that by passing Bill 56, it will help the animal. Although there is the potential for abuse, it is the same in the veterinary clinic also. Somebody has to be responsible and it will be the same thing. She cited several examples of injured animals brought in to the shelter that needed to be euthanized to end their suffering, not suffering from just mange, but burned or shot.

**Chairman Cruz** thanked Ms. Leone for her testimony and invited Dr. Joseph to speak.

**Dr. Joseph, a.k.a Dr. Schiff (by name change)** addressed the senators as a veterinarian licensed on Guam, Saipan, and the Marshall Islands. Dr. Joseph addressed Senator Palacios concern about conflict of interest and stated that vets would love to get paid for everything they do, adding that they did a lot of things for free, particularly the local veterinarians – giving free service to GAIN – including the military vets.

Dr. Joseph stated that the local veterinarians have been treated poorly by the GAIN people, particularly Karon Johnson, noting that it was due to their inability to deal with them. Dr. Joseph stated that GAIN has one vet named Dr. Diaz, who helped set up GAIN, went to Vet school, she worked with them, and now she has a busy practice and doesn't have enough time for them, which is life in veterinary medicine.

Dr. Joseph quoted Karon Johnson as stating that he is “not competent to euthanize an animal” adding that he is 15 minutes away from GAIN. Dr. Joseph stated that at last count, there were 20 veterinarians on Guam, including those in the military. He stated that if the technician at GAIN was not on property, they still would have to call a vet to euthanize if the need arose, so he didn't see the difference.

Dr. Joseph voiced the problems between GAIN and the veterinarians not getting along, citing in particular that euthanasia drugs were stolen – with written affidavits by Drs. Nusbaum and Malakooti – by Karon Johnson. The matter was brought up to the GAIN board and then nothing was heard about it again; however, the drugs were returned. According to Dr. Joseph, Ms. Johnson stated – when confronted – that she felt it was her moral responsibility to do it and she thought she was right. This was also documented.

Dr. Joseph also stated that GAIN sued into submission Dept. of Public Health and Social Services to the point that they gave up on the fight about the shelter, adding that GAIN also sued the Allied Board of Health regarding the Spay and Neuter Clinic. He stated that GovGuam cannot keep fighting these legal battles – spending all this money to fight GAIN – and they know it. They fight it into submission legally. He proposed a solution and read from Guam statutes entitled, “Rules and Regulations Governing Permits for Animal Facilities, Humane Animal Care. Chapter 5: Euthanasia. 5.1 Euthanasia By Injection Method. Euthanasia, by lethal injection, using approved drugs, shall be done by staff trained by a licensed veterinarian.”

Dr. Joseph emphasized that this was already Guam law, which is even less restrictive than was proposed in Bill 56, and then read more: "5.1b. Purchase, dispensing and use of approved drugs shall be in conformance with local and federal laws and regulations relating to the use of controlled substances," suggesting that the Legislature consider following the existing laws as stated.

**Bambi Leone** asked to interject a comment, stating that she worked for Public Health at the Animal Shelter from 1993-1995 and she euthanized on a daily basis without any training and a veterinarian. She stated that she is trained at present; however, when she worked for Public Health she was not.

**Dr. Joseph** continued by stating that the veterinarian who orders the drugs accountable. The decision to euthanize must be done by a veterinarian – diagnosis, prescribing and treatment – the three things that vets are allowed to do and no one else. Nurses aren't allowed to treat. Licensed veterinary technicians aren't allowed to treat. The responsibility of diagnosis belongs to a vet. Dr. Joseph then cited an example wherein he received a call from an animal owner who called him, begging to have him put his animal out of his misery because he was torn up in a fight, with his intestines exposed and broken bones. Upon arrival, he sewed the dog up and saved his life, all for \$200.

Bill 56, he believes, plays to your emotions with GAIN emphasizing that the animals must be killed right away because they can't wait for the vet. That is not the unwanted animal. That is not the sick animal that can wait. Further, he notes that the bill states, "these services include humane euthanasia of sick, injured or unwanted cats and dogs...humane euthanasia includes the administration of controlled substances, sodium pentobarbital and other controlled substances used to sedate animals before euthanasia..." which is now asking for use of other drugs. These are the drugs that – if a vet misuses – he could lose his license, his career. But with this bill, if GAIN misuses the drugs, they get a \$50-\$100 fine. This does not make anyone accountable. It is not the safe use of drugs. This is practicing veterinary medicine without a license. This bill opens up the ability to obtain and use controlled substances by any other group that calls them an animal shelter.

According to Dr. Joseph, GAIN is not accredited by the American Humane Society, and asked why, but continued that we should let GAIN keep on with their good work, but the decision to euthanize should be kept under the control of a veterinarian. For example, if Bambi Leone called him and tells him about a burned animal and gives him her assessment. Knowing her training and experience, Dr. Joseph said that he can authorize her by phone to euthanize.

GAIN wants their DEA license, yet Dr. Joseph declares that a vet needs two licenses – one for himself and one for his facility. GAIN has not qualified to have a facility DEA license, which is why they have vets license themselves in order to work there; however, in order for any vet to work there, that facility must be licensed by DEA.

Dr. Joseph concluded by listing all the available professionals on island who can euthanize legally – veterinarians, both local and military, licensed medical doctors are allowed to euthanize, as well as licensed vet techs under the supervision of a veterinarian – therefore, why is this law necessary when there are so many options, including the existing law to follow, because this bill leaves no accountability for anything.

**Senator Klitzkie** commented on previous testimony of Dr. Hazen wherein he suggested a 'house call' among all the island veterinarians would be the best way to go, which – as he now understands it – would be doctors would rotate on a regular form of duty. He asked Dr. Joseph if he thought it was a reasonable option.

**Dr. Joseph** agreed that it was a very reasonable option, adding that the stumbling block was not the veterinarians, but GAIN's treatment of veterinarians, suggesting that now GAIN is lobbying for Bill 56. He feels that this is a special law to exclude the veterinarians from responsibility.

**Senator Klitzkie** asked if the drugs would be available at GAIN if – following Dr. Joseph's recommendation to allow a vet tech to euthanize under supervision (including assessment and authorization by phone).

**Dr. Joseph** responded that all GAIN has to do is apply for a DEA license for the facility and this could happen.

**Senator Klitzkie** asked how much Dr. Joseph would charge to be on this rotation, to which Dr. Joseph answered \$10 per authorization.

**Dr. Joseph** suggests that GAIN work with island veterinarians to work out a schedule – with minimal compensation – and refer people to all other vets instead of just one preferred vet.

**Senator Klitzkie** asked if it would be ethical for him to put to sleep an animal simply because he was unwanted.

**Dr. Joseph** responded that he has a big problem euthanizing a healthy animal that would make a good pet. In his 15 years as a vet in Michigan, he euthanized at most, about a dozen healthy unwanted animals. He stated that we have an epidemic on Guam – he has been at GAIN and has euthanized 50-100 animals a day.

**Senator Klitzkie** asked if on the 'Joseph plan' to rotate veterinarians – how would the vets fee for service be handled?

**Dr. Joseph** states that it would have to be worked out – suggesting that the best benefit of his relationship (as a vet) with GAIN would be their referral of people on an unbiased basis, not the remuneration, adding that they basically helped Rebecca Diaz' clinic business through direct referrals.

**Tom Nadeau**, Administrator of the Division of Environmental Health at DPHSS, providing testimony for partial support of Bill 56, adding that in his 11 years with the department, he was the investigator with the Controlled Substance Program for 5-6 years and supervised the operations at the Yigo Animal Shelter for a couple of years before it was turned over to Department of Agriculture and GAIN, so he speaks with knowledge about the shelter.

Reading from written testimony, Mr. Nadeau stated that DPHSS supports the intent of Bill 56, stating that unwanted and seriously injured dogs and cats should be euthanized humanely and as quickly as possible when needed.



Mr. Nadeau shared their difficulties securing and administering controlled substances due to regulatory restrictions and financial limitations; therefore, they are in support of what Bill 56 is trying to accomplish. However, as the responsible agency for controlled substances, he is cognizant of diversion potential; therefore, DPHSS cannot support Bill 56 in its present language.

He suggests a correction to the 3<sup>rd</sup> paragraph in the legislative statement in Section 1. The Guam Uniform Controlled Substance Act," Title 9 GCA, Chapter 67 does not, not did it ever prevent any person other than a vet to purchase, possess or administer controlled substances to the animals. The act does allow anyone or any institution to apply and obtain a registration to manufacture, distribute and dispense or administer controlled substances, provided no other law restricts those activities. The only reason an animal shelter employee may not currently administer controlled substances to an animal is due to the restrictions placed by the Board of Allied Health for just reasons, in their rules governing the professional practice of veterinary medicine. According to their rules, a veterinary must be physically present when his or her agent administers controlled substances to an animal. Mr. Nadeau suggests that working with these legal parameters, the department can still issue a registration to GAIN, because ultimately that is what this bill is for, which would be the actual owner of the registration and not any particular veterinarian; thus, an employee of the shelter can administer controlled substance as an agent of the shelter without the physical presence of a veterinarian. The proposed amendments to the definition in Bill 56 will explicitly acknowledge such practice, which we recommend and support.

The area of Bill 56 that DPHSS disagrees on is Section 4, where a veterinarian is "not liable for any act or omissions on the part of the staff or agents of the animal shelter." Although they do understand why this provision was placed; however, they do not believe it is necessary. In fact, it could be misconstrued that a vet is free of all responsibility for any acquisition of controlled substances if it is intended for the animal shelter. Such provision is inconsistent with the purpose of any laws governing controlled substances, which is accountability and thus, liability.

As long as the vet abides by the law in the proper procurement and transfer of controlled substances in good faith, he or she will be protected; however, he cited examples of unscrupulous activity as what could possibly happen, stating that both the vet and shelter employee should be liable and he believes the courts would agree. The proposed exception of liability in Bill 56 would only confuse a matter if it were to occur; therefore, DPHSS requests that this section be removed from the bill.

Mr. Nadeau concludes that – outside these abovementioned concerns – they are in support of Bill 56 with the recommendation that the bill should address the needs of GAIN, concerns of the diversion and will not conflict with the rules of veterinary practice, should benefit the public of unwanted animals, and ultimately provide relief to the pain and suffering of injured animals brought to the shelter.

**Chairman Cruz** asked Mr. Nadeau for clarification – in the 3<sup>rd</sup> paragraph of his submitted written testimony – according to the rules, a veterinarian must be physically present?

**Mr. Nadeau** responded that when he ran the shelter, there was a practice in place where the epidemiologist, Dr. Haddock, who was also a licensed vet, procured the drugs on behalf of the shelter and allowed Bambi Leone and fellow co-workers to administer the euthanasia drugs to

the animals. GAIN was not fond of that operation, so they complained to the U.S. Attorney's office, the DEA, which he found rather insulting because he felt as the local counterpart to DEA, he felt that it was his role to decide that, and he told them that it was fine because they were not aware of any law that restricted that until the Board of Allied Health advised what their rules stated.

