

SENATE BILL 28

Introduced by Meyer

1/02	Introduced
1/02	Referred to Agriculture, Livestock & Irrig.
1/06	Hearing
2/16	Committee Report--Bill Passed as Amended
2/20	2nd Reading Passed
2/21	3rd Reading Passed

Transmitted to House

2/22	Referred to Agriculture, Livestock & Irrig.
3/08	Hearing
3/08	Tabled in Committee

SENATE BILL NO. 28

INTRODUCED BY MEYER

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE DEFINITION OF VETERINARY MEDICINE BY SPECIFYING CERTAIN PROCEDURES NOT TO BE CONSIDERED AS VETERINARY PRACTICE; AND AMENDING SECTION 37-18-102, MCA."

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

Section 1. 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, either directly or indirectly;

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

(c) diagnoses, prescribes, or administers a drug, medicine, appliance, application, or treatment of whatever nature or performs a surgical operation or manipulation for

the prevention, cure, or relief of a pain, deformity, wound, fracture, bodily injury, physical condition, or disease of animals;

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

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

(f) performs acupuncture, ova-or-embryo-transfer, or dentistry on animals;

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

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

(3)(2) Nothing in this section shall be construed as

LC 0298/01

1 modifying, amending, altering, or repealing any part of
2 37-18-104.

3 (3) The practice of veterinary medicine does not
4 include:

5 (a) nonsurgical embryo transplants;

6 (b) pregnancy testing;

7 (c) artificial insemination;

8 (d) ultrasounds, scans, or examinations of animals for
9 back fat thickness, rib eye measurements, or pelvic
10 measurements; or

11 (e) other nonintrusive methods of testing or
12 scanning."

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

SENATE BILL NO. 28

INTRODUCED BY MEYER

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
DEFINITION OF VETERINARY MEDICINE BY SPECIFYING CERTAIN
PROCEDURES NOT TO BE CONSIDERED AS VETERINARY PRACTICE FOR
ENFORCEMENT PURPOSES UNTIL JULY 1, 1991; AND AMENDING
SECTION 37-18-102, MCA."

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

Section 1. Section 37-18-102, MCA, is amended to read:

**"37-18-102. Veterinary medicine defined -- AFFIDAVIT
-- MORATORIUM.** (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,
either directly or indirectly;

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

(c) diagnoses, prescribes, or administers a drug,
medicine, appliance, application, or treatment of whatever

nature or performs a surgical operation or manipulation for
the prevention, cure, or relief of a pain, deformity, wound,
fracture, bodily injury, physical condition, or disease of
animals;

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

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

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

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

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

1 (2) NOTHING IN SUBSECTION (1)(E) OF THIS SECTION SHALL
 2 IN ANY WAY BE CONSTRUED TO PROHIBIT THE PREGNANCY TESTING BY
 3 ANY PERSON OF HIS OWN FARM ANIMALS OR BY HIS EMPLOYEES
 4 REGULARLY EMPLOYED IN THE CONDUCT OF HIS BUSINESS OR BY
 5 OTHER PERSONS WHOSE SERVICES ARE RENDERED GRATUITOUSLY.

6 ~~{3}{2}{3}~~ Nothing in this section shall be construed
 7 as modifying, amending, altering, or repealing any part of
 8 37-18-104.

9 ~~{3}--The--practice--of--veterinary--medicine--does--not~~
 10 ~~include:~~

11 ~~{a}--nonsurgical-embryo-transplants;~~

12 ~~{b}--pregnancy-testing;~~

13 ~~{c}--artificial-insemination;~~

14 ~~{d}--ultrasounds, scans, or examinations of animals for~~
 15 ~~back--fat--thickness,--rib--eye--measurements,--or--pelvic~~
 16 ~~measurements;--or~~

17 ~~{e}--other-nonintrusive-methods-of-testing-or-scanning;~~

18 (4) (A) THERE IS A MORATORIUM ON BOARD ENFORCEMENT OF
 19 LAWS AND RULES RELATING TO PREGNANCY TESTING AND OVA OR
 20 EMBRYO TRANSFERS. THE BOARD MAY NOT ENFORCE ANY LAWS OR
 21 RULES REGULATING PREGNANCY TESTING AND OVA OR EMBRYO
 22 TRANSFERS BY PERSONS WHO PROVIDE AN AFFIDAVIT TO THE BOARD
 23 THAT THEY HAVE AT LEAST 3 YEARS OF EITHER EXPERIENCE OR
 24 EDUCATION OR BOTH IN THE PRACTICE OF PREGNANCY TESTING OR
 25 OVA OR EMBRYO TRANSFERS.

1 (B) THIS SUBSECTION (4) TERMINATES JULY 1, 1991."

-End-

SENATE BILL NO. 28

INTRODUCED BY MEYER

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE DEFINITION OF VETERINARY MEDICINE BY SPECIFYING CERTAIN PROCEDURES NOT TO BE CONSIDERED AS VETERINARY PRACTICE FOR ENFORCEMENT PURPOSES UNTIL JULY 1, 1991; AND AMENDING SECTION 37-18-102, MCA."

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

Section 1. Section 37-18-102, MCA, is amended to read:

"37-18-102. Veterinary medicine defined -- AFFIDAVIT -- MORATORIUM. (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, either directly or indirectly;

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

(c) diagnoses, prescribes, or administers a drug, medicine, appliance, application, or treatment of whatever

nature or performs a surgical operation or manipulation for the prevention, cure, or relief of a pain, deformity, wound, fracture, bodily injury, physical condition, or disease of animals;

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

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

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

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

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

1 (2) NOTHING IN SUBSECTION (1)(E) OF THIS SECTION SHALL
 2 IN ANY WAY BE CONSTRUED TO PROHIBIT THE PREGNANCY TESTING BY
 3 ANY PERSON OF HIS OWN FARM ANIMALS OR BY HIS EMPLOYEES
 4 REGULARLY EMPLOYED IN THE CONDUCT OF HIS BUSINESS OR BY
 5 OTHER PERSONS WHOSE SERVICES ARE RENDERED GRATUITOUSLY.

6 {3}{2}(3) Nothing in this section shall be construed
 7 as modifying, amending, altering, or repealing any part of
 8 37-18-104.

9 {3}--The--practice--of--veterinary--medicine--does--not
 10 include:

11 {a}--nonsurgical-embryo-transplants;

12 {b}--pregnancy-testing;

13 {c}--artificial-insemination;

14 {d}--ultrasounds, scans, or examinations of animals for
 15 back--fat--thickness, rib--eye--measurements, or pelvic
 16 measurements; or

17 {e}--other nonintrusive methods of testing or scanning;

18 (4) (A) THERE IS A MORATORIUM ON BOARD ENFORCEMENT OF
 19 LAWS AND RULES RELATING TO PREGNANCY TESTING AND OVA OR
 20 EMBRYO TRANSFERS. THE BOARD MAY NOT ENFORCE ANY LAWS OR
 21 RULES REGULATING PREGNANCY TESTING AND OVA OR EMBRYO
 22 TRANSFERS BY PERSONS WHO PROVIDE AN AFFIDAVIT TO THE BOARD
 23 THAT THEY HAVE AT LEAST 3 YEARS OF EITHER EXPERIENCE OR
 24 EDUCATION OR BOTH IN THE PRACTICE OF PREGNANCY TESTING OR
 25 OVA OR EMBRYO TRANSFERS.

1 (B) THIS SUBSECTION (4) TERMINATES JULY 1, 1991."

-End-