

HOUSE BILL NO. 233

INTRODUCED BY GRADY, HANSON, CAMPBELL, HOLLIDAY,
ASAY, KELLER, DONALDSON, BRANDEWIE, HAYNE, MARKS,
THOFT, JENKINS, SWITZER, IVERSON

IN THE HOUSE

January 17, 1985	Introduced and referred to Committee on Business and Labor.
January 18, 1985	Rereferred to Committee on Agriculture, Livestock and Irrigation.
January 26, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
January 30, 1985	Second reading, do pass.
	Considered correctly engrossed.
January 31, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 4, 1985	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 14, 1985	Committee recommend bill be concurred in. Report adopted.
February 16, 1985	Second reading, concurred in.

February 19, 1985

Third reading, concurred in.
Ayes, 44; Noes, 0.

Returned to House.

IN THE HOUSE

February 20, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 233

INTRODUCED BY *Wayne M. Hanson Campbell Hocking*
Cassey Fuller

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF
THE BOARD OF VETERINARIANS TO THE BOARD OF VETERINARY
MEDICINE; INCLUDING DENTISTRY IN AND ELIMINATING OVA OR
EMBRYO TRANSPLANT FROM THE DEFINITION OF VETERINARY
MEDICINE; ELIMINATING THE EXEMPTION FOR EMPLOYMENT OF
STUDENTS AS VETERINARIANS' ASSISTANTS; CHANGING THE DEADLINE
FOR PAYMENT OF THE FEE FOR RENEWAL OF A VETERINARIAN'S
LICENSE; AMENDING SECTIONS 2-15-1852, 37-18-101, 37-18-102,
37-18-104, AND 37-18-307, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-15-1852, MCA, is amended to read:

"2-15-1852. Board of veterinarians veterinary medicine. (1) There is a board of veterinarians veterinary medicine.

(2) The board consists of six members appointed by the governor with the consent of the senate, five of whom shall be licensed veterinarians and one of whom shall be a public member who is a consumer of veterinary services and who shall not be a licentiate of the board or of any other board under the department of commerce.

(3) Each veterinarian member shall be a reputable

licensed veterinarian who has graduated from a college authorized by law to confer degrees and have educational standards equal to those approved by the American veterinary medical association. Each veterinarian member shall have actually and legally practiced veterinary medicine in either private practice or public service in this state for at least 5 years immediately before his appointment.

(4) Each member shall serve for a term of 5 years. The governor may, after notice and hearing, remove a member for misconduct, incapacity, or neglect of duty.

(5) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 2. Section 37-18-101, MCA, is amended to read:

"37-18-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Board" means the board of veterinarians veterinary medicine provided for in 2-15-1852.

(2) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18."

Section 3. Section 37-18-102, MCA, is amended to read:

"37-18-102. Veterinary medicine defined. (1) A person is considered practicing veterinary medicine when he does any of the following:

(a) represents himself as or is engaged in the practice of veterinary medicine in any of its branches,



1 either directly or indirectly;

2 (b) uses words, titles, or letters in this connection
3 or on a display or advertisement or under circumstances so
4 as to induce the belief the person using them is engaged in
5 the practice of veterinary medicine. This use is prima facie
6 evidence of the intention to represent oneself as engaged in
7 the practice of veterinary medicine in any of its branches.

8 (c) diagnoses, prescribes, or administers a drug,
9 medicine, appliance, application, or treatment of whatever
10 nature or performs a surgical operation or manipulation for
11 the prevention, cure, or relief of a pain, deformity, wound,
12 fracture, bodily injury, physical condition, or disease of
13 animals;

14 (d) instructs, demonstrates, or solicits by a notice,
15 sign, or other indication, with contract either express or
16 implied, or otherwise, with or without the necessary
17 instruments for the administration of biologics or medicines
18 or animal disease cures for the prevention and treatment of
19 disease of animals and remedies for the treatment of
20 internal parasites in animals;

21 (e) performs a manual or laboratory procedure on
22 livestock for the diagnosis of pregnancy, sterility, or
23 infertility for remuneration or hire;

24 (f) performs acupuncture or ~~ova--or--embryo--transfer~~
25 dentistry on animals;

1 (g) instructs others, except those covered under the
2 provisions of 37-18-104(3), for compensation, in any manner
3 how to perform any acts which constitute the practice of
4 veterinary medicine.

5 (2) Nothing in subsection (1)(e) of this section shall
6 in any way be construed to prohibit the pregnancy testing by
7 any person of his own farm animals or by his employees
8 regularly employed in the conduct of his business or by
9 other persons whose services are rendered gratuitously.

