

MEMORANDUM IN OPPOSITION

October 7, 2016

**S.6584 – Boyle (In Senate Agriculture Committee)
A.9622 – Englebright (In Assembly Higher Education Committee)**

AN ACT establishing Buoy's law; to amend the agriculture and markets law, in relation to requiring veterinarians to notify owners of potential risks and side effects of medication prior to prescribing or otherwise providing medication to an animal

This memo in *opposition* is written on behalf of our client, the New York State Veterinary Medical Society. The New York State Veterinary Medical Society (NYSVMS) is the acknowledged and respected voice for the veterinary medicine profession. The Society's mission is to protect, promote, and advance the science and profession of veterinary medicine in New York State. The NYSVMS works to ensure that New Yorkers have access to the highest caliber veterinary care available in the most cost effective way.

This legislation would impose a requirement that a veterinarian who prescribes or otherwise provides medication for an animal shall notify the owner of the animal verbally and in writing of the potential risks and side effects of such medication prior to its prescription or provision. Where a veterinarian repackages prescription medication prior to prescribing or providing it to a patient, he or she would be required pursuant to this legislation to provide a copy of the manufacturer's warning label or informational insert to the owner of the animal.

If implemented, this legislation would impose new and more burdensome disclosure requirements that would increase the time and resources needed to provide current and accurate information. These requirements could duplicate efforts already employed as part of the veterinary client patient relationship, and force small practices to face cost prohibitive improvements such as hiring additional personnel to maintain the appropriate information or purchasing software to automate the process. In addition, these new rules create an assumption of additional liability on a veterinarian that could deter him or her from prescribing appropriate medical therapy and require extensive foresight and speculation about the possible outcomes related to drug administration. Spending the time to create the required disclosures could disrupt the traditional workflow and cause delays in treatment as well as patient processing; all of these issues combined have the potential to increase the cost of pet health care as well as creating burdensome rules to be followed by veterinarians and their staff.

In the normal course of treating a patient, veterinarians ensure that pet owners are fully briefed on all of the most common risks and side effects associated with a medication being administered to his or her pet. In addition to describing risks and side effects, veterinarians traditionally go a step further, discussing which of the potential side effects would be the most disconcerting, and at which point to call the office or bring their animal back in to be seen. As medical professionals seeking the best and most effective treatment for their patients, veterinarians are already implementing the guidelines suggested by this bill; to require them to adhere to new disclosure rules and implement new procedures in their practices could impact the practice of veterinary medicine on many levels.

For the reasons stated above, we **strongly oppose** this legislation.

Respectfully submitted,

JACKSON LEWIS P.C.