**Chairman Cruz** asked for clarification – that GAIN original opposed this practice at that time and they want to do it now, to which Mr. Nadeau responded in the affirmative. Further, the Chairman asked Dr. Joseph if he were aware of these rules with the Board – about a vet being physically present – and he responded that he believed that he could authorize by phone as long as he was in control of the assessment, unless the laws changed since then; however, his understanding about the shelter situation was the GAIN opposed the practice of the techs euthanizing, claiming it inhumane, and used this to take over the shelter.

**Dr. Joseph** asked Tom Nadeau when was the last time any animal facility has had a drug analysis for accountability of controlled drugs, to which he responded that about 5 years ago filed a complaint with the Controlled Substance Program that there was possible diversion of euthanasia drugs occurring on the facility, basically alleging that his staff then were diverting controlled substances. An investigation was conducted and all drugs were accounted for – the security of it was in question, but that was addressed – but there was no diversion found at the shelter. He then asked Dr. Hazen for concurrence that GAIN asked to have Dr. Joseph's license revoked because of the problems with DEA before, which he confirmed.

**Chairman Cruz** asked Dr. Joseph to get to his point because this was the Committee's public hearing. Dr. Joseph's point – GAIN wants everybody else to follow the rules but they don't want any accountability. Euthanasia is final. To euthanize Tippy is unconscionable. It needs diagnosis. To diagnose by anyone else is practicing veterinary medicine without a license.

**Chairman Cruz** thanked Dr. Joseph for his comments and stated for the record that "Tippy" is Dr. Hazen's dog.

**Senator Palacios** commented that requiring the veterinarian to be physically present is not free and asked about the monetary remuneration, to which Dr. Joseph replied \$10 per authorization. The senator asked if Dr. Joseph is licensed to practice for profit, to which he responded for profit.

**Dr. Joseph** added about the 'drug thing,' there isn't enough people inspecting the drug logs to ensure that vets are taking care of logs, citing that nobody ever inspects his drug logs – commenting that there isn't enough personnel.

**Tom Nadeau** responded that Dr. Joseph is partially correct in his statements. He acknowledged that between 1996-2003 where regulatory activities for the Controlled Substance Program there was a gap; however, when he came on board as Administrator, he re-activated the program and he does have a Diversion Investigator. He agrees that his investigator cannot handle the workload, but they do manage what they can, although he would love to be able to grow that department.

**Chairman Cruz** thanked everyone for their testimony and called up the next group of testifiers: Nancy Kissel, Christine Pascual, Jill Craig, and Karon Johnson (who gave up her seat to Dr. Rebecca Diaz).

**Speaker Forbes – sitting in for the Chairman** – invited Nancy Kissel to present her testimony, giving instructions for presentation.

**Nancy Kissel** introduced herself as a private citizen in favor of Bill 56; with a few things that she believes should be corrected and worked. This is her second trip to the island, having been here 35 years ago as a child and back then they had a boonie dog and cat problem. Upon her return, she was saddened to see that the problem still exists and hopes that this problem is corrected while she is still here. Ms. Kissel suggests letting GAIN do what they can for hurt animals. She is concerned about the health issue of dead animals along the roadside – noting that she sees dogs wasting away along the road – and even pulled over alongside the road to help a dying dog. She addressed the issue of accidentally putting down someone's pet, if they are registered and tagged, GAIN does everything possible to try to contact the owners listed. She made comment that if the veterinarian community would work with GAIN and not be political about it; they could all work together to fix the problem.

**Margaret Christine Pascual**, a volunteer at GAIN, testified on behalf of GAIN and in support of Bill 56. As the volunteer shelter manager, her role is to oversee the operations of the animal shelter. She is the point of contact for staff on emergency issues, at least once a day, with animals coming in from the road to the shelter. Ms. Pascual said there is the problem of not being able to make a thorough examination and euthanize a very sick or injured animal, and there is usually a problem of having someone to help transport the animal to a vet.

Getting the animal to a vet is a challenge. A vet is not always available and there are traffic issues. Secondly, there is a charge. GAIN cannot afford to pay out a fee every time for all the animals that need assistance. She even asked the military vets for assistance; however, they are not allowed to help outside the base. Another challenge is getting someone to transport. The shelter staff's first responsibility is to the animals at the shelter. Not all of them have vehicles. They resort to calling volunteers at home to help out. Too much time is spent looking for a way to transport and it is difficult to work with an animal howling in pain the whole time.

Ms. Pascual referred specifically to very sick or injured animals as their main cause of concern with this bill, not the unwanted animals, which count for over 90% of the animals at the facility. GAIN's goal is not to euthanize, but to try to find these unwanted animals homes, along with an education process on sterilization to address the overpopulation problem. The reality is that the kennels are always full and euthanasia becomes a necessity otherwise the kennels could not hold all the animals coming into the shelter.

With regard to the referral issue – Ms. Pascual defended her staff stating that the owners make their own decisions about which vet to go to – usually based on the most affordable and most convenient to the owners. GAIN recommends that owners take their pets to the vet closest to their village. On the issue of security of the drugs, Ms. Pascual states that it is under triple lock and key – Dr. Diaz holds the key, not staff. The staff only deals with de-wormers and vaccination drugs to help make the dogs adoptable. On the issue of how animals are brought in to GAIN. Many cases are of owners who bring dogs in to GAIN because their animals are very

old or sick, without the financial resources to pay a vet to have him/her euthanize their pet, so they leave them with GAIN to euthanize for them.

**Chairman Cruz** asked for her thoughts on the bill asking for more than just emergency or injured animals, including sick or unwanted animals.

**Ms. Pascus** responded that they already euthanize unwanted animals, so the bill is already asking for what is already in place. She said that another main issue is to address the overpopulation of these animals.

**Senator Leon Guerrero** noted Dr. Diaz is the only one with the key to the drugs, so if there is an emergency, does she have to be called and she has to bring the key to the facility?

**Ms. Pascus** responded that the animal has to be brought to Dr. Diaz at her clinic, so the staff does not have access to the drugs. Those are for the weekly euthanasia injections.

**Senator Klitzkie** commented on her testimony that 90% of the dogs are unwanted –

**Ms. Pascus** answered by saying she didn't give a percentage, but re-stated that a majority – if not close to 90% -- are unwanted or strays.

**Senator Klitzkie** – then continued with his question to ask if 90% of the animals are euthanized?

**Ms. Pascus** confirmed.

**Senator Klitzkie** categorized the two kinds of euthanasia – the weekly schedule with Dr. Diaz and the emergencies, so the bill shouldn't really address anything other than emergent euthanasia in order to be effective.

**Dr. Rebecca Diaz**, owner of Isla Veterinary Clinic and a GAIN member, testifying both for personal reasons and as a part of GAIN, responded to the senator, noting that emergency cases are being covered. She goes up to the shelter as a volunteer, although it is difficult to cover that and try to run a business at the same time. Dr. Diaz schedules one day a week to euthanize when she is off-island; however, it becomes difficult when she is off-island.

**Senator Klitzkie** asked for her opinion on the 'Joseph plan,' where they are all scheduled on a rotation basis to help cover the emergencies; plus a rotation for the weekly scheduled euthanasia.

**Ms. Pascus** responded that she did not think it would work because GAIN does not have the money to pay out for those services, stating that the GAIN budget is about \$60,000 annually covering administration fees (5 part-time employees), purchase of drugs, operational costs (animal supplies); and maintenance costs.

**Chairman Cruz** asked for clarification on Ms. Pascus' comments – if approximately 90% are unwanted, then 10% are sick – but how many emergency cases in a month's time?

**Ms. Pascus** responded that there were about 50-60 plus emergency cases.

**Chairman Cruz** asked how many euthanasia injections are done on a weekly basis.

**Ms. Pascus** responded that on a weekly basis, it is not uncommon to euthanize 50-100 animals.

**Jill Craig**, a staff member of GAIN, testified to a couple of emergency cases where a vet was not available. Ms. Craig shared her emotions in witnessing the injured animal suffer – the helplessness of the staff in not being able to help the animal in their pain – especially when the vet is not available to assist. She appealed to the Committee to help GAIN do their job to give the animal a humane death.

**Dr. Rebecca Diaz** continued with her testimony and clarified for the record that she does have a DEA license to practice at the facility, so she noted that Dr. Joseph was incorrect in his statement that there was illegal placement of drugs at the facility. Dr. Diaz believes the bill will help GAIN operate more efficiently. She cites an example of a feral cat that must wait for an entire week to be put down with the current schedule. The distress the animal goes through is not necessary if a trained person can determine that it did not have to wait a week to be euthanized.

On the issue of the technicians practicing veterinary medicine, she disagrees on that comment. Technically, these animals at the facility are ‘owned’ by GAIN once they are turned over to them, and the law allows for a person to practice veterinary medicine on their own animal.

On the comments from previous testimony that a veterinarian goes to school for 8-10 years to do this, Dr. Diaz stated that she did not go to school to learn how to kill animals. Her job as a doctor is to take them in and do the best for them and if she has to put them to sleep to treat them, she hopes that she is able to wake them up after they’ve been treated.

Dr. Diaz is in favor of the bill to allow GAIN to be able to run a more professional operation, to alleviate the suffering of animals. There are already technical procedures in place, should this bill be passed, for it to work. If there is diversion, those people would go to jail, just like we would lose our license and go to jail.

**Chairman Cruz** asked her opinion on the removal of liability on the veterinarian.

**Dr. Diaz** responded that if she were applying the drugs directly and not watching them and they were being diverted, then she should be liable. However, if GAIN has their own DEA license, then they are responsible for the drugs that they order and there would not be a veterinarian from that point.

**Chairman Cruz** then asked her who would the liability with regards to those drugs.

**Dr. Diaz** said that GAIN would be responsible for any liability and any punishments by DEA would apply to GAIN.

**Chairman Cruz** asked her for her definition of an animal shelter and asked Tom Nadeau to approach the microphone.

**Dr. Diaz** responded that she did not think that a sanitary permit is sufficient enough to become an animal shelter (deferring to Karon Johnson).

**Karon Johnson**, one of the founding members of GAIN and is an attorney by profession at the United States Attorney's office, began her testimony promoting the GAIN dog show on April 2<sup>nd</sup>. With regard to Dr. Hazen's testimony, she believes his testimony reflects a fundamental misunderstanding of what this bill is about. The bill addresses the animal shelter – the pound – and no other facility. The pound is controlled by law, Title 10 GCA, section 34. The operation of the pound is set forth in detail in those statutes. She states that by law, the decision to put down an animal is made by GAIN. The animals turned over to the shelter then belong to GAIN and the responsibility to put the animals down is made by GAIN. If there is an animal that appears to be someone's pet, then all attempts are made to contact that owner.