10 (3) Nothing in this section shall be construed as
11 modifying, amending, altering, or repealing any part of
12 37-18-104."

13 Section 4. Section 37-18-104, MCA, is amended to read:
14 "37-18-104. Exemptions. (1) This chapter does not
15 apply to:

16 (a) veterinarians in the performance of their official
17 duties, either civil or military, in the service of the
18 United States unless they engage in the practice of
19 veterinary medicine in a private capacity;

20 (b) laboratory technicians and veterinary research
21 workers, as distinguished from veterinarians, in the employ
22 of this state or the United States and engaged in labors in
23 laboratories under the direct supervision of the board of
24 livestock, Montana state university, or the United States;

25 (c) lawfully qualified veterinarians from other states

1 or a foreign country meeting legally licensed and registered
2 Montana veterinarians in this state in consultation;

3 (d) a veterinarian residing on a border of a
4 neighboring state and authorized under the laws thereof to
5 practice veterinary medicine therein, who is actually called
6 to attend cases in this state but who does not open an
7 office or appoint a place to meet patients or receive calls
8 in this state, if veterinarians licensed and registered in
9 this state are extended a like privilege to engage in the
10 practice of veterinary medicine to the same extent in the
11 neighboring state;

12 ~~(e) the employment as assistants to veterinarians
13 licensed and registered under this chapter of veterinary
14 medical students who have successfully completed 3 years of
15 the professional curriculum in veterinary medicine at a
16 college having educational standards equal to those approved
17 by the American veterinary medical association and
18 authorized by law to confer degrees; However, this
19 employment may not be contracted for or entered into except
20 after written application for approval directed to the board
21 and the written grant of approval by the board. This
22 employment may not be for a period in excess of 6 months
23 from the date of completion of the third year of study.~~

24 (2) The operations known and designated as castrating
25 or dehorning of cattle, sheep, horses, and swine are not the

1 practice of veterinary medicine within the meaning of this
2 chapter.

3 (3) This chapter does not prohibit a person from
4 treating his own farm animals or being assisted in this
5 treatment by his employees employed in the conduct of his
6 business or by other persons whose services are rendered
7 gratuitously in case of emergency.

8 (4) This chapter does not prohibit the selling of
9 veterinary remedies and instruments by a registered
10 pharmacist at his regular place of business."

11 Section 5. Section 37-18-307, MCA, is amended to read:

12 "37-18-307. Renewal -- fee -- continuing education --
13 automatic renewal for military personnel. (1) A person
14 licensed to practice veterinary medicine in this state shall
15 procure from the department before July November 1 annually
16 his certificate of registration. The certificate shall be
17 issued by the department on the payment of a fee to be fixed
18 annually by the board and the presentation of evidence
19 satisfactory to the board that the licensee, in the year
20 preceding the application for renewal, attended an
21 educational program approved by the board. However, the
22 board may authorize the department to issue renewals, but
23 not consecutive renewals, on a showing satisfactory to the
24 board that attendance at the educational programs was
25 unavoidably prevented; and new licensees who secure licenses

1 by examination ~~during the 6 months preceding July 1~~ shall be
 2 granted renewals a renewal the first year without attending
 3 the educational programs. The certificate is prima facie
 4 evidence of the right of the holder to practice veterinary
 5 medicine in this state during the time for which it is
 6 issued.

7 (2) Failure of a person licensed to procure a
 8 certificate of registration before ~~July~~ November 1,
 9 annually, constitutes a forfeiture of the license held by
 10 the person. A person who has thus forfeited his license may
 11 have it restored to him by making written application for
 12 restoration within 1 year of the forfeiture, setting forth
 13 the reasons for failure to procure the certificate of
 14 registration at the time specified and accompanied by
 15 payment of the registration fee provided for in this section
 16 and an additional restoration fee as the board requires and
 17 by presentation of evidence satisfactory to the board that
 18 he has fulfilled the continuing educational requirements of
 19 all licensees recited above. The person making application
 20 for restoration of license within 1 year of its forfeiture
 21 is not required to submit to examination.

22 (3) Notwithstanding any other provisions in this
 23 chapter, a person licensed who enters or is called to active
 24 duty by a branch of the armed services of the United States
 25 is entitled to receive automatic registration of his license

1 during the period of his duty with the armed services.
 2 However, within 1 year after release or discharge from duty
 3 in the armed services he shall procure a certificate of
 4 renewal from the department and pay the regular fee. Failure
 5 to procure the certificate of renewal within 1 year after
 6 release or discharge is the equivalent of a failure to
 7 procure a certificate of registration before ~~July~~ November 1
 8 of any year, and the same forfeiture and restoration
 9 requirements apply.

