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To: Mr. Jared B. Granier
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Louisiana Board of Veterinary Medicine

From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: May 11, 2026

Subject: Louisiana Board of Veterinary Medicine
Proposed Amendments to LAC 46:LXXXV.1303 and 1305- Zoo Personnel

I. SUMMARY

The Louisiana Board of Veterinary Medicine (the “*Board*”) has proposed to amend LAC 46: LXXXV.1303 and 1305 (the “*Proposed Amendments*”) relative to training and reporting requirements for zoo personnel authorized to administer chemical restraint drugs. The Proposed Amendments require (i) all laypersons to successfully complete a board-approved chemical capture training course at least once every three years and prior to administering any chemical restraint drug, (ii) the licensed veterinarian at the zoo to submit the certificates of completion within 60 days of the layperson completing the course, and (iii) the escape and capture protocols, the drug storage and use protocols, and the drug inventory protocols to be submitted to the Board every five years for review.

The Board published a Notice of Intent to promulgate the Proposed Amendments on March 20, 2026.¹ The Notice invited public comments on the Proposed Amendments March 21, 2026 through April 9, 2026 and received no public comments.²

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“*OLRP*”) on April 9, 2026. The OLRP invited public comments on the Proposed Amendment April 10, 2026 through April 26, 2026 and received no comments.

The OLRP has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.³ An occupational regulation is a “rule defined in the Administrative Procedure

¹ Louisiana Register, Vol. 52, No. 3, at pgs. 378-379

² Id. at 379

³ LSA-R.S. 49:260 (D)(2)

Act (“**APA**”) that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁴ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁵

The Louisiana APA defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees.⁶ The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area.

As set forth below, the OLRP has determined that §§1303 and 1305 are rules governing the practice of veterinary medicine and therefore do not constitute occupational regulations with anticompetitive effects within the meaning of La. R.S. 49:260. Accordingly, the Board may promulgate the Proposed Amendments without further input from the OLRP.

II. ANALYSIS

The Board is a state regulatory body created “to promote the public health, safety, and welfare by safeguarding the people of this state against incompetent, dishonest, or unprincipled practitioners of veterinary medicine.”⁷ The Board has been granted the statutory authority to adopt, amend, or repeal all rules and regulations necessary to serve its purpose, including establishing standards of professional conduct for the practice of veterinary medicine, in accordance with the provisions of the APA.⁸

A. Proposed LAC 46: LXXXV.1303 and 1305-Zool Personnel

The Board proposes amending §§1303 and 1305 to require (i) all laypersons to successfully complete a board-approved chemical capture training course at least once every three years and prior to administering any chemical restraint drug, (ii) the licensed veterinarian at the zoo to submit the certificates of completion within 60 days of the layperson completing the course, and (iii) the escape and capture protocols, the drug storage and use protocols, and the drug inventory protocols to be submitted to the Board every five years for review.

Under the current rules, a layperson or zoo employee may administer chemical restraint drugs to dangerous animals in the event of an escape from the animal’s usual confinement provided the zoo employee has been trained by the zoo’s licensed veterinarian. The current rules also require the

⁴ LSA-R.S. 49:260 (G)(4)

⁵ Black’s Law Dictionary, 12th Edition p. 116

⁶ LSA-R.S. 49:951 (8)

⁷ LSA-R.S. 37:1511

⁸ LSA-R.S. 37:1518 (A)(9), LSA-R.S. 37:1558

zoo's veterinarian to establish and use escape and capture protocols, a storage and drug plan, and drug inventory protocols when training zoo employees.

The Board has the statutory authority to adopt, amend, or repeal all rules and regulations necessary to serve its purpose in accordance with the provisions of the APA.⁹ Additionally, the powers statutorily granted to the Board are for the purpose of enabling the Board to effectively supervise the practice of veterinary medicine and are to be construed liberally to accomplish this objective.¹⁰ Under La. R.S. 37:1513(5) the practice of veterinary medicine includes diagnosing, treating, correcting, changing, relieving, or preventing animal disease, deformity, defect, injury, or other physical or mental conditions; including the prescribing or administering of any drug, medicine, biologic apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique.

Accordingly, because the administration of chemical restraint drugs to dangerous animals constitutes the administration of drugs and therapeutic substances within the statutory definition of the practice of veterinary medicine,¹¹ it is within the Board's authority to regulate the circumstances under which such drugs may be administered by trained zoo employees acting under veterinary supervision. Further, requiring the submission of escape and capture protocols, drug storage and use protocols, and drug inventory protocols for periodic review falls within the Board's authority to supervise and ensure the safe administration and handling of chemical restraint drugs.

While the Proposed Amendments standardize and expand existing training and reporting requirements applicable to zoo personnel authorized to administer chemical restraint drugs, they do not establish, modify, or eliminate licensure qualifications, scope of practice requirements, fees, renewal standards, disciplinary criteria, or enforcement thresholds applicable to regulated individuals or entities. Thus, the Proposed Amendments do not constitute occupational regulations as defined by La. R.S. 49:260 and do not restrict entry into the profession or occupation. Further, there are no reasonably foreseeable anticompetitive effects because the Proposed Amendments do not limit competition, reduce consumer choice, or create barriers to market participation. Rather, the Proposed Amendments impose administrative and safety related oversight measures designed to ensure the proper handling and administration of chemical restraint drugs in emergency zoo escape situations.

Therefore, the Board may proceed with promulgation of the Proposed Amendments in accordance with the Louisiana APA without further input from the OLRP.

III. DETERMINATION

The Board is a state regulatory body created to govern the professional conduct of the members of the veterinary profession in the state of Louisiana.¹² The Board holds the statutory authority to adopt, amend, or repeal all rules necessary to ensure the standards of professional conduct for the

⁹ LSA-R.S. 37:1518 (A)(9), LSA-R.S. 37:1558

¹⁰ LSA-R.S. 37:1518 (C)

¹¹ LSA-R.S. 37:1513(5)

¹² LAC 46: LXXXV § 1001 (A)

practice of veterinary medicine are met and upheld.¹³ The Proposed Amendments are within the Board's statutory authority and adhere to clearly articulated state policy. Upon review, the OLRP has determined that the Proposed Amendments do not constitute occupational regulations with reasonably foreseeable anticompetitive effects on the practice of veterinary medicine. As such, the Board may proceed with promulgation of the Proposed Amendments without further input from the OLRP and in accordance with the APA.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM

A handwritten signature in blue ink, appearing to read "Farra Mughal".

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¹³ LSA-R.S. 37:1518 (A)(9)