She does not see the issue as in obtaining a DEA license. The problem is that the law requires certain qualified people to administer the controlled substances, so GAIN can hold a license, but they cannot administer the substances unless the law is modified to allow people other than physicians or veterinarians to do so.

In her opinion, federal law prohibits someone administering a controlled substance when they are being directed to by phone. The qualified person must be on the scene, which is why this legislation is being pursued – not only because it is required in the Board of Allied Health, but also because of federal law.

Why is GAIN seeking this legislation? The vets are not always available. The military vets will not practice off-base. Ms. Johnson stated that with the exception for Dr. Diaz, not very many vets respond to their emergency pagers on the weekends.

Ms. Johnson graphically addressed a response to Dr. Hazen's question about who decides whether an animal is sick enough to go down or whether they should try to save it. She said that the capacity of their freezer is GAIN's answer. They put down animals once a week and are frozen until they make a dump run. Their pick-up truck would be full up to the brim with dead bodies. In terms of having a vet on-call, that position must be filled seven days a week from 8am – 6pm. If GovGuam would fund such a person, that would be the most desired solution, but reality is that they don't think that will happen, which is why they are seeking this legislation.

**Richard Brown**, GAIN president, wanted to summarize GAIN's position on this issue. Brute effort and brute discussion has allowed GAIN to come up with something – with Public Health in agreement – that is a very workable solution. On exception of a vet on liability, he believes it may be misunderstood. If GAIN ran out of drugs and called on a local vet to help provide the service, that vet would not be held liable – GAIN would – because he volunteered to come out and do something on his own. Mr. Brown believes that it doesn't give anybody a free ride, and related it to the "Good Samaritan" rule that would allow a volunteer some release of liability. The present law, as it is written, does have some problems and are some glitches that would prevent proper licensing of GAIN and its personnel to do the task, and this is why this legislation is necessary.

GAIN saves GovGuam a significant amount of money to run the shelter. In this day and time of tight budgets, it is strictly a win-win situation. GAIN does dog shows to generate their revenue and through donations. It is their sole source of income. GAIN does not have the money to pay the vets; however, if there are vets that offer to do it for free, GAIN is grateful. GAIN is merely looking for relief to allow them to do their job that GovGuam has mandated GAIN to do – in

running the shelter – in a way that is the most humane and keeps unnecessary suffering of animals.

**Senator Leon Guerrero** expressed concern on liability and accountability – if this section remains (on the issue of the veterinarian exemption from liability) where GAIN is responsible entity – would it be the board members of GAIN, and what would happen in the worst case scenario if an employee is found guilty of diversion of drugs? Who would be the responsible entity.

**Karon Johnson** countered by asking who is responsible for the hospital right now.

**Senator Leon Guerrero** answered that it would be the board members and the chair of the board and the administration.

**Karon Johnson** said exactly and concurred that the board of directors would be responsible and liable in addition to the guilty individual.

**Senator Leon Guerrero** noted pointedly that the law does not say “GAIN” – it identifies an ‘animal shelter’ – although a very respected organization for all their good work; however, if there is another animal shelter – the legislature does not pass legislation for particular individuals.

**Karon Johnson** answered that this was what Bill 56 is – and if there is a question about it – it must be made very clear. On page 1, the preamble starts with the fact that GAIN is running the Government of Guam Animal Shelter pursuant to Articles 1 and 2 of Chapter 34 of Title 10, and the sole point of this legislation is to address the operation of the Government of Guam pound – and nothing else.

**Senator Leon Guerrero** clarified that that is a legislative statement. The actual ‘law’ starts from Section 2 and it did not say “GAIN” but rather “Animal Shelter.”

**Karon Johnson** then responded that this must be made very clear that the legislation addresses the animal pound that, by law, must be operated pursuant to Chapter 34 by the government. She concurred to this point and suggested that something to the effect that this concerns the Government of Guam animal pound.

**Senator Leon Guerrero** suggests that this law should also concern other animal shelters that are not governed by the Government of Guam and Ms. Johnson did not agree; however, Senator Leon Guerrero continued that the issue was in dealing with controlled substances, so it should not only regulate government, but that it should regulate the animal shelters throughout. Further, she commented that in the definition of animal shelter, it says “any facility operated by a humane society, the Government of Guam or its authorized agent,” so there already in the definition of animal shelter includes potential privately owned or non-profit animal shelters.

**Karon Johnson** responded by stating that as far as GAIN was concerned, they want to ensure that this legislation is narrowed down to be clear that this is only about the animal pound. With regard to statistics, GAIN took in 2,850 animals last year (2004); 601 were adopted out, therefore, 2,200 animals were killed. In the 2003 Form 990, GAIN lost \$5,500 and had to take that out of their building fund. In 2004, GAIN lost approximately \$5,000, again depleting their

building fund. Dr. Diaz provides a wonderful service for GAIN – she euthanizes for free – the day she leaves island, GAIN will have to turn the facility back to the government because GAIN cannot pay to have someone euthanize.

**Senator Respicio** noted that page 3, line 22 of Bill 56 already points out that it is a public or private animal shelter recognized by Public Health and Social Services authorized to purchase, possess.... so he appreciates the discussion, especially with Senator Lou's concerns, but in the original bill, it actually said "GAIN" but they wanted to include that if a successor non-profit takes over the public animal shelter, there won't be a need to go back to the legislature to amend that particular law. He did ask for clarification, though, on whether a vet had to be present physically to administer the drugs.

**Karon Johnson** answered that it is a Board of Allied Health Examiners regulation; the vet needs to be physically present. In her opinion, Ms. Johnson also concurred that a practitioner must be there physically for federal law also. Tom Nadeau clearly stated it and negated Dr. Joseph's opinion that he can authorize euthanasia by phone.

**Senator Leon Guerrero** asked for clarification – is licensing just for euthanasia or for any controlled substances?

**Karon Johnson** answered that for any controlled substances, you must have both a Guam and federal controlled substance license. In her opinion, a person performing euthanasia must be doing it pursuant to the direct supervision of the one holding the license, and that means their body is on the premises.

**Chairman Cruz** added, however, that there are some exceptions to that.

(DIALOG CONTINUING AWAY FROM MIC – unclear – not able to transcribe)

**Senator Respicio** continued noting that Ms. Johnson stated that GAIN would have no problems following the current rules and regs if there was a Territorial Vet because funding was an issue for GAIN.

**Karon Johnson** corrected that she did not say Territorial Vet. She clarified that someone should be on-call seven days a week, no leave, no vacation, no leaving island, basically, that someone is available to put the animal down right away.

**Senator Respicio** said that this only underscores the need to budget for a Territorial Vet through the Department of Agriculture.

**Vice Speaker Brown** commented on the lively discussion on this issue. She stated that during the Ada Administration, she was involved when the original agreement was completed between Guam Animals In Need and the Government of Guam. At that time, the animal shelter was poorly maintained and without adequate food supplies. Although there have been turf battles, as is today, and sometimes – somehow – these animals were not the priority. The reality is that most of these animals brought to the shelter are put to death – we like to use the word 'euthanize' – but that is the reality. She has seen truckloads of dead animals, put to death because they had nowhere to go and nobody wanted them. She commends GAIN for their dedication. Her mother is a volunteer and is there every Friday to help take care of the animals.



The intent behind this – and although there may be some points that need to be fine-tuned – is to address these extreme cases of animals that are at that point to be euthanized in a humane manner. Vice Speaker Brown believes that there is a way to put a mechanism in place to control the drugs with accountability and responsibility because this is a very legitimate concern. How to deal with the suffering animals with no where to go and will be put down anyway – why wait a week – or in the cases of volunteers spending days to try to find a home for the many animals at the shelter.

Vice Speaker Brown believes that the process isn't working now and without getting into the turf battle between GAIN and the veterinarians or GAIN and Public Health, she focused on the policy call that the legislature has to deal with properly euthanizing these animals and putting them to sleep. The reality is that the government is wholly relying on this volunteer organization to deal with a very critical problem that affects our entire community, so she commends GAIN for their efforts.

Unfortunately, the reality is that many in our community are insensitive to animals. They need to be treated with dignity and there needs to be an educational awareness within our community on how to deal with this problem.

**Chairman Cruz** thanked the Vice Speaker for her passionate and unbiased comments on the issue.

**Senator Klitzkie** asked to be allowed to finish with a few questions – on the over the phone issue – he directed a question to Karon –

**(VERBATIM FROM THIS POINT)**

“If this bill were law, and a euthanasia technician decided that an animal should be put to sleep and did it, that would be okay, correct?”

**Karon Johnson:** “That’s what we do now.”

**Senator Klitzkie:** “But if the euthanasia technician called a veterinarian and said, ‘I’ve got a borderline case here, I’d like your input,’ relates the symptoms to the veterinarian. The veterinarian says, ‘It sounds like the dog is going to die by the end of the day, so it would be all right to euthanize in my professional judgment.’ That would be in violation of the law?”

**Karon Johnson:** “I think that when the needle comes out and the drugs that are in your hand and you fill up that syringe and stick it in the animal – in my opinion – the vet needs to be there.”

**Senator Klitzkie:** “Okay, let me ask you a question then – a vet needs to be there if this was the law?”

**Karon Johnson:** “That is the law on Guam. The vet has to be physically present.”

**Senator Klitzkie:** “Okay, if this bill were the law?”

**Karon Johnson:** “No, no, no. If this bill were the law, the trained veterinarian technicians would have a key to the triple lock, would be able to fill the syringe and put the animal down.”

**Senator Klitzkie:** “Let me ask you a hypothetical question, then, let’s say this bill was the law. Situation number one, euthanasia technician determines that the dog should be put to sleep. He puts the dog to sleep. Situation number two, euthanasia technician says, ‘this one is kind of on the borderline, I think I’ll call my friendly veterinarian.’ He calls the veterinarian and says, ‘this dog looks like it’s a borderline case. I would like to have your professional judgment.’ Then asks a few questions and he says, ‘the dog cannot recover. I think it would be good to euthanize the dog.’ That is a violation of the law?”

**Karon Johnson:** “No, no, not under this bill. I mean, vets can give all the free advise that they want. I mean, I don’t think this bill would affect veterinarians giving advise on things.”

**Senator Klitzkie:** “All right, then I am really confused by your testimony –

**Karon Johnson:** “I’m sorry.”

**Senator Klitzkie:** “ – because you told us earlier that the veterinarian – no matter what – the veterinarian must be physically present in order to authorize the controlled substance.”

**Karon Johnson:** “No, no, no. Not to give the advice. I mean, you can give the advice from Timbuktu or hiking in Tibet, but before that animal can actually be put down with a controlled substance, the veterinarian must be on the premises.”