10 (4) A person licensed shall at all times have his
 11 residence and office address on file with the department."

12 NEW SECTION. Section 6. Extension of definition. In
 13 any material enacted by the 49th legislature, "board of
 14 veterinarians" means "board of veterinary medicine".

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
AND IRRIGATION

HOUSE BILL NO. 233

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shall not be a licentiate of the board or of any other board
under the department of commerce.

(3) Each veterinarian member shall be a reputable
licensed veterinarian who has graduated from a college
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7 as to induce the belief the person using them is engaged in
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25 livestock for the diagnosis of pregnancy, sterility, or

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6 how to perform any acts which constitute the practice of
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24 workers, as distinguished from veterinarians, in the employ
25 of this state or the United States and engaged in labors in

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2 (E) THE EMPLOYMENT AS ASSISTANTS TO VETERINARIANS
3 LICENSED AND REGISTERED UNDER THIS CHAPTER OF VETERINARY
4 MEDICAL STUDENTS WHO HAVE SUCCESSFULLY COMPLETED 3 YEARS OF
5 THE PROFESSIONAL CURRICULUM IN VETERINARY MEDICINE AT A
6 COLLEGE HAVING EDUCATIONAL STANDARDS EQUAL TO THOSE APPROVED
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22 NEW SECTION. Section 6. Extension of definition. In
 23 any material enacted by the 49th legislature, "board of
 24 veterinarians" means "board of veterinary medicine".

25 NEW SECTION. SECTION 7. EXTENSION OF AUTHORITY. ANY

1 EXISTING AUTHORITY OF THE BOARD OF VETERINARIANS (HEREIN
2 CHANGED TO BOARD OF VETERINARY MEDICINE) TO MAKE RULES ON
3 THE SUBJECT OF THE PROVISIONS OF THIS ACT IS EXTENDED TO THE
4 PROVISIONS OF THIS ACT.

5 NEW SECTION. SECTION 8. EFFECTIVE DATE. THIS ACT IS
6 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

HOUSE BILL NO. 233

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 2 issued by the department on the payment of a fee to be fixed
 3 annually by the board and the presentation of evidence
 4 satisfactory to the board that the licensee, in the year
 5 preceding the application for renewal, attended an
 6 educational program approved by the board. However, the
 7 board may authorize the department to issue renewals, but
 8 not consecutive renewals, on a showing satisfactory to the
 9 board that attendance at the educational programs was
 10 unavoidably prevented; and new licensees who secure licenses
 11 by examination ~~during the 6 months preceding July 1~~ shall be
 12 granted ~~renewals~~ a renewal the first year without attending
 13 the educational programs. The certificate is prima facie
 14 evidence of the right of the holder to practice veterinary
 15 medicine in this state during the time for which it is
 16 issued.

17 (2) Failure of a person licensed to procure a
 18 certificate of registration before ~~July~~ November 1,
 19 annually, constitutes a forfeiture of the license held by
 20 the person. A person who has thus forfeited his license may
 21 have it restored to him by making written application for
 22 restoration within 1 year of the forfeiture, setting forth
 23 the reasons for failure to procure the certificate of
 24 registration at the time specified and accompanied by
 25 payment of the registration fee provided for in this section

1 and an additional restoration fee as the board requires and
 2 by presentation of evidence satisfactory to the board that
 3 he has fulfilled the continuing educational requirements of
 4 all licensees recited above. The person making application
 5 for restoration of license within 1 year of its forfeiture
 6 is not required to submit to examination.

7 (3) Notwithstanding any other provisions in this
 8 chapter, a person licensed who enters or is called to active
 9 duty by a branch of the armed services of the United States
 10 is entitled to receive automatic registration of his license
 11 during the period of his duty with the armed services.
 12 However, within 1 year after release or discharge from duty
 13 in the armed services he shall procure a certificate of
 14 renewal from the department and pay the regular fee. Failure
 15 to procure the certificate of renewal within 1 year after
 16 release or discharge is the equivalent of a failure to
 17 procure a certificate of registration before ~~July~~ November 1
 18 of any year, and the same forfeiture and restoration
 19 requirements apply.

20 (4) A person licensed shall at all times have his
 21 residence and office address on file with the department."

