

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2023

H. B. 23- ~~33~~ 34

A BILL FOR AN ACT

To establish and authorize the use of legend drugs and controlled substances for euthanasia by animal control agencies and humane societies.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that there is a need
2 for a modern, uniform law addressing how animals in CNMI are euthanized. The
3 purpose of this bill is to relieve animals of unnecessary suffering from disease,
4 illness or injury and provide appropriate trained personnel with a painless method
5 for handling this difficult task.

6 Typically, issues regarding animal control, including the control of dogs,
7 are decided by local laws. 1 CMC section 1402(a)(13) (including “licensing and
8 control of animals” in list of subjects for local bills). Indeed, Saipan, Rota and
9 Tinian have local animal control laws focused on dogs. 10 CMC Div. 1, Ch. 1, Art.
10 2 (Rota Dog Control Act), 10 CMC Div. 2, Ch. 8 (Tinian and Aguiguan Islands
11 Dog Control Act), & 10 CMC Div. 3, Ch. 7, Art. 1 (Saipan and Northern Islands
12 Dog Control Act). However, these laws all lack a uniform, modern process for

1 handling animal euthanasia. For example, Rota local law only provides that dogs
2 shall be euthanized “using the most humane procedure or means reasonable
3 available.” 10 CMC section 1125. Tinian and Saipan local laws authorize the
4 Mayors to enact rules and regulations “for the regulation, licensing, control and
5 disposal of dogs....” 10 CMC section 2802; 10 CMC section 3702(a). However,
6 those rules and regulations do not address specific methods for euthanizing a dog.

7 The best method for euthanizing an animal involves the use of appropriate
8 controlled substances or drugs. The use of such controlled substances or drugs
9 requires express legal authorization and supervision and compliance with CNMI
10 and federal laws. This bill establishes a legal framework for the use of this best
11 method.

12 The Legislature finds that there is a need to relieve animals from
13 unnecessary suffering that comes from disease, illness or injury. The Legislature
14 further finds that the people of CNMI have a responsibility to ensure that any
15 method used to euthanize an animal be quick and painless and in accordance with
16 best animal care and control practices and methods, as established by the American
17 Veterinary Medical Association Guidelines for the Euthanasia of Animals. The
18 purpose of this Act is to authorize appropriately trained personnel working with
19 animal control agencies and humane to acquire and administer medications
20 necessary to euthanize animals.

1 **Section 2. Amendment.** Title 2 of the Commonwealth Code, is hereby
2 amended to add a new Chapter 10:

3 **“Chapter 10. Animal Control.**

4 **§6001. Definitions.** The following definitions apply throughout this
5 chapter unless the context indicates otherwise:

6 (a) “Animal control agency” means any agency designated by a Mayor to
7 enforce laws and ordinances regulating the care, control, licensing, or treatment of
8 animals. Such agency also may euthanize or destroy animals and sedate animals
9 prior to euthanasia.

10 (b) “Approved legend drugs” means any legend drug approved by the
11 American Veterinary Medical Association for use on animals for the purpose of
12 sedating animals prior to euthanasia of for use in chemical capture programs.

13 (c) “Controlled substances” means a drug, substance, or chemical as defined
14 by the federal Drug Enforcement Agency and used to anesthetize or euthanize
15 animals using methods in accordance with the American Veterinary Medical
16 Association.

17 (d) “Humane society” means a nonprofit organization, association, or
18 corporation, the primary purpose of which is to prevent cruelty to animals, place
19 unwanted animals in homes, provide other services relating to lost and found pets,
20 and provide animal care education to the public, as well as sponsoring a neutering
21 program to control the animal population.

1 (e) "Legend drugs" means any drugs which are required by federal law to
2 be dispensed by prescription only or are restricted to use by practitioners only.

3 **§6002. Authority.**

4 (a) Humane societies and animal control agencies, as approved in writing
5 on an annual basis by the Mayor and after obtaining a federal Drug Enforcement
6 Agency controlled substance permit, may purchase, possess, and administer sodium
7 pentobarbital and approved legend drugs as provided in accordance with federal
8 laws and using methods in accordance with the American Veterinary Medical
9 Association. Humane societies and animal control agencies operating in CNMI are
10 authorized to obtain a federal Drug Enforcement Agency controlled substance
11 permit for the purchasing, possession and administration of sodium pentobarbital
12 and all legend drugs in order to provide humane euthanasia of animals.