**Senator Klitzkie:** “Under the current state of the law?”

**Karon Johnson:** “Under the current state of the law.”

**Senator Klitzkie:** “But if the law were changed the way you want it to be changed, does he still have to be on the premises?”:

**Karon Johnson:** “No.”

**Senator Klitzkie:** “Okay, that’s where I was going.”

**Karon Johnson:** “Okay, I’m sorry. I might add another practical reality when there was talk about whether or not we should try to save this animal – no one pays for them – in other words, these are not people’s pets.

**Senator Klitzkie:** “I’ve got another couple of questions. So if we were to narrow the scope of this bill by first of all saying that the bill would be effective only in a government pound – the pound expressly stated that – that would be good, correct?”

**Karon Johnson:** “I think so. That is our intent.”

**Senator Klitzkie:** “If the bill stated that only sodium pentobarbital could be used, could you still operate?”

**Karon Johnson:** “You’ve got to talk to the vet about that.”

**Senator Klitzkie:** “I’m not asking if you’d like it better. Could you still operate?”

**Dr. Diaz:** “Yes, it would make it much more difficult and possibly put the employees in danger, but yes.”

**Senator Klitzkie:** “And if there were no ‘hold harmless’ clause for veterinarians, would the bill still be workable?”

**Karon Johnson:** “I think so.”

**Senator Klitzkie:** “And if the bill required GAIN to get a controlled substance permit, is that doable?”

**Karon Johnson:** “That is what we’re seeking, is to be able to get a controlled substance permit and allow our own employees – if they are trained – to administer them.”

**Senator Klitzkie:** “And that would be the DEA controlled substance permit?”

**Karon Johnson:** “Oh, absolutely. You’ve got to have the federal before you get local.”

**Senator Klitzkie:** “Okay, so if the bill cited those requirements, that would be workable?”

**Karon Johnson:** “Yes.”

**Senator Klitzkie:** “And if the bill limited the functions of the euthanasia technician to emergent euthanasia only, that would still be a lot better than you have right now, correct?”

**Karon Johnson:** “Well, it would address our immediate concerns, but –“

**Senator Klitzkie:** “But would it be better than what you have right now?”

**Karon Johnson:** “- oh God, yes.”

**Senator Klitzkie:** “Let’s go back to the sodium pentobarbital for a second, Dr. Diaz. If you were limited only to sodium pentobarbital – only that drug – how would it put the staff at risk?”

**Dr. Diaz:** “Basically because some of the animals that come in are extremely feral and they are a danger to try to handle them. With the sodium pentobarbital, you would have to try to give an injection, either in the stomach or some people in animal shelters in the States, they often hold up a leg and you give in the vein, so it is not as effective when you have to try to give that. It is not approved for you to say – just give it in the muscle or under the skin – it does work, not as well. It takes a long time and it is not approved for that type of use. Generally, we use Xylazine and Ketamine with those types of animals to sedate them, which you can use with a pole – an injection pole – from a distance. You kind of push them in a corner and use an injection pole and then they go to sleep before anyone has to get very close to them.

**Senator Klitzkie:** “If I were a ‘nervous Nelly’ – assume that I am a nervous Nelly for the moment – when I hear the word “Ketamine,” that causes me to kind of sit up and take notice.

**Dr. Diaz:** “Of course.”

**Senator Klitzkie:** “What was the other drug that you mentioned?”

**Dr. Diaz:** “Xylazine.”

**Senator Klitzkie:** “Is that effective?”

**Dr. Diaz:** “Xylazine is effective; however, it is not effective as a combination because one does not cause – the Ketamine causes paralyzation of the animal, causes more unconsciousness – it also decreases the amount of seizing. When you give Xylazine alone, the animals will often seizure, and every single cat will vomit and seizure if you give it to them without a mix of Xylazine and Ketamine.”

**Senator Klitzkie:** “That is specific to cats?”

**Dr. Diaz:** “Yeah, the vomiting is – some dogs will vomit – but with cats it is very unpleasant.”

**Senator Klitzkie:** “Is Xylazine subject to abuse like Ketamine is?”

**Dr. Diaz:** “No.”

**Senator Klitzkie:** “So if the bill authorized Sodium Pentobarbital and Xylazine, it would be even more better off than you are right now.” That’s all I have right now. Thank you very much. Thanks a lot for coming down and putting in all this time this morning – both pros and cons – it’s a complicated bill and I think it’s very helpful to have the kind of testimony we had this morning. Thank you, Mr. Chairman.”

**Chairman Cruz:** “Mr. Ramirez, did you have a comment?”

**Mr. Florencio Ramirez:** “No, I don’t want to make a comment. I would just like to ask these people, you know, that where I come from – put down, kill and sleep – means one thing – taking the life away. That’s all that I wanted to say.

**Chairman Cruz:** Thank you very much for that. I guess if there is no more comment or questions, I want to thank you all for a very lively, emotional, but very informative discussion. We adjourn this meeting.

#### **COMMITTEE FINDINGS:**

The Committee finds that it is sound policy to limited use of euthanasia techs for the purpose of putting animals to sleep in emergent cases. For this reason, the Committee further finds that Bill No. 56 should be amended to narrow the authority granted for the activities of euthanasia techs in these circumstances. Specifically, the bill should be amended to limit the use euthanasia techs for this purpose only in emergent cases, at government facility, under the auspices of a Drug Enforcement Administration permit, and further limiting the use of only sodium pentobarbital or

Xylazine for this purpose. The Committee further finds it appropriate to delete "hold harmless" language with respect to veterinarians.

**COMMITTEE RECOMMENDATION:**

The Committee on Health & Human Services recommends that **Bill 56 (EC): An Act To Amend Subsections (2) And (29) Of § 67.100 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**, be submitted to I Mina Bente Ocho Na Liheslaturan Guahan with a recommendation TO PASS, as substituted by the Committee.

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

**Bill No. 56 (EC)**

As substituted by the Committee.

Introduced by:

R.J. Respicio

J.S. Brown

R. Klitzkie

F. B. Aguon, Jr.

AN ACT TO AMEND SUBSECTIONS (2) AND (29) OF §67.100 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 THE PUBLIC ANIMAL SHELTER 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  
3 to the Guam Uniform Controlled Substances Act (Chapter 67 of Title 9 of the  
4 Guam Code Annotated) should be made to allow euthanasia technicians licensed  
5 by the Guam Allied Health Board to administer sodium pentobarbital or any  
6 controlled substance medically recognized by the American Veterinary Medical  
7 Association for the purpose of humane euthanasia of injured, sick or unwanted  
8 animals.

9       By way of background, on February 17, 2000, Guam Animals in Need,  
10 Inc. (GAIN), a Guam humane society, and Guam Department of Health and Social

1 Services (DPHSS) entered into a contract wherein GAIN would provide all animal  
2 care services for cats and dogs delivered to the DPHSS Animal Shelter, Yigo, in  
3 accordance with the laws and regulations concerning such care set forth in Articles  
4 1 and 2 of Chapter 34 of Title 10, Guam Code Annotated. These services include  
5 the humane euthanasia of sick, injured or unwanted cats and dogs. Humane  
6 Euthanasia includes the administration of the controlled substances sodium  
7 pentobarbital and other controlled substances used to sedate animals before  
8 euthanasia.

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

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

1           The Legislature finds that 31 other states have successfully amended their  
2 controlled substance laws to allow the purchase, possession, and administration of  
3 such euthanasia drugs by animal control shelters and animal pounds, and that these  
4 amendments have had a positive impact on reducing animal suffering without  
5 causing any danger to the general public.

6           It is the Legislature's intent to allow the public animal shelter duly licensed  
7 on Guam and recognized by the Department of Public Health and Social Services  
8 to apply for licensing to purchase, possess, and administer euthanasia drugs for the  
9 specific purpose of humane euthanasia of sick, injured and unwanted animals, and  
10 to limit the personnel who may perform such euthanasia to those individuals  
11 specifically trained in euthanasia procedures by a registered veterinarian as  
12 provided for under the Guam Board of Allied Health Examiners.

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

16           “(2) *Administer*, unless the context otherwise requires, means to apply a  
17 controlled substance, whether by injection, inhalation, ingestion or any other  
18 means, directly to the body of a patient, an animal, or research subject by:”

19           **Section 3. Amendment of definition "practitioner" in Guam**  
20 **Uniform Controlled Substances Act.** Subsection (29) of §67.100 of Chapter  
21 67 of Title 9 of the Guam Code Annotated is amended to read:

22           “(29) *Practitioner* means a physician, dentist, veterinarian, scientific  
23 investigator, pharmacist, pharmacy, hospital, public animal shelter, or other person  
24 licensed, registered, or otherwise permitted, by Guam, to distribute, dispense,  
25 conduct research with respect to, administer, or use in teaching or chemical  
26 analysis, a controlled substance in the course of professional practice or research.”



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

4           “(g) A public animal shelter recognized by the Department of Public  
5 Health and Social Services is authorized to purchase, possess, and administer  
6 sodium pentobarbital and Xylazine for the purpose of humane euthanasia of  
7 injured, sick, or unwanted animals provided that the a U.S. Drug Enforcement  
8 Administration controlled substance permit is also secured. The possession and  
9 administering of any controlled substance for euthanasia pursuant to Subsections  
10 (g) and (h) of this Section is restricted solely to the premises of an animal shelter  
11 recognized by the Department of Public Health and Social Services.

12           (h) Agents of a public animal shelter recognized by the  
13 Department of Public Health and Social Services shall possess a current  
14 euthanasia technician license issued by the Guam Board of Allied Health  
15 Examiners to administer controlled substances for euthanasia to injured, sick, or  
16 unwanted animals. The requirements for the issuance of a euthanasia technician  
17 license shall be determined and developed by the Guam Board of Allied Health  
18 Examiners.”

19           **Section 5. Euthanasia technician certification.** §121906 of Article  
20 19 of Chapter 12 of Division 1, Part 1 of Title 10 of the Guam Code Annotated, is  
21 added to read:

22           “§121906. Trained Persons Performing Euthanasia. Notwithstanding any  
23 other provision of this Chapter 12, agents or employees of a public animal shelter  
24 may lawfully possess and administer sodium pentobarbital or Xylazine for the  
25 purpose of emergent and humane euthanasia of injured, sick, or unwanted animals;  
26 provided, that the agents or employees of the licensed public animal shelter have  
27 successfully completed a euthanasia technician certification course approved by

1 the Board of Allied Health Examiners. This training shall be conducted by a  
2 veterinarian currently registered on Guam, and shall include the following areas:  
3 knowledge of federal and Guam laws regarding the proper storage, inventory and  
4 handling of controlled substances, the potential hazards of such controlled  
5 substances, the use and administration of such controlled substances, humane  
6 euthanasia procedures, and other subjects as shall be required by the Guam Board  
7 of Allied Health Examiners. Upon certification by the veterinarian that a person  
8 has successfully completed the course, the Guam Board of Allied Health  
9 Examiners may issue a euthanasia technician license to said person, subject to  
10 annual renewal. The Board may revoke or suspend the license at any time for good  
11 cause.”