22 NEW SECTION. Section 6. Extension of definition. In
 23 any material enacted by the 49th legislature, "board of
 24 veterinarians" means "board of veterinary medicine".

25 NEW SECTION. SECTION 7. EXTENSION OF AUTHORITY. ANY

1 EXISTING AUTHORITY OF THE BOARD OF VETERINARIANS (HEREIN
2 CHANGED TO BOARD OF VETERINARY MEDICINE) TO MAKE RULES ON
3 THE SUBJECT OF THE PROVISIONS OF THIS ACT IS EXTENDED TO THE
4 PROVISIONS OF THIS ACT.
5 NEW SECTION. SECTION 8. EFFECTIVE DATE. THIS ACT IS
6 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

1 HOUSE BILL NO. 233

2 INTRODUCED BY GRADY, HANSON, CAMPBELL, HOLLIDAY,

3 ASAY, KELLER, DONALDSON, BRANDEWIE, HAYNE, MARKS,

4 THOFT, JENKINS, SWITZER, IVERSON

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE NAME OF
7 THE BOARD OF VETERINARIANS TO THE BOARD OF VETERINARY
8 MEDICINE; INCLUDING DENTISTRY IN ~~AND--ELIMINATING--OVA--OR~~
9 ~~EMBRYO---TRANSPLANT---~~FROM THE DEFINITION OF VETERINARY
10 MEDICINE; ~~ELIMINATING-THE-EXEMPTION-FOR~~ CHANGING PROVISIONS
11 RELATING TO EMPLOYMENT OF STUDENTS AS VETERINARIANS'
12 ASSISTANTS; CHANGING THE DEADLINE FOR PAYMENT OF THE FEE FOR
13 RENEWAL OF A VETERINARIAN'S LICENSE; AMENDING SECTIONS
14 2-15-1852, 37-18-101, 37-18-102, 37-18-104, AND 37-18-307,
15 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 2-15-1852, MCA, is amended to read:

19 "2-15-1852. Board of veterinarians veterinary
20 medicine. (1) There is a board of veterinarians veterinary
21 medicine.22 (2) The board consists of six members appointed by the
23 governor with the consent of the senate, five of whom shall
24 be licensed veterinarians and one of whom shall be a public
25 member who is a consumer of veterinary services and who1 shall not be a licentiate of the board or of any other board
2 under the department of commerce.3 (3) Each veterinarian member shall be a reputable
4 licensed veterinarian who has graduated from a college
5 authorized by law to confer degrees and have educational
6 standards equal to those approved by the American veterinary
7 medical association. Each veterinarian member shall have
8 actually and legally practiced veterinary medicine in either
9 private practice or public service in this state for at
10 least 5 years immediately before his appointment.11 (4) Each member shall serve for a term of 5 years. The
12 governor may, after notice and hearing, remove a member for
13 misconduct, incapacity, or neglect of duty.14 (5) The board is allocated to the department for
15 administrative purposes only as prescribed in 2-15-121."

16 Section 2. Section 37-18-101, MCA, is amended to read:

17 "37-18-101. Definitions. Unless the context requires
18 otherwise, in this chapter the following definitions apply:19 (1) "Board" means the board of veterinarians
20 veterinary medicine provided for in 2-15-1852.21 (2) "Department" means the department of commerce
22 provided for in Title 2, chapter 15, part 18."

23 Section 3. Section 37-18-102, MCA, is amended to read:

24 "37-18-102. Veterinary medicine defined. (1) A person
25 is considered practicing veterinary medicine when he does

1 any of the following:

2 (a) represents himself as or is engaged in the
3 practice of veterinary medicine in any of its branches,
4 either directly or indirectly;

5 (b) uses words, titles, or letters in this connection
6 or on a display or advertisement or under circumstances so
7 as to induce the belief the person using them is engaged in
8 the practice of veterinary medicine. This use is prima facie
9 evidence of the intention to represent oneself as engaged in
10 the practice of veterinary medicine in any of its branches.

11 (c) diagnoses, prescribes, or administers a drug,
12 medicine, appliance, application, or treatment of whatever
13 nature or performs a surgical operation or manipulation for
14 the prevention, cure, or relief of a pain, deformity, wound,
15 fracture, bodily injury, physical condition, or disease of
16 animals;

17 (d) instructs, demonstrates, or solicits by a notice,
18 sign, or other indication, with contract either express or
19 implied, or otherwise, with or without the necessary
20 instruments for the administration of biologics or medicines
21 or animal disease cures for the prevention and treatment of
22 disease of animals and remedies for the treatment of
23 internal parasites in animals;

24 (e) performs a manual or laboratory procedure on
25 livestock for the diagnosis of pregnancy, sterility, or

1 infertility for remuneration or hire;

2 (f) performs acupuncture, ~~or--ova-or-embryo-transfer~~
3 OVA OR EMBRYO TRANSFER, OR dentistry on animals;

4 (g) instructs others, except those covered under the
5 provisions of 37-18-104(3), for compensation, in any manner
6 how to perform any acts which constitute the practice of
7 veterinary medicine.

