

SENATE BILL NO. 111

INTRODUCED BY BOYLAN, SPRING, MANNING,
JERGSON, SPAETH, HAYNE

IN THE SENATE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
FEBRUARY 9, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. STATEMENT OF INTENT ADOPTED.
FEBRUARY 10, 1989	PRINTING REPORT.
FEBRUARY 11, 1989	PASS CONSIDERATION.
FEBRUARY 13, 1989	ON MOTION, TAKEN FROM SECOND READING AND REREFERRED TO COMMITTEE.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL BE

CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 27, 1989

SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 29, 1989

THIRD READING, CONCURRED IN.
AYES, 88; NOES, 7.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 3, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS
CONCURRED IN.

ON MOTION, BILL SEGREGATED FROM
COMMITTEE OF WHOLE REPORT.

APRIL 4, 1989

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

APRIL 5, 1989

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 6, 1989

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 17, 1989

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 18, 1989

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 19, 1989

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 19, 1989

FREE CONFERENCE REPORT ADOPTED.
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 20, 1989

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Sen. Bill No. 111*
 2 INTRODUCED BY *Sen. Bill No. 111*
 3 *Richard E. Manning* *Jerguson* *Spencer* *Hayne*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 5 LAWS REGULATING THE PRACTICE OF VETERINARY MEDICINE;
 6 CLARIFYING DEFINITIONS AND EXEMPTIONS; REVISING THE
 7 REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION;
 8 PROHIBITING THE MUNICIPAL LICENSING OF VETERINARIANS;
 9 AMENDING SECTIONS 37-18-102, 37-18-104, 37-18-202,
 10 37-18-307, 37-18-311, AND 37-18-502, MCA; AND PROVIDING AN
 11 IMMEDIATE EFFECTIVE DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

15 "37-18-102. Veterinary medicine defined. (1) A person
 16 is considered practicing veterinary medicine when he does
 17 any of the following:

18 (a) represents himself as or is engaged in the
 19 practice of veterinary medicine in any of its branches,
 20 either directly or indirectly;

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

1 the practice of veterinary medicine in any of its branches.

2 (c) diagnoses, prescribes, or administers a drug,
 3 medicine, appliance, application, or treatment of whatever
 4 nature or performs a surgical operation or manipulation for
 5 the prevention, cure, or relief of a pain, deformity, wound,
 6 fracture, bodily injury, physical condition, or disease of
 7 animals;

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

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

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

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

24 ~~(2)--Nothing-in-subsection-(1)(e)-of-this-section-shall~~
 25 ~~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 modifying, amending, altering, or repealing any part of 37-18-104."

Section 2. Section 37-18-104, MCA, is amended to read:

"37-18-104. Exemptions. (1) This chapter does not apply to:

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

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

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

(d) a veterinarian residing on a border of a neighboring state and authorized under the laws thereof to practice veterinary medicine therein, who is actually called to attend cases in this state but who does not open an

office or appoint a place to meet patients or receive calls in this state, if veterinarians licensed and registered in this state are extended a like privilege to engage in the practice of veterinary medicine to the same extent in the neighboring state;

(e) the employment as assistants to veterinarians licensed and registered under this chapter of veterinary medical students who have successfully completed 3 years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American veterinary medical association and authorized by law to confer degrees; or

~~†2†--The-operations-known-and-designated-as--castrating
or-dehorning-of-cattie,-sheep,-horses,-and-swine-are-not-the
practice--of--veterinary-medicine-within-the-meaning-of-this
chapter--~~

(f) a person advising with respect to or performing acts that the board defines by rule as accepted livestock management practices.

~~†3†(2)~~ This chapter does not prohibit a person from caring for and treating his own farm animals or being assisted in this treatment by his full-time employees employed in the conduct of his business or by other persons whose services are rendered gratuitously in case of emergency.

1 †4†(3) This chapter does not prohibit the selling of
2 veterinary remedies and instruments by a registered
3 pharmacist at his regular place of business."