## Animal Medical Clinic

505 Harmon Loop., Suite 100 Dedado, Guam 96929 Tel (671) 637-VETS (8367) • Fax: 637-8424

March 8, 2005

Dear Senator Dr Cruz,

I am writing to strongly oppose Bill 56 regarding the dispensing of controlled substances to unlicensed, non-professionals, for the euthanasia of animals at the animal shelter. There are many reasons that this Bill 56 should not be passed, and I have written a comprehensive letter that I have forwarded to Dr Hazen at the Guam Allied Health Board to present on my behalf. I have asked him to share that with you too. In short, I would like to highlight some points that should make it plainly evident that Bill 56 is a bad idea for Guam.

Guam is already stretched to the limit with its budget and resources, yet here is a Bill that will allow for ordering, dispensing and distributing lethal and addictive drugs, without restriction and without any responsibility. How will this government control and monitor these drugs?

The Bill is written to specifically remove any liability from any party for abuse or accidents. As professionals we study for years and take an oath that we have earned, to be given the right and privilege to dispense these drugs in a most restrictive and responsible manner. Along with that comes direct responsibility.

When the government controlled the shelter, GAIN fought furiously to ensure that they were not allowed any control of these drugs. Now that GAIN runs the shelter they have a complete change of position and argue for the position they adamantly opposed. Let us be reminded that euthanasia is a kindly way of saying 'killing an animal', the taking of a life. Is any animal shelter employee now able to make this tremendous decision to take life and make it so trivial? There are employees at the shelter who are compassionate and revere life, but there are those who have been exposed long and become cold and have lost their reverence of life. Who can control this decision making process? The way it is written, this law allows GAIN employees to make a split decision (without any professional experience), take the drugs and kill the animal at their convenience. How trivial we take these drugs and lives now? Also, some of GAIN's staff is very temporary and transient. Who will oversee all these people and their exposure to these drugs?

What happens when a complication occurs? A human gets accidentally injected? An animal does not get the right drug or the right amount? The drugs are unaccounted for? So many open questions with this Bill yet no answers and no responsibility. I assure you

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when an incident does occur, GAIN will promptly shift responsibility to the government and this Bill and will wash their hands clean.

I have been a veterinarian for 12 years. I have attended many national and regional conferences, including one 2 months ago for 6000 veterinarians and technicians. At no time have I ever heard of such a thing as a 'euthanasia technician'. A veterinary technician's job is to assist, under the direct control of a veterinarian, the treatment and care of animals. They are NOT allowed to order, store or dispense controlled substances without the direct authority of a doctor, even in a hospital setting. Yet Bill 56 wishes us to recognize the title and authority of a 'euthanasia technician', and remove all professional responsibility and give entitlement to a fictional position.

GAIN does a lot of good for Guam, and the name of GAIN carries with it a certain 'weight' that is used for legal and political reasons. But, this does not mean that what they wish is always right, and this Bill is terrible, and has wide reaching repercussions to the medical and pharmaceutical professions on Guam. It is a bad idea. The argument to change the law for GAIN is based on two key issues. One is that it is inconvenient for a professional to be available. Second, that a few animals are suffering for an extra 30 minutes before a vet can see them. The shelter has run this way for many years and there are much better solutions than giving lethal and addictive drugs to non-professionals. My office is only five minutes from the animal shelter, but GAIN has chosen their own veterinarian. Now, because this veterinarian is further and has become inconvenienced by having to assist in euthanasia, a law is written, (for the sake of the convenience of *one*), to make controlled substances readily available. How ludicrous! Furthermore, this same veterinarian will be the 'trainer' for 'euthanasia technicians' even though she holds no such credentials to do so. Take note: If this law passes, I would then be able to train my staff, give them 'titles' and let them order, store and dispense controlled substances. The portals for abuse are wide open!

In human and animal medicine the laws are strict and clear. Changing them for the sake of convenience is wrong. As I understand it, the Guam Board of Allied Health, which is tasked to monitor the Animal Shelter, has no resource and no willingness to do so.

GAIN claims that some states allow for euthanasia by animal shelter staff and further claim that there is such legislation. Where is this legislation? This legislature should be very interested to see this legislation and how it written and where the responsibility lies. Bill 56 is written so poorly, and cannot in any way be comparable to any state, whose animal control budgets, staffing and controls are very well funded and very well monitored.

GAIN needs to be more forthright with its monetary assets and needs to share this information with the legislature. (I have not seen a public disclosure in the PDN for quite some time). GAIN has a lot of money but is unwilling to spend it. With this funding, I am sure they could readily contract affordable emergency vet care to take care of their emergencies!

Please vote no to Bill 56 for the safety of Guam and integrity of our professions!

Sincerely,

Dr Kevin Malakooti.

GOVERNMENT OF GUAM



*Felix P. Camacho*  
GOVERNOR

*Kaleo S. Moylan*  
LIEUTENANT GOVERNOR

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES  
(DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT)  
Post Office Box 2816 Hagatna, Guam 96932  
123 Chalan Kareta, Route 10  
Mangilao, Guam 96913



*PeterJohn D. Camacho, MPH*  
DIRECTOR

**Testimony in Partial Support of Bill No. 56**

March 10, 2005

Hafa Adai and Good Morning to Mr. Chairman and the Members of the Committee. My name is Tom Nadeau, I am the Administrator with the Division of Environmental Health of the Department of Public Health and Social Services. On behalf of the Department and its Director, Mr. PeterJohn Camacho, I would like to provide testimony for our partial support of Bill No. 56.

We support the intent of Bill 56. The Department also believes that unwanted and seriously injured dogs and cats should be euthanized humanely and quickly as possible when needed. When this Department operated the Yigo Animal Shelter few years ago, we too had difficulty securing and administering controlled substances due to regulatory restrictions and financial limitations. So we are very understanding of the situation at the animal shelter and support what Bill 56 is trying to accomplish. However, as the agency responsible for regulating the lawful manufacture, distribution, and dispensing of pharmaceutical controlled substances we also know of the diversion potential these dangerous substances have. Therefore, we cannot fully support Bill 56 in its existing language.

Before we present our specific objection to Bill 56, we once again seek a correction to the 3<sup>rd</sup> paragraph of the Legislative Statement in Section 1 of the Bill. The Guam Uniform Controlled Substances Act, Title 9 GCA, Chapter 67 does not, nor did it ever, prevent any person other than a veterinarian to purchase, possess, or administer controlled substances to animals. The Act does allow anyone or any institution to apply and obtain a registration to manufacture, distribute, and dispense (or administer) controlled substances, provided no other law restricts such activities. The only reason an animal shelter employee may not currently administer controlled substances to an animal is due to the restrictions placed by the Board of Allied Health in their rules governing the professional practice of veterinary medicine. According to their rules, a veterinarian must be physically present when his/her agent administers controlled substances to an animal.

Working within these legal parameters, our Department can still issue a registration to the Guam Animals In Need, which will be the actual owner of this registration and not any particular veterinarian. Thus, an employee of the shelter can administer controlled substances as an agent of the shelter without the physical presence of a veterinarian. The proposed amendments to the definitions in Bill 56 will explicitly acknowledge such practice, which we recommend and support.

The area of Bill 56 where we do disagree and oppose is Section 4 where a veterinarian is "not liable for any acts or omissions on the part of the staff or agents of the animal shelter". We do understand why this provision was placed, but we do not believe it is necessary. In fact, it could be misconstrued that a veterinarian is free of all responsibility for any acquisition of controlled substances if it is intended for the animal shelter. Such provision is inconsistent with the purpose of any laws governing controlled substances, which is accountability and thus liability.

As long as the veterinarian abides by the law in the proper procurement and transfer of controlled substances in good faith, he/she will be protected. But let's suppose an unscrupulous veterinarian obtains and transfers controlled substances to an animal shelter employee knowing that the same employee is diverting the drugs for unlawful activity. Shouldn't that veterinarian be as much liable for the crime as the shelter employee? We believe so, and the courts will very likely agree, but the proposed exemption of liability in Bill 56 may only confuse the matter if it were to ever occur. Thus, we request that this section be removed from the bill.

Outside of those concerns we just mentioned, we support Bill 56. With the recommendation, the bill will address the needs of GAIN, the Department's concern of diversion, it will not conflict with the rules of veterinary practice, benefit the public of unwanted animals, and ultimately provide relief to the pain and suffering of injured animals brought to the shelter.

Thank you and Si Yu'us Ma'ase to Chairman Cruz and the Members of the Committee for granting the Department and I the opportunity to present this testimony.



M. Thomas Nadeau

**Article 2**  
**Permits for Animal Facilities, Humane Animal Care.**

- §34201. Definitions.
- §34202. Permits.
- §34203. Permit issuance and revocation.
- §34204. Confinement.
- §34205. Animal care.
- §34206. Keeping of wild animals.
- §34207. Performing animal exhibitions.
- §34208. Animal waste.
- §34209. Authority of officers.
- §34210. Penalties.

**§34201. Definitions. For purposes of this Article:**

- (a) *Animal* means any live non-human vertebrate creature, domestic or wild;
- (b) *Animal shelter* means any facility operated by a humane society, the government of Guam or its authorized agents for the purpose of caring for animals held under the authority of this Article;
- (c) *Auctions* mean any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this Article. This does not apply to individual sales of animals by owners;
- (d) *Circus* means a commercial variety show featuring animal acts for public entertainment;
- (e) *Commercial animal establishment* means an pet shop, grooming shop, auction, riding school or stable, zoological park, circus performing animal exhibition, animal quarantine facility or kennel;
- (f) *Grooming shop* means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed;
- (g) *Officer* means a member of the Guam Police Department, a Mayor or a person authorized by the Director of Public Health and Social Services (the

"Director");

(h) *Kennel* means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs or cats, or any premise in a non-agricultural zone area upon which five (5) or more adult dogs or cats are harbored or kept;

(i) *Owner* means any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered three (3) consecutive days or more;

(j) *Performing animal exhibition* means any spectacle, display, act or event other than circuses in which performing animals are used;

(k) *Pet* means any animal kept for pleasure rather than utility;

(l) *Pet shop* means any person, partnership or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel that buys, sells or boards any species of animal;

(m) *Public nuisance* means any animal which

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large; or
- (5) Damages private or public property;

(n) *Restraint* means any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's commands or within the real property limits of its owner;

(o) *Riding school or stables* mean any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule or burro;



(p) *Veterinary hospital* means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals;

(q) *Vicious animal* means any animal that constitutes a physical threat to human beings or other animals;

(r) *Wild animal* means any animal which is not commonly domesticated, or which is not native to Guam, or which, irrespective of geographic origin, is of a wild or predatory nature, or any domesticated animal, which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or contained in a safe and secure manner;

(s) *Zoological parks* means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency;

(t) *Permitting authority* means the Department of Public Health and Social Services (the *Department*) which shall be the permitting authority for purposes of this Article.