8 (2) Nothing in subsection (1)(e) of this section shall
9 in any way be construed to prohibit the pregnancy testing by
10 any person of his own farm animals or by his employees
11 regularly employed in the conduct of his business or by
12 other persons whose services are rendered gratuitously.

13 (3) Nothing in this section shall be construed as
14 modifying, amending, altering, or repealing any part of
15 37-18-104."

16 Section 4. Section 37-18-104, MCA, is amended to read:
17 "37-18-104. Exemptions. (1) This chapter does not
18 apply to:

19 (a) veterinarians in the performance of their official
20 duties, either civil or military, in the service of the
21 United States unless they engage in the practice of
22 veterinary medicine in a private capacity;

23 (b) laboratory technicians and veterinary research
24 workers, as distinguished from veterinarians, in the employ
25 of this state or the United States and engaged in labors in

1 laboratories under the direct supervision of the board of
 2 livestock, Montana state university, or the United States;

3 (c) lawfully qualified veterinarians from other states
 4 or a foreign country meeting legally licensed and registered
 5 Montana veterinarians in this state in consultation;

6 (d) a veterinarian residing on a border of a
 7 neighboring state and authorized under the laws thereof to
 8 practice veterinary medicine therein, who is actually called
 9 to attend cases in this state but who does not open an
 10 office or appoint a place to meet patients or receive calls
 11 in this state, if veterinarians licensed and registered in
 12 this state are extended a like privilege to engage in the
 13 practice of veterinary medicine to the same extent in the
 14 neighboring state;

15 ~~(e) the employment as assistants to veterinarians~~
 16 ~~licensed and registered under this chapter of veterinary~~
 17 ~~medical students who have successfully completed 3 years of~~
 18 ~~the professional curriculum in veterinary medicine at a~~
 19 ~~college having educational standards equal to those approved~~
 20 ~~by the American veterinary medical association and~~
 21 ~~authorized by law to confer degrees. However, this~~
 22 ~~employment may not be contracted for or entered into except~~
 23 ~~after written application for approval directed to the board~~
 24 ~~and the written grant of approval by the board. This~~
 25 ~~employment may not be for a period in excess of 6 months~~

1 ~~from the date of completion of the third year of study.~~

2 (E) THE EMPLOYMENT AS ASSISTANTS TO VETERINARIANS
 3 LICENSED AND REGISTERED UNDER THIS CHAPTER OF VETERINARY
 4 MEDICAL STUDENTS WHO HAVE SUCCESSFULLY COMPLETED 3 YEARS OF
 5 THE PROFESSIONAL CURRICULUM IN VETERINARY MEDICINE AT A
 6 COLLEGE HAVING EDUCATIONAL STANDARDS EQUAL TO THOSE APPROVED
 7 BY THE AMERICAN VETERINARY MEDICAL ASSOCIATION AND
 8 AUTHORIZED BY LAW TO CONFER DEGREES.

9 (2) The operations known and designated as castrating
 10 or dehorning of cattle, sheep, horses, and swine are not the
 11 practice of veterinary medicine within the meaning of this
 12 chapter.

13 (3) This chapter does not prohibit a person from
 14 treating his own farm animals or being assisted in this
 15 treatment by his employees employed in the conduct of his
 16 business or by other persons whose services are rendered
 17 gratuitously in case of emergency.

18 (4) This chapter does not prohibit the selling of
 19 veterinary remedies and instruments by a registered
 20 pharmacist at his regular place of business."

21 Section 5. Section 37-18-307, MCA, is amended to read:
 22 "37-18-307. Renewal -- fee -- continuing education --
 23 automatic renewal for military personnel. (1) A person
 24 licensed to practice veterinary medicine in this state shall
 25 procure from the department before ~~July~~ November 1 annually

1 his certificate of registration. The certificate shall be
 2 issued by the department on the payment of a fee to be fixed
 3 annually by the board and the presentation of evidence
 4 satisfactory to the board that the licensee, in the year
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