4 **Section 3.** Section 37-18-202, MCA, is amended to read:

5 "37-18-202. Powers of board and department --
6 examinations -- prosecutions. (1) The board may adopt rules
7 and orders necessary for the performance of its duties,
8 including but not limited to:

9 (a) development of continuing professional education
10 requirements and exceptions therefrom;

11 (b) prescribe prescribing of forms for application for
12 examination and license; and

13 (c) prepare preparation of examinations.

14 (2) The department shall, subject to 37-1-101,
15 supervise the examination of applicants for license to
16 practice veterinary medicine, obtain the services of
17 professional examination agencies instead of its own
18 preparation of examinations, and grant and revoke licenses.

19 †2†(3) The department may employ attorneys, subject to
20 the approval of the attorney general, to assist county
21 attorneys in prosecutions brought under this chapter in the
22 respective district courts of the state or to assist the
23 attorney general in representing the board before the
24 supreme court."

25 **Section 4.** Section 37-18-307, MCA, is amended to read:

1 "37-18-307. Renewal -- fee -- continuing education --
2 automatic renewal for military personnel. (1) A person
3 licensed to practice veterinary medicine in this state shall
4 procure from the department before November 1 annually his
5 certificate of registration. The certificate shall be issued
6 by the department on the payment of a fee to-be fixed
7 annually by the board and the on presentation of evidence
8 satisfactory to the board that the licensee, in-the-year
9 preceding--the--application---for---renewal,---attended---an
10 educational--program--approved has complied with continuing
11 education requirements established by the board. However,
12 the The board may authorize--the--department--to--issue
13 renewals,--but--not--consecutive--renewals,--on--a---showing
14 satisfactory-to-the-board-that-attendance-at-the-educational
15 programs-was-unavoidably-prevented,--and-new wave, relax, or
16 suspend continuing education requirements or particular
17 program requirements for applicants who cannot fulfill those
18 requirements because of individual hardship. New licensees
19 who secure licenses by examination shall be granted a
20 renewal the first year without attending the educational
21 programs. The certificate is prima facie evidence of the
22 right of the holder to practice veterinary medicine in this
23 state during the time for which it is issued.

24 (2) Failure of a person licensed to procure a
25 certificate of registration before November 1, annually,

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

15 (3) Notwithstanding any other provisions in this
 16 chapter, a person licensed who enters or is called to active
 17 duty by a branch of the armed services of the United States
 18 is entitled to receive automatic registration of his license
 19 during the period of his duty with the armed services.
 20 However, within 1 year after release or discharge from duty
 21 in the armed services he shall procure a certificate of
 22 renewal from the department and pay the regular fee. Failure
 23 to procure the certificate of renewal within 1 year after
 24 release or discharge is the equivalent of a failure to
 25 procure a certificate of registration before November 1 of

1 any year, and the same forfeiture and restoration
 2 requirements apply.

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

5 **Section 5.** Section 37-18-311, MCA, is amended to read:

6 "37-18-311. Refusal, suspension, or revocation of
 7 license -- right to notice and hearing. (1) The board may,
 8 with respect to the practice of veterinary medicine, either
 9 refuse to grant a license or a certificate of registration
 10 or suspend or revoke a license and certificate of
 11 registration on any of the following grounds:

12 (a) fraud or deception in procuring the license;

13 (b) publication or use of an untruthful or improper
 14 statement or representation with the view of deceiving the
 15 public or a client or customer in connection with the
 16 practice of veterinary medicine;

17 (c) conviction of a felony as shown by a certified
 18 copy of the record of the court of conviction, subject to
 19 chapter 1, part 2, of this title;

20 (d) habitual intemperance in the use of intoxicating
 21 liquors or habitual addiction to the use of morphine,
 22 cocaine, or other habit-forming drugs or, subject to chapter
 23 1, part 2, of this title, conviction of a violation of a
 24 federal or state law relating to narcotic drugs;

25 (e) ~~immoral, unprofessional, or dishonorable~~ conduct,

1 as defined by rule of the board, manifestly disqualifying
2 the licensee from practicing veterinary medicine;

3 (f) ~~gross~~ malpractice, including failure to furnish to
4 the board on written application by it a report or
5 information relating thereto;

6 (g) employment of unlicensed persons to perform work
7 which under this chapter can lawfully be done only by
8 persons licensed to practice veterinary medicine;

9 (h) fraud or dishonest conduct in applying or
10 reporting diagnostic biological tests or in issuing health
11 certificates;

12 (i) failure to keep one's premises in a clean and
13 sanitary condition;

14 (j) violation of this part or of the rules or orders
15 of the board;

16 (k) revocation by proper authorities for any of the
17 above reasons of a license issued by another state.