**§34202. Sanitary permits.** (a) No individual, partnership or corporation, or any other group or combination acting in concert shall operate a zoo, pet shop, kennel, animal shelter, veterinary hospital or other commercial animal establishment, or which imports, exports, exhibits, sells, boards or otherwise exposes the public to live animals without first obtaining a sanitary permit to operate, and shall conduct such enterprise in compliance with this section and any regulations specified by the Director. An exception to this provision may be made for kennels on land which is zoned as agricultural.

(b) The Department shall promulgate regulations for

the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Article.

(c) Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the permitting authority, a permit shall be issued upon payment of the applicable fee.

(d) The permit period shall coincide with business license period and run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to expiration. Application for permit to establish a new commercial animal establishment under the provisions of this Article may be made at any time.

(e) Every facility regulated by this Article shall be considered a separate enterprise and requires an individual permit.

(f) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.

(g) Failure to obtain a permit before opening any facility covered in this section shall result in a fine of Two Hundred Dollars (\$200). Each day of violation is a separate offense.

(h) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.

(i) The permit required in this section shall be in addition to the business license required for the business to operate.

**§34203. Permit issuance and revocation.** (a) The permitting authority may revoke any permit if the person holding the permit refuses or fails to comply with this Article, the regulations promulgated by the permitting authority or any law governing the protection and keeping of animals.



(b) Any person whose permit is revoked shall, within ten (10) days thereafter, appropriately dispose all animals owned, kept or harbored and no part of the permit fee shall be refunded.

(c) It shall be a condition of the issuance of any permit or license that the permitting authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit of the refusing owner.

(d) If the applicant has withheld or falsified any information on the application, the permitting authority shall refuse to issue a permit.

(e) No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment.

(f) Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a Ten Dollar (\$10) fee.

**§34204. Confinement.** (a) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding.

(b) Every vicious animal, as determined by the Department, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever the animal leaves the premises of its owner.

**§34205. Animal care.** (a) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment.

(b) No person shall beat, cruelly ill treat, torment,

overload, overwork, or otherwise abuse an animal or cause, instigate or permit any dogfight, bullfight or other combat between animals with the exception of cockfighting as regulated by the Cockpit License Board.

(c) No owner of an animal shall abandon such animal.

(d) No person shall crop a dog's ears except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort and in no event shall any person except a licensed veterinarian perform such an operation.

(e) Any person who, as the operator of a motor vehicle, strikes a domestic or wild animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to an officer.

**§34206. Keeping of wild animals.** (a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply for zoological parks, performing animal exhibitions or circuses.

(b) No person shall keep or permit to be kept any wild animal as a pet.

(c) The permitting authority shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

**§34207. Performing animal exhibitions.** (a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

(b) All equipment used on performing animals shall fit properly and in good working condition.

**§34208. Animal waste.** The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas or private properties.

**§34209. Authority of officers.** (a) Any officer may issue a citation of violation as provided in §§25.10 through 25.50 of Title 8, Guam Code Annotated.

(b) The Director may declare an animal to be a public nuisance. Any animal found by the Director to be a public nuisance shall be impounded and may be ordered confined or destroyed.

**§34210. Penalties.** (a) Except as otherwise provided herein, any person violating any provision of this Article shall be deemed guilty of a violation and shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500). If any violation be continuing, each day's violation shall be deemed a separate violation.

(b) The provisions of this Article shall not apply to any operator of a greyhound racing track nor to any greyhound racing dog so long as such greyhound is subject to regulation by the Department of Revenue and Taxation.

SOURCE: Article 2 was repealed in its entirety and reenacted by P.L. 22-13:2.

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ADDITIONAL TESTIMONY CONCERNING  
AMENDED BILL 56

March 10 , 2005

Dear Senators,

I want to express my deep appreciation to Senator Rory Respicio and Senators Joanne Brown and Robert Klitzkie for introducing and sponsoring this bill. I want to thank Senator Mike Cruz and the Health Committee members for setting a public hearing so quickly, given that we feel a certain urgency to amend Guam law so that GAIN or whoever is running the animal shelter, can put sick and injured animals there out of their misery quickly.

This bill will seem unnecessary to those who do not think that animal suffering is a problem. Many believe that animals are a lower life form, and that they do not feel pain to the same degree as humans. Thus, they do not believe it is of much import that an injured animal may lie at the shelter for hours, or a day, before being put down, or that it may suffer additional pain by being hauled several miles to a veterinarian for this procedure.

If one believes that animals feel the same degree of pain as humans, and that the animal shelter should be just that—the place where animals are brought to be cared for and sheltered—then Guam has a problem, and Bill 56 addresses it.

I cannot see any other way to solve the problem of animal suffering, than to change the law to allow people at the Shelter to euthanize suffering animals which are brought there. This bill provides for the same controls that apply to every other holder of DEA/Guam controlled substances licenses. It provides for trained and licensed technicians who will have to be recertified on a regular basis. In short, it provides that the same rules and regulations would apply to the Shelter, as apply to every other veterinarian.

To those who oppose Bill 56, I would ask, What is your solution? If you agree we have a problem, how do you propose solving it?

Sincerely,



Karon V. Johnson

472-7332 x 146

Dr. Mike Cruz  
Chair, Health Committee  
Twenty-Eighth Guam Legislature

March 14, 2005

Dr. Cruz,

Thank you again, so very much, for bringing Bill 56 to a public hearing. I am so grateful to see that other people perceive the importance and urgency of this issue. I wanted to put on the record a response to Dr. Hazen, and enter some statistics for the Committee's consideration.

1) Dr. Hazen believed this Bill will give GAIN the authority to determine who lives and who dies.

-GAIN already has the authority to determine who lives and who dies. GAIN is simply the agent for the Government of Guam, which is responsible for the Shelter. The Shelter operation is controlled by statute, 10 Guam Code Annotated, Chapter 34. The law provides that the Director of the Department of Agriculture, or his designee (presently, GAIN), determines the disposition of all animals turned in there.

2) Dr. Hazen seemed to believe that this Bill would be abused, in that dogs with mange would be considered emergencies.

-In truth, we check every dog for a license and ID, and if we believe it may have an owner, we scan it for a microchip.

-We do not have the storage capacity to put down animals for frivolous reasons, because bodies are only disposed of once a week. This Bill concerns animals who are truly suffering.

-10 GCA Chapter 10 provides that an animal must be held 3 days before anything else can be done with it, either adoption or euthanasia.

3) Dr. Hazen urges the Legislature to provide that a veterinarian be on duty at the Shelter to euthanize animals who need to be killed, and to treat those that do not.

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-The Shelter is the government animal pound. Our animal care contract provides that Gov/Guam pays utilities, and GAIN bears the expense of every other aspect of operating the Shelter, including capital improvements. Gov/Guam does not provide money to treat injured or sick animals there.

-Nor should it. I've just completed the statistics for 2004: we took in 2,866 animals; we adopted out 601. Thus, we killed 2,265, a good 50 % of which were healthy pets for which we could not find a home. Even if we had the money, or Gov/Guam had the money, there would be no point to treating sick or injured animals, because we already have more healthy ones than we can find homes for.

4) Dr. Hazen and Dr. Schiff (Joseph?) stated that there were veterinarians available to do euthanasia for a nominal fee. Some veterinarians want to make money from the Shelter. GAIN does not have the funds to hire a veterinarian, even for a "nominal fee".

-On Friday, March 11, 2005, Bambi Leone took a very sick puppy to Dr. Malakooti and asked that it be put down. Dr. Malakooti still has euthanasia drugs belonging to GAIN, from the time several years ago when GAIN was purchasing the drugs for the Department of Public Health. Despite the fact that the drugs were GAIN's, he charged Bambi \$10 for his time to euthanize the puppy. She paid out of her own pocket.

-We killed over 2250 animals during 2004. At \$10 each, that amounts to some \$22,500/year in vet fees.

-GAIN does not have the money to pay for euthanasia. In 2002, GAIN ran a deficit of \$14,298.66. In 2003, we ran a deficit of \$5,2818.18. (I have not yet received the 2004 financial report.) I file the Form 990 Return for Charitable Organizations, and can provide you with copies of our 2002 and 2003 financial statements.

-GAIN covered these losses by taking money out of the building fund. GAIN's contract with Gov/Guam commits it to bringing the Shelter up to code, i.e., to the standards set by the 1998 regulations for animal

facilities. Among other things, this means replacing all wooden structures with concrete.

-The building fund has been exhausted. GAIN is preparing to dedicate a typhoon-proof, earthquake proof concrete building which will anchor the Shelter operation: a combined storage/work station/cat facility of 1,300 square feet, at an approximate cost of \$120,000. This building was erected to fulfill part of our contractual obligation to Gov/Guam: the cat facilities now conform to code.


-GAIN's budget is approximately \$70,000/year, of which some \$65,000 is spent to operate the Shelter. We rely entirely on donations. We are not "spending" money to put on the annual dog show: to the contrary, all the supplies for the show are donated. It is our most important fund-raising event of the year. Proceeds go to operating the Shelter.

-Dr. Rebecca Diaz is providing euthanasia services to the Shelter for free. We could not afford to pay a veterinarian for these services. If Dr. Diaz terminated these pro bono services, we would have to turn the operation of the Shelter back to Gov/Guam.

5) A veterinarian would not solve the problem which Bill 56 addresses: the lack of vets on weekends and holidays. The problem is when sick or injured animals are brought to the Shelter after hours, i.e, when the veterinarian clinics are closed. We have repeatedly attempted to locate vets on Saturday afternoons or Sundays or holidays, and cannot get a response even when we call their emergency numbers. The only alternative to Bill 56 is for someone to pay to have a vet on call 24-7.

In summary, this legislation appears to be the only realistic solution to the problem of suffering animals which need to be put down immediately. I noted that Drs. Hagen and Schiff could only counter that the Shelter needs a vet. But they did not propose a source of money to such a position. Absent a source of funds, Bill 56 seems the only reasonable alternative.

Sincerely,



Karon V. Johnson

789-3681/2500

March 7, 2005

TESTIMONY REGARDING: BILL 56

Dear Honorable Senators:

Over the past 15 years I have experienced both the joy and pain of first becoming an animal shelter volunteer and later completing veterinary school. I have assisted the shelter in both capacities. Having first-hand experience both as a lay person and now as a medical professional allows me to have a fuller understanding of the various factors that influence the need for this bill and certainly the necessity of expanded access to controlled substances over just sodium pentobarbital as other written testimony suggests is the only drug necessary for use in the euthanasia procedure.

