



**NYSVMS
2020 End
of Session
Update**

NYSVMS represents thousands of veterinarians across the state and is the acknowledged and respected voice for the profession of veterinary medicine in New York State. Our mission is to protect, promote, and advance the science and profession of veterinary medicine and to work to ensure that New Yorkers have access to the highest caliber veterinary care available.

The NYSVMS Government Relations Committee, in collaboration with legislative counsel and the Grassroots Legislative Network (GRLN), advocates on behalf of the profession of veterinary medicine by monitoring legislation introduced by the state legislature that has a direct impact on the profession's practice. NYSVMS planned to hold its second annual lobby day in April to discuss legislative priorities, but the scheduled 2020 New York legislative session was halted in mid-March with the onset of the COVID-19 pandemic.

The typical legislative session begins in January and most of the focus is on the state budget until the new fiscal year starts April 1st; then the legislature's focus shifts to non-fiscal issues until the session concludes in June. Due to COVID-19, the legislature and the Governor completed most of their budget negotiations quickly in order to finalize a budget, vote on its enactment, and allow the legislators to leave Albany and stay at home in their districts. Since mid-March legislators have returned to session only twice, utilizing remote and virtual procedures where possible. Both returns have been tailored to address timely issues: the first return was to pass legislation regarding COVID-19 such as tenant protections and utility payment exemptions; the second return was to pass legislation related to police reform. At this time, we believe it is likely that the legislature could return once or twice more to take up additional priority legislation, but a timeframe and agenda are unclear.

It is also worth noting that all seats in the legislature are up for reelection in November, meaning that a new 2-year session will start in January 2021 and all legislation will need to be reintroduced to be available for voting in the 2021-2022 session. See below for the status of the bills on the NYSVMS 2020 Legislative Agenda and other items of importance.

Strengthening a Veterinarian's Ability to Treat Patients in a Timely Manner

NYSVMS continues to work on the issue of ensuring compounded medications are available for "office use" in a veterinary patient setting.

While NYSVMS has supported legislation sponsored by Senator Metzger (S.4343) and Assemblyman Zebrowski (A.2915) that would permit a veterinarian to keep compounded drugs in stock for office use and sale pursuant to a non-patient specific regimen, it did not advance in either the Senate or Assembly this year. NYSVMS has had conversations with the legislature and the State Education Department about the goal of this bill and has shared proposed amendments with all parties in an effort to advance the discussion. In early March, legislative counsel met with the Board Secretaries for the Pharmacy Board and the Board of Veterinary Medicine to talk about next steps. Discussions continue, and NYSVMS is working with the State Education Department to share information about how this issue has been handled in other states.

Protecting a Veterinarian's License to Practice Veterinary Medicine

NYSVMS worked throughout the shortened 2020 session to combat legislation that would restrict or prohibit the performance of specific procedures

or the use of particular medicinal protocols. None of the following pieces of legislation moved:

- Assemblyman Zebrowski (A.1897) continues to sponsor legislation that would prohibit bark softening in dogs unless performed by a veterinarian where the procedure is medically necessary for a dog. NYSVMS strongly believes bark softening is a medical decision which should be left to the sound discretion of fully trained, licensed, and state supervised veterinary professionals operating within appropriate standards of practice. Further, NYSVMS already discourages bark softening unless the procedure is medically necessary for a dog, is a last alternative to euthanasia, or when the animal will be surrendered by the owner if the procedure is not performed. Therefore, NYSVMS believes the determination to perform bark softening should be done on a case-by-case basis where specifics of the situation can be reviewed and evaluated, rather than having a ban placed on the procedure altogether. This bill gained a Senate sponsor in 2020 (Senator Gianaris, S.6904) but did not move out of committee in either house; NYSVMS will continue to monitor this issue moving forward and to oppose an outright ban on bark softening.
- Legislation that would restrict the use of medically important antimicrobials in food-producing animals (S.5742-A, Senator Kavanagh, and A.9632, Assemblywoman Rosenthal) did not move during the legislative session. This bill had the potential to restrict the practice of food animal veterinarians in a manner that could have a detrimental impact on animal welfare. The bill would also establish an onerous set of reporting requirements. NYSVMS looks forward to continued discussions on this bill and the opportunity to continue to educate legislators about the use of medically important antimicrobials in food-producing animals and the guidelines followed by veterinarians to ensure use only as necessary.
- A bill that would require informed consent for euthanasia and limit the use of intracardiac injection (S.1555, Senator Serrano, and A.5699, Assemblyman Englebright) did not move during the 2020 legislative session. This legislation would require extensive conversation with a client whose pet required euthanasia, including discussion of all alternatives available, the benefits and risks of each method, and the negative impacts on an animal. NYSVMS has explained the challenges of this legislation to both sponsors and proposed amendments to the language that both sponsors deemed workable. NYSVMS will continue to monitor this bill for reintroduction in future sessions and ensure that conversations with the sponsors continue.

Protecting Veterinarians from Liability

NYSVMS has successfully opposed legislation that would impose additional liability on a veterinarian; NYSVMS has also worked with legislators to improve the language of bills that would expose veterinarians' liability.

- Assemblywoman Glick has long sponsored legislation (A.1113) that would establish a civil cause of action for wrongful death of a companion animal brought by a guardian for the animal that would be appointed by the court. Until Senator Martinez introduced S.3414 in 2019, the legislation has not traditionally had a companion in the Senate. The bill did not move in either house of the legislature this year. A similar bill sponsored by Assemblywoman Rosenthal (A.10405) was introduced in 2020. NYSVMS has closely monitored and opposed this type of legislation

for many years on the basis that the bill could lead to costly court-ordered damages and could change the way SPCAs and animal control officers deal with injured, dangerous, or otherwise unadoptable animals. Passage of a guardianship or cause of action bill could also lead to lawsuits based on certain accepted veterinary practices; advocates believing these procedures are animal cruelty could seek the appointment of a guardian in those situations. NYSVMS will continue to oppose guardianship legislation in future sessions.

- Assemblywoman Rosenthal (A.1170) and Senator Gianaris (S.7815) carry legislation requiring veterinarians to report any incident and disclose records where the veterinarian suspects that the animal was abused. Relevant legislators repeatedly reached out to NYSVMS to discuss this legislation over the past two years, wanting to ensure that our interests were protected and asking for our opinion and for us to articulate our concerns. After such discussions, those advocating for this legislation proposed changes to address each of our concerns: providing immunity to veterinarians for acting where no abuse was found after a report and where law enforcement did not act; a narrower list of individuals and organizations to which abuse should be reported, and a requirement for a report by law enforcement back to

of animal abuse. NYSVMS also registered concern about the fact that abuse is difficult to define; this concern resonated with the State Education Department and some legislators, who ultimately determined the bill should not be moved out of committee or acted on during 2019. Legislators and the State Education Department remain concerned about the practical aspects of this bill and it did not move in 2020.

- Buoy's Law (S.3959-C, Senator Brooks, and A.6502-A, Assemblyman Englebright) was originally drafted to impose a requirement on veterinarians prescribing or otherwise providing medication for an animal to notify the owner verbally and in writing of the potential risks and side effects of the medication. Through discussion with NYSVMS, the sponsors amended the legislation to mirror the law in California; instead of requiring extensive disclosure, the bill was amended to provide that veterinarians offer a consultation in person or through electronic means that details side effects, warnings, and directions for proper use and storage. NYSVMS provided some critique of those amendments, which were adopted by the sponsors, so that the bill did not impose additional liability on a veterinarian for doing things normally done in veterinary practice. This bill was not passed by either house in 2020. ●

