## SENATE BILL 28

## Introduced by Meyer

1/02	Introduced
1/02	Referred to Agriculture, Livestock &
	Irrig.
1/06	Hearing
2/16	Committee ReportBill Passed as
	Amended
2/20	2nd Reading Passed
2/21	3rd Reading Passed
Transmitte	ed to House
2/22	Referred to Agriculture, Livestock &
	Irrig.
3/08	Hearing
3/08	Tabled in Committee

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animals;

INTRODUCED BILL

SB 28

1	SENATE BILL NO. 28
2	INTRODUCED BY MEYER
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE
5	DEFINITION OF VETERINARY MEDICINE BY SPECIFYING CERTAIN
6	PROCEDURES NOT TO BE CONSIDERED AS VETERINARY PRACTICE; AND
7	AMENDING SECTION 37-18-102, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.0	Section 1. Section 37-18-102, MCA, is amended to read:
1	*37-18-102. Veterinary medicine defined. (1) A person
2	is considered practicing veterinary medicine when he does
13	any of the following:
.4	(a) represents himself as or is engaged in the
15	practice of veterinary medicine in any of its branches,
16	either directly or indirectly;
17	(b) uses words, titles, or letters in this connection
8	or on a display or advertisement or under circumstances so
19	as to induce the belief the person using them is engaged in
20	the practice of veterinary medicine. This use is prima facie
21	evidence of the intention to represent oneself as engaged in
22	the practice of veterinary medicine in any of its branches.
23	(c) diagnoses, prescribes, or administers a drug,
24	medicine, appliance, application, or treatment of whatever
25	nature or performs a surgical operation or manipulation for

6	implied, or otherwise, with or without the necessary
7	instruments, for the administration of biologics or
8	medicines or animal disease cures for the prevention and
9	treatment of disease of animals and remedies for the
10	treatment of internal parasites in animals;
11	(e) performs a manual or laboratory procedure on
12	livestock for the diagnosis of $pregnancy_{7}$ sterility $_{7}$ or
13	infertility for remuneration or hire;
14	(f) performs acupuncture;ova-or-embryo-transfer; or
15	dentistry on animals;
16	(g) instructs others, except those covered under the
17	provisions of 37-18-104(3), for compensation, in any manner
18	how to perform any acts which constitute the practice of
19	veterinary medicine.
20	<pre>†2)Nothing-in-subsection-(1)(e)-of-this-section-shall</pre>
21	in-any-way-be-construed-to-prohibit-the-pregnancy-testing-by
22	anypersonofhisownfarmanimals-or-by-his-employees
23	regularly-employed-in-the-conductofhisbusinessorby
24	other-persons-whose-services-are-rendered-gratuitously-
25	(3) Nothing in this section shall be construed as

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

(d) instructs, demonstrates, or solicits by a notice, sign, or other indication, with contract either express or

## 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	<pre>(b) pregnancy testing;</pre>
7	(c) artificial insemination;
8	(d) ultrasounds, scans, or examinations of animals for
9	back fat thickness, rib eye measurements, or pelvio
10	measurements; or
11	(e) other nonintrusive methods of testing or
12	ccanning "

-End-

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## APPROVED BY COMMITTEE ON AGRICULTURE LIVESTOCK A IRRIGATION

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5	DEFINITION OF VETERINARY MEDICINE BY SPECIFYING CERTAIN
6	PROCEDURES NOT TO BE CONSIDERED AS VETERINARY PRACTICE FOR
7	ENFORCEMENT PURPOSES UNTIL JULY 1, 1991; AND AMENDING
8	SECTION 37-18-102, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 37-18-102, MCA, is amended to read:
12	*37-18-102. Veterinary medicine defined AFFIDAVIT
13	MORATORIUM. (1) A person is considered practicing
14	veterinary medicine when he does any of the following:
15	(a) represents himself as or is engaged in the
16	practice of veterinary medicine in any of its branches,
17	either directly or indirectly;
18	(b) uses words, titles, or letters in this connection
19	or on a display or advertisement or under circumstances so
20	as to induce the belief the person using them is engaged in
21	the practice of veterinary medicine. This use is prima facie
22	evidence of the intention to represent oneself as engaged in
23	the practice of veterinary medicine in any of its branches.
24	(c) diagnoses, prescribes, or administers a drug,

medicine, appliance, application, or treatment of whatever

1	nature or performs a surgical operation or manipulation for
2	the prevention, cure, or relief of a pain, deformity, wound,
3	fracture, bodily injury, physical condition, or disease of
4	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;
- 12 (e) performs a manual or laboratory procedure on
  13 livestock for the diagnosis of pregnancy, PREGNANCY,
  14 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-

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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)Thepracticeofveterinarymedicinedoesnot
0	include:
1	{a}nonsurgical-embryo-transplants;
2	(b)pregnancy-testing;
.3	(c)artificial-insemination;
	(d)ultrasounds;-scans;-or-examinations-of-animals-for
.4	
.5	backfatthickness;ribeyemeasurements;orpelvic
.6	measurements7-or
17	(e) other-nonintrusive-methods-of-testing-or-scanning-
.8	(4) (A) THERE IS A MORATORIUM ON BOARD ENFORCEMENT OF
.9	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-

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3	fracture, bodily injury, physical condition, or disease of
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2	tb)pregnancy-testing;
.3	<pre>(c)artificial-insemination;</pre>
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-3-

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

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