Let me speak first as a member of the veterinary profession regarding the ability to obtain the required controlled substances necessary for the euthanasia procedure, especially as it relates to the testimony that sodium pentobarbital should be the only drug that the group contracted to run the animal shelter should receive a registration exemption to obtain. First of all, unadulterated sodium pentobarbital is a class two drug and requires purchase by triplicate form. Ordering euthanasia solution in this form is cumbersome and plain sodium pentobarbital is not the front line drug used in a shelter situation. Instead, animal shelters generally use a combination of sodium pentobarbital and phenytoin (an adulterant that is added to more quickly depress the heartbeat). This combination changes the drug classification to a three, which decreases the difficulty of ordering and obtaining the item. This combination comes as a generic drug and under a variety of brand names. I believe it is imperative that the animal shelter registrant have access to both the base drug of sodium pentobarbital and the combination with phenytoin. The animal shelter also needs to have access to drugs in addition to sodium pentobarbital.

Below I will outline the scenario of a typical euthanasia day, which will provide evidence in support of access to additional oral and injectable drugs that are classified as sedatives, muscle relaxants and anesthesia drugs. I will also contrast the situation at the animal shelter on Guam with a typical scenario from a mainland animal shelter or veterinary offices almost anywhere. These differences lead to the inability of most practicing veterinarians to appropriately assess the diversity of drugs required at our animal shelter to provide a humane death to the animals while providing an appropriate level of safety for the employees, veterinarians and volunteers alike that carry out this distressing task.

The Guam animal shelter houses and cares for numerous dogs and cats during any given week. Unlike the animals that fill mainland animal shelters and certainly in striking contrast to animals presented to a veterinary office, many of these dogs and cats are semi-feral, injured or in poor health. Some of the animals are surrendered, some are imported to the shelter by animal control officers and mayors, some of them are "vicious" animals and a surprising number of animals are trapped and completely feral. So unlike the scenarios shown on attached copies of pages 60 and 61 of the Humane Society of the United States Euthanasia training manual, the staff at the Guam animal shelter is unable to "properly" restrain many of the animals while a technician or veterinarian administers an intravenous dose of sodium pentobarbital. Instead, it is necessary to provide a degree of sedation that renders most animals comatose in order to both decrease the stress for the animals while still allowing the animal shelter personnel to safely euthanize.

There are several methods which can be employed to render a state of coma. The most commonly employed method is to use a snare or a wire barrier to "trap" the animal in a corner of the cage. Next, a pre-euthanasia injection is given in a large muscle group. The injection most commonly is a mixture of xylazine and ketamine. The combination of these two drugs provides a deep plane of anesthesia, analgesia (pain relief), and partial muscle paralysis (see attached copies of pages 72-73 of the Euthanasia Manual which also explains the need for the combination of the two drugs rather than the use of either individually).

Another method of rendering the animal comatose is to use a powdered form of sodium pentobarbital in capsules mixed in food prior to attempting to approach the animal in the cage. It is necessary to use the powdered and unadulterated form as the liquid combination drug is bitter with a strong smell and the animals will not eat food introduced with the liquid.

I believe the information above still leaves questions unanswered. "Why shouldn't bill 248 just list the generic and brand names of the several drugs mentioned?" The reason is not obvious. Surprisingly, there have been times when both the combination drug of sodium pentobarbital/phenytoin and the base drug have gone on back-order, which means they were unavailable; once, several years ago, they were unavailable for **MONTHS AT A TIME**. This situation caused a virtual state of panic amongst animal shelter professionals nationwide, pressing searching for alternatives to provide euthanasia services to their communities. Unfortunately, although not common, this situation can arise for any of the controlled substances that the animal shelter registrant may use for euthanasia and it would be necessary to quickly identify and obtain drugs that can fill in as alternates.

To the question that has been asked "how can the animal shelter registrant be regulated?" it should be reiterated that all controls that are currently in place to provide checks on pharmacies, doctors and veterinarians would also apply to shelter registrants. Whenever controlled substances are purchased a record of that purchase is forwarded to the DEA. In fact, I have received phone calls from the DEA diversion unit in Hawaii over the years in response to a local veterinarian possibly diverting drugs to ask if I knew that "X" number of bottles of "X drug" had been purchased by my office. If excessive amounts of a commonly used drug or any amount of an inappropriate drug for use at the animal shelter were to be purchased by the animal shelter registrant, the DEA would have that information immediately. Considering that this flow of information is so tightly regulated, I would find it difficult to believe that drugs could be any more easily diverted from the animal shelter than from any other registrant. In fact, it is my impression that the animal shelter would receive more scrutiny than the average registrant.

In response to the question, "how would the registrant prevent those allowed to administer the controlled substances from diverting them for personal use", I would refer you to page 109 of the Euthanasia Manual and to the previous paragraph. The staff at the animal shelter would be no more likely to divert drugs than the staff at a pharmacy, medical facility or veterinary office. In fact, statistics show that doctors, pharmacists, veterinarians and psychiatrists are more likely than their staff to abuse drugs.

The physical controls to prevent diversion are already in place. In fact, drugs have been stored at the animal shelter for the past year and a half under the Controlled Substance and DEA licenses of two local veterinarians. The drugs are stored in an approved narcotics safe with a double lock, inside a room with a lock, inside an area with a fenced and locked perimeter and with two guard dogs on duty. If the animal shelter contractee were to become the registrant, only staff with approval from the Guam Board of Allied Health Examiners would have access to the drugs. Diversion would be extremely difficult.

I was very pleased that both the senators and audience alike agreed that the situation at the animal shelter needs to be addressed in order to provide a timely, humane euthanasia for the animals of Guam. Please feel free to contact me if you have any further questions regarding the wording of the bill and the request for class two and class three drugs as an animal shelter registrant.

Dr. Rebecca Diaz, DVM  
Isla Veterinary Clinic  
866 Route 7, #101  
Hagatna, Guam 96910

Testimony in Support of  
Bill No. 56

I have been involved with Guam Animals In Need, Inc. (GAIN), Guam's humane society, since its inception in 1989. In those 15 years of volunteering I have witnessed countless incidents of suffering animals, from cases of severe malnutrition to auto injuries and injuries purposefully inflicted such as machete wounds and arrows lodged in animals. Because of this, I began researching what can be done to shorten the suffering of animals and found that 28 states allow animal shelters and/or humane societies to directly license with the DEA so that trained employees and volunteers at the animal shelter can administer controlled substances to euthanize animals.

Guam's current Unified Controlled Substance Act does not allow for animal shelters or humane societies to directly license with the DEA so that trained employees and volunteers at the animal shelter can administer controlled substances to induce death in suffering, unweaned, stray and unwanted animals. Because of this restrictive writing of the law, animals suffer much longer than they should. They must wait until a GAIN employee or volunteer locates a veterinarian who is willing to euthanize them and until they can be transported to this veterinarian. This is quite a challenge on weekends and holidays. On weekdays it not only takes employees and volunteers away from their needed tasks at the animal shelter, is also prolongs the animals' suffering. Often they die while being transported to the veterinarian.

While researching the laws, I saw that they vary widely from state to state. In drafting the legislation we chose a broader expanse of drugs than some states allow because of two factors. The most important is that almost all of the animals euthanized at the shelter are either feral or not used to being closely handled. If the humane society were only allowed to possess and administer a sodium pentobarbital solution for euthanasia (a schedule III drug because it has a substance in it which aids in stopping the heart) and not straight sodium pentobarbital (a schedule II drug) and other controlled substances used to anesthetize animals, then we could not euthanize the majority of the animals because they cannot be handled for IV injection. Allowing straight sodium pentobarbital which comes in powder form allows us to feed capsules to dangerous dogs to sedate them before we inject them with the solution. Allowing the other controlled substances for anesthesia allows us to give an intramuscular injection to the non-fractious animals first to sedate them and once they are comatose they will then be injected with a euthanasia solution.

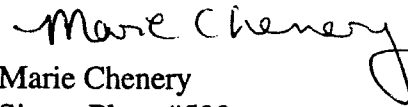
The second reason we requested a larger expanse of drugs is after experiencing something similar to the recent situation with the flu vaccine. A company who manufactures the euthanasia solution was shut down for some type of violation so the solution became extremely difficult to procure. If something like this happens again and we were only allowed to license for the schedule III euthanasia solutions, then we would be unable to euthanize at the shelter until the drug came back on the market.

While some folks may wonder about the security of keeping these controlled substances at the shelter, I can assure them that storage there is no different than at any other veterinary or human clinic. The perimeter of the animal shelter is fenced and locked at night. Should

someone scale the fence or cut through it, they will meet a watch dog. Should they overcome the watch dog and break through the locked door of the building where the drugs are stored, then would then have to break the locks on the narcotics safe. Dr. Diaz has been storing the controlled substances used for euthanasia at the shelter for over a year with no attempt of a break in or theft.

I urge you to pass Bill 56 to ease the suffering of Guam's animals.

Sincerely,



Marie Chenery  
Sirena Plaza #500  
108 Hernan Cortez Ave.  
Hagåtña, GU 96910

472-7332, ext. 122  
789-4389

RECEIVED

DATE: 03-18-05  
Rabau 4:46 P.M.

Senator Mike Cruz, M.D.  
Chairman, Committee on Health & Human Services  
28<sup>th</sup> Guam Legislature  
155 Hesler Place, Suite 107  
Hagåtña, GU 96910

Re: Additional Testimony in Support of Bill 56

Dear Senator Cruz,

I would like to make some points in addition to the written testimony I provided you on March 10, 2005.

On Friday, March 11, 2005, Bambi Leone asked Dr. Malakooti if he would provide emergency euthanasia services for injured, sick or unweaned animals who arrive at the Yigo Animal Shelter so that G.A.I.N. volunteers and staff don't have to drive them all the way to Isla Veterinary Clinic in Maina. Dr. Malakooti said that if G.A.I.N. were to provide the euthanasia drugs, he would render his services for \$10 per animal. If G.A.I.N. does not provide the drugs, he would charge \$30 per animal. He is not willing to volunteer his time. In addition, Dr. Malakooti is not willing to euthanize unwanted animals who are not injured or sick, so he would not be available for the services necessary at the Yigo Animal Shelter.

This shows us that if Dr. Diaz were to cease offering her euthanasia services at no charge and certified G.A.I.N. employees and volunteers are not allowed to administer controlled substances without a veterinarian present, it would cost \$600 to \$1000 per week to euthanize at the rate Dr. Malakooti charges (sadly, 60-100 animals are euthanized weekly). Who would pay for these services?

Please remember that the Government of Guam does not pay G.A.I.N. to run the animal shelter. The Department of Agriculture pays the utilities for the dumpster. G.A.I.N. covers all costs for animal care, grounds maintenance and euthanasia. If we were forced to hire someone to euthanize, we would not have the money to pay them.

The Department of Agriculture's Animal Control Officers currently take injured animals they find on the roadways directly to Dr. Diaz at Isla Veterinary Clinic for immediate euthanasia. She does this for no charge to the Department of Agriculture or G.A.I.N. If they were to take them directly to another veterinarian, they would be charged a fee.

