Michigan Office of Administrative Hearings and Rules
611 West Ottawa Street; 2nd Floor, Ottawa Building
Lansing, MI 48933
Phone: (517) 335-8658 FAX: (517) 335-9512

REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to MOAHR-Rules@michigan.gov.

1. Agency Information:

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Name, title, phone number, and e-mail of person completing this form:	Andria Ditschman Senior Analyst 517 241-9255 DitschmanA@michigan.gov

2. Rule Set Information:

Title of proposed rule set:	Board of Pharmacy – Animal Euthanasia and Sedation Rules
Rule number(s) or range of numbers:	R 338.3501 – 338.3523
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

1 year.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The purpose of the Board of Pharmacy – Animal Euthanasia and Sedation Rules is to:

- Regulate the permitting, training, purchase, storage, possession, handling, and administration of a class B dealer and its employees regarding a commercially prepared, premixed solution of sodium pentobarbital used to perform euthanasia on injured, sick, homeless or unwanted domestic pets, and other animals.
- Regulate the permitting, training, purchase, storage, possession, handling, and administration of an animal control shelter or animal protection shelter registered with the Department of Agriculture and Rural Development and its employees regarding a commercially prepared, premixed solution of sodium pentobarbital or an animal tranquilizer used to perform euthanasia on injured, sick, homeless or unwanted domestic pets, and other animals.
- Regulate the permitting, training, purchase, storage, possession, handling, and administration of an animal control shelter registered with the Department of Agriculture and Rural Development and its employees to use an animal tranquilizer to sedate or immobilize an animal running at large that is dangerous or difficult to capture.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

MCL 333.16145; MCL 333.7333; Executive Reorganization Order No. 1991-9, MCL 338.3501; Executive Reorganization Order No. 1996-2, MCL 445.2001; Executive Reorganization Order No. 2003-1, MCL 445.2011; and Executive Reorganization Order No. 2011-4, MCL 445.2030.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

Each state establishes its own requirements with respect to animal euthanasia and sedation so there is no federal rule or standard set by a national or state agency that the proposed rules can duplicate or be in conflict with.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

Yes. The subject matter of these rules is currently contained in the American Veterinary Medical Association's (AVMA) guidelines for the euthanasia of animals. Section 7333 of the Public Health Code, MCL 333.7333, mandates that the required training for use of sodium pentobarbital and animal tranquilizers to perform euthanasia on animals comply with the AVMA guidelines for the euthanasia of animals.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated using the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

The proposed rules do not incorporate any recommendation of any Advisory Rules Committee.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

The Michigan Board of Pharmacy voted to open the rules at the regularly scheduled board meeting on June 12, 2019. Please see attached copy of the minutes from that meeting.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by MOAHR ↓

Date RFR received:8-23-2019

☒ **Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.**

MOAHR assigned rule set number:	**2019-086 LR**
Date of approval:	**8/28/19**

☐ **Based on the information in this RFR, MOAHR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	