13 (b) A humane society and animal control agency purchasing, possessing or
14 administering sodium pentobarbital or legend drugs shall, at a minimum:

15 (1) require that any individual administering sodium pentobarbital
16 or legend drugs has completed legend drug and euthanasia training under
17 the direct supervision of a veterinarian licensed in the United States;

18 (2) Maintain written policies and procedures on the use of legend
19 drugs and euthanasia including log books to record all drugs administered;

20 (3) Establish a system for the secure storage of all drugs to prevent
21 access by unauthorized personnel to guard against theft and diversion;

1 (4) Establish a system for accountability of access, use, and stocking
2 of drug inventory;

3 (5) Ensure the proper disposal of all drugs in compliance with any
4 commonwealth and federal laws and rules; and

5 (6) Establish a method to investigate and report the theft, loss, or
6 diversion of approved legend drugs and sodium pentobarbital, in
7 compliance with any commonwealth and federal laws and rules.

8 (c) **Approved legend drugs.** The following legend drugs are designated as
9 “approved legend drugs” for use by authorized humane societies or animal control
10 agencies for pre-euthanasia sedation: Acetylpromazine; Dexmedetomidine;
11 Medetomidine and Xylazine.

12 (d) **Approved controlled substance.** Recognized humane societies and
13 animal control agencies may use sodium pentobarbital to euthanize injured,
14 sick, homeless or unwanted domestic pets, and domestic or wild animals in
15 accordance with methods set forth by the American Veterinary Medical
16 Association.

17 (e) Nothing in this section shall prevent the use of any other method of
18 animal euthanasia authorized by law.

19 **Section 3. Amendment.** Title 1, § 5107(f) of the Commonwealth Code is
20 hereby amended as follows:

1 **§ 5107. Mayor: Additional Duties.** A mayor shall also have the power and
2 duty to:
3 ...
4 (f) Be responsible for Commonwealth programs and activities pertaining to:
5 (1) Improvement of local communities and villages, community
6 development and community action programs;
7 (2) Services to and programs for children, young people, adults, and
8 the elderly;
9 (3) Local registration and licensing formerly exercised by the
10 chartered municipalities of Saipan, Rota, and Tinian;
11 (4) Regulation and licensing of dogs, cats, and other domestic
12 animals and authorize a qualified humane society and animal control agency
13 to engage in animal euthanasia consistent with 2 CMC Chapter 10 (Animal
14 Control);
15 (5) Local public recreation programs not provided by any other
16 government agency or department;
17 (6) Licensing of restaurant and other eating establishments;
18 (7) Licensing of privately owned or operated public recreation or
19 sport activities, including cockfights, motion picture houses, bars and night
20 clubs; and

1 (8) Any consumer protection activities that may be authorized by
2 law

3 ...

4 **Section 3. Severability.** If any provisions of this Act or the application of
5 any such provision to any person or circumstance should be held invalid by a court
6 of competent jurisdiction, the remainder of this Act or the application of its
7 provisions to persons or circumstances other than those to which it is held invalid
8 shall not be affected thereby.

9 **Section 4. Savings Clause.** This Act and any repealer contained herein
10 shall not be construed as affecting any existing right acquired under contract or
11 acquired under statutes repealed or under any rule, regulation, or order adopted
12 under the statutes. Repealers contained in this Act shall not affect any proceeding
13 instituted under or pursuant to prior law. The enactment of the Act shall not have
14 the effect of terminating, or in any way modifying, any liability, civil or criminal,
15 which shall already be in existence on the date this Act becomes effective.

16 **Section 5. Effective Date.** This Act shall take effect upon its approval by
17 the Governor, or its becoming law without such approval.

Prefiled: 3/28/2023

Date: 3-28-23

Introduced by: _____

Rep. Edwin K. Propst

Reviewed for Legal Sufficiency by:
J. Mundy 3/28/23
House Legal Counsel


J. Ogo