As you know, the Mayors Council of Guam is planning to increase the animal control program. If Bill 56 is passed into law, certified G.A.I.N. employees and volunteers could euthanize on a much more regular basis, even daily, to keep cages available for new incoming animals. Right now with Dr. Diaz only able to come volunteer her services once a week when she is on island, if more animals are rounded up than we have cages to house them in, we have to place into these cages more animals than is legal according to the animal welfare laws.

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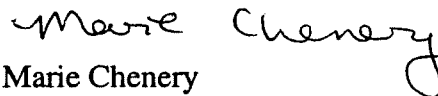
I also would like to comment on what Senator Klitzkie dubbed the "Joseph Plan" which Dr. Joel (Joseph) Schiff recommended. There are not 20 veterinarians on Guam. Even if there were, the only Army veterinarians who have a Guam veterinary license, DEA license and controlled substance license are those who choose to moonlight in the private community. I know of only one. Gov Guam could not force all of the Army veterinarians to rotate through the animal shelter for euthanasia, and if they could, all of these folks would need to not only get a Guam veterinary license, but also get DEA and controlled substance licenses in order to administer controlled substances under the current law. This is plan not feasible.

I invite you to come visit the animal shelter to see what our employees and volunteers do. It is not easy for folks who love animals so much to have to end their lives, but because Guam has far more animals than there are homes for them, it is the sad reality. Contrary to what Dr. Hazen believes, our staff already decides who lives and dies; they simply are not the ones allowed to administer the controlled substances unless the veterinarian is present.

Please feel free to call me if you have any further questions. I have been a member of GAIN since its inception and have been on and off the Board of Directors since 1989. In all those years I have seen an enormous amount of animal suffering. If this bill passes, I assure you that the suffering will end for the injured, sick and unweaned the minute those animals arrive at the animal shelter. In addition, the animals housed there will not be so crowded as the staff will be able to euthanize the stray animals on a regular basis, as law permits.

Thank you for expeditiously bringing this to public hearing.

Sincerely,



Marie Chenery  
472-7332, ext. 122  
789-4389  
[mlchenery@yahoo.com](mailto:mlchenery@yahoo.com)

**RECEIVED**

DATE: 03-18-05  
Bambie 4:46pm

March 18, 2005

Senator Mike Cruz, M.D.  
Chairman, Committee on Health & Human Services  
155 Hesler Place, Ste. 107  
Hagåtña, GU 96910

**Testimony in Support of Bill 56**

Dear Senator Cruz,

My name is Bambi Leone. I testified at the March 10<sup>th</sup> public hearing for bill 56 and would like to submit this additional testimony.

I am a certified Euthansia Technician. I was certified in the Sate of Alaska after completing and passing a class given by American Humane Association. I have attached the certificate and training manual.

The shelter I worked at in Fairbanks, Alaska had their own DEA license and Euthansia Technicians. I am in favor of passing Bill 56 to allow shelter employees and volunteers to euthanize animals after certification. This will prevent unnecessary animal suffering and will also allow euthanasia on a routine basis so we don't have to beg for a veterinarian to be present; they are busy!!!

I worked for DPH & SS at the Yigo animal shelter from 1993 -1995. In that time I did many, many euthanasias. It is never taken lightly by me or any of the employees / volunteers at the shelter. We really need the Government's support on this to help the stray animal population on Guam.

The day after the public hearing I visited Dr. Kevin Malakooti concerning euthanasia of injured animals. He said if we supplied the drugs he would do the euthanasia for \$10 per animal and if we did not he would charge \$30 per animal. G.A.I.N. receives anywhere from 5 to 30 sick, injured or newborn animals which need to be euthanized immediatly. G.A.I.N. cannot afford to pay for Dr. Malakooti to euthanize these animals. When I asked if he would euthanize animals at the shelter, he said he cannot.

Thank you for considering Bill 56.

Sincerely,

  
Bambi Leone

*This Certificate is Presented to*

**BAMBI CASIMIRO**

**For Successful Completion of the Workshop**

*Euthanasia By Injection*

**Fairbanks, Alaska**

**March 17 - 18, 2004**



**Doug Fakkema**  
**Instructor**



**American Humane™**

*Empowering Action*  
*Since 1877*

# EUTHANASIA BY INJECTION

## TRAINING GUIDE

Prepared by:

**Douglas Fakkema**

Assistant  
Director, Training & Special Projects  
American Humane

2004 EBI Trainings sponsored by:



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# Euthanasia by Injection Workshop

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*Note: Definitions of italicized words or initials can be found in the Glossary, pages 55-58.*

## About the Trainer – Douglas Fakkema

Doug Fakkema began his animal care and control career in 1971 as a kennel worker at the Lane Humane Society (now Greenhill Humane Society) in Eugene, Oregon. Nine months later he became director then executive director of the Benton Humane Society (now Heartland Humane Society) in Corvallis, Oregon. He served as program supervisor at Multnomah County Animal Control in Portland, Oregon, and executive director of the Santa Cruz SPCA in California. In July 1990, Doug began 12 years as a private consultant traveling throughout North America conducting workshops. In July 2002, he began working for American Humane.

Doug taught his first euthanasia-by-injection workshop in 1973. Since then, he has conducted hundreds of technical workshops for animal care and control agencies across the country. In 1987, he received the Rosemary Ames Award for excellence in teaching at American Humane-sponsored training programs and for his outstanding promotion of a humane philosophy and objective.

Doug is an experienced facilitator who has worked with organizations of all types. His intense interest in animal welfare and his career-long dedication to the animal protection movement combine to make him a particularly effective trainer. In addition, his unique blend of technical, managerial, and people skills have made him a sought-after speaker and advisor.

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## Preface

The act of putting to death living, sentient beings – beings capable of feeling pain, joy, and sorrow – is an extremely complex one for those of us who must do it. This act strikes at the heart of our special feelings toward animals – feelings that are responsible for most of us working in animal protection in the first place.

The animal does not ask to be born, does not ask to go to an animal shelter, and certainly does not ask to die. The animal deserves the best of care while staying in our shelter and most of all deserves the best possible death. It is my belief that sodium pentobarbital, properly administered by people who care, provides the best possible death.

The purpose of this workshop is to impart knowledge. Knowledge is the broom that sweeps clean the cobwebs of mystery and uncertainty surrounding the euthanasia process. Knowledge gives confidence to those of us who euthanize. Knowledge brings comfort.

This workshop is dedicated to the lab/collie mix who, on September 13, 1971, in the first five minutes of my first day in animal care work, allowed me to pick her up and put her to death. I had no idea then what I was doing, or that 33 years later I would still be putting animals to death. This workshop is dedicated to the thousands upon thousands of dogs, cats, and other animals that I have put to death since that first day. This workshop is also dedicated to you, the euthanasia technician, in the hopes that you will not have to struggle for the knowledge.

*Doug Fakkema*  
*Charleston, South Carolina*  
*2004*

## Workshop Goals

- A. Increase the *ET's* (euthanasia technician) effectiveness in the delivery of a painless death
- B. Diminish the ET's anxiety associated with administering *sodium pentobarbital*
- C. Increase the ET's sense of job satisfaction
- D. Broaden the ET's understanding of animals and self

## Workshop Content

### A. Classroom

- 1. intravenous, intraperitoneal, intracardiac, and oral routes of administration
- 2. anatomy and anesthesiology
- 3. equipment
- 4. restraint, including how to handle *fractious* animals
- 5. verification of death
- 6. pre-euthanasia sedatives, anesthetics, *tranquilizers*, *ketamine*, and *Telazol*
- 7. *Compassion Fatigue*
- 8. safety
- 9. written examination
- 10. workshop evaluation

### B. Euthanasia demonstration with live animals

- 1. observe euthanasia
- 2. *euthanize* animals (as time and supply of animals permit)



# Euthanasia: The Basics

## A. Terminology

1. euthanasia
2. IV\*, IP\*, IC\*, PO\*, IH, IM, SQ (\*approved routes), CC, ML, and MG
3. anesthesia
4. analgesia

## B. Why we euthanize

1. to make space in our animal shelters due to irresponsible pet owners
2. to relieve suffering

## C. Solutions (we can't afford to adopt out any animals unless they are sterilized)

1. pediatric spay/neuter (6 to 8 weeks of age)
2. pre-release spay/neuter (all adopted animals are altered prior to release)

## D. History

1. 1830 – drowning, shooting, clubbing, cyanide, and strychnine
2. 1872 – *chloroform* gas chamber
3. 1915 – The Automatic Electric Cage – electrocution chamber
4. 1946 – engine-generated CO chamber
5. 1950 – Euthanaire (high-altitude, low-pressure) chamber
6. 1960 – U-Tha-Sol – neuromuscular blocking agent
7. 1963 – *T-61* – non-barbiturate euthanasia agent, no longer used in USA
8. 1970 – Electrothanator – electrocution chamber
9. 1970 – bottled CO, nitrogen, and CO<sub>2</sub> chambers
10. 1970 – *sodium pentobarbital* – central nervous system depressant

# Sodium Pentobarbital: Mechanism of Action

## A. Definitions

1. **Anesthesia** – Loss of sensation, with or without loss of consciousness, through the administration of an anesthetic agent. In common usage, it refers to a state of decreased sensation caused by the administration of an anesthetic for surgery, and is usually considered a reversible process.
2. **Conscious** – Ability to control one's actions in response to sensory stimuli. An unconscious animal cannot experience pain because the cerebral cortex is not functioning.
3. **Pain perception** – Ability to react consciously to a noxious stimulus (one which threatens to or actually destroys tissue). Pain is the sensation that results from nerve impulses reaching the cerebral cortex via specific neural pathways (called nociceptors), which respond to excessive mechanical, thermal, or chemical energies). Pain is sensed in the outer layer of the brain, called the cortex.
4. **General anesthetic** – Sodium pentobarbital is a general anesthetic (rather than a *local anesthetic*). In order to work, it must first circulate to the brain.
5. **Sodium pentobarbital (or pentobarbital sodium)** – A central nervous system depressant and anesthetic widely used in veterinary medicine before gas (inhalant) anesthesia was developed. It is no longer available in anesthesia form. As a euthanasia solution, it produces rapid analgesia, anesthesia, and death. Sodium pentobarbital is classified as a Schedule II controlled substance under federal law. It is considered to have a high potential for abuse and may lead to severe psychological or physical dependence. Sodium pentobarbital is available in solution with additives and in pre-measured powder without additives. Common additives include glycol as a stabilizer and alcohol as a preservative. Denatured sodium pentobarbital is available in solution and is classified as a Schedule III controlled substance. No antidotes or reversal agents exist. Solution is alkaline and may cause local tissue damage and necrosis.

Note: There is no antidote for sodium pentobarbital.

- a) neuroinhibitor – decreases the ability of nerves to fire and to conduct impulses (neurons)
- b) synthesized drug – manufactured in a laboratory
- c) when the correct dose is used, it brings almost all animals quickly through the excitatory stages of anesthesia

## B. How quickly sodium pentobarbital works