18 (2) The board may not refuse to issue a license or
19 certificate of registration or suspend or revoke a license
20 and certificate of registration for any cause unless the
21 person accused has been given notice and a public hearing by
22 the board."

23 **Section 6.** Section 37-18-502, MCA, is amended to read:

24 "37-18-502. Injunction. The board or any person may
25 bring an action in the district court to enjoin any person

1 who is not licensed from engaging in the practice of
2 veterinary medicine unless otherwise exempted under
3 37-18-104(3)(2). If the court finds that the defendant is
4 violating or threatening to violate any provision of Title
5 37, chapter 18, it shall enter an order restraining him from
6 the violation, without regard to any criminal provisions of
7 Title 37, chapter 18."

8 NEW SECTION. **Section 7. Municipal license fee**
9 prohibited. No license fee or license tax may be imposed
10 upon a person who practices veterinary medicine, as a
11 condition to the practice of his profession, by any
12 municipality or other political subdivision of the state,
13 including a local government with self-governing powers.

14 NEW SECTION. **Section 8. Extension of authority.** Any
15 existing authority to make rules on the subject of the
16 provisions of [this act] is extended to the provisions of
17 [this act].

18 NEW SECTION. **Section 9. Effective date.** [This act] is
19 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

SENATE BILL NO. 111

INTRODUCED BY BOYLAN, SPRING, MANNING,

JERGESON, SPAETH, HAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS REGULATING THE PRACTICE OF VETERINARY MEDICINE; CLARIFYING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR BOARD CERTIFICATION OF PERSONS WHO PRACTICE PREGNANCY TESTING AND EMBRYO TRANSFER; REVISING THE REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION; PROHIBITING THE MUNICIPAL LICENSING OF VETERINARIANS; AMENDING SECTIONS 37-18-102, 37-18-104, 37-18-202, 37-18-307, 37-18-311, AND 37-18-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

(1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;

(2) development of standards for continuing education requirements, which may be supplemental to present board

rules on the subject;

(3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked; and

(4) certification of individuals seeking to practice pregnancy testing and embryo transfers, to be implemented on or before July 1, 1991.

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

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

4 (d) instructs, demonstrates, or solicits by a notice,
5 sign, or other indication, with contract either express or
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, sterility, or
13 infertility ~~for--remuneration--or--hire~~ FOR REMUNERATION OR
14 HIRE;

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

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

21 ~~(2)--Nothing in subsection (1)(e) of this section shall~~
22 ~~in any way be construed to prohibit the pregnancy testing by~~
23 ~~any person of his own farm animals or by his employees~~
24 ~~regularly employed in the conduct of his business or by~~
25 ~~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 **Section 2.** Section 37-18-104, MCA, is amended to read:

10 "37-18-104. **Exemptions.** (1) This chapter does not
11 apply to:

12 (a) veterinarians in the performance of their official
13 duties, either civil or military, in the service of the
14 United States unless they engage in the practice of
15 veterinary medicine in a private capacity;

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

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

24 (d) a veterinarian residing on a border of a
25 neighboring state and authorized under the laws thereof to

1 practice veterinary medicine therein, who is actually called
2 to attend cases in this state but who does not open an
3 office or appoint a place to meet patients or receive calls
4 in this state, if veterinarians licensed and registered in
5 this state are extended a like privilege to engage in the
6 practice of veterinary medicine to the same extent in the
7 neighboring state;

8 (e) the employment as assistants to veterinarians
9 licensed and registered under this chapter of veterinary
10 medical students who have successfully completed 3 years of
11 the professional curriculum in veterinary medicine at a
12 college having educational standards equal to those approved
13 by the American veterinary medical association and
14 authorized by law to confer degrees; or

15 ~~(2)--The--operations--known--and--designated--as--castrating~~
16 ~~or--dehorning--of--cattle;--sheep;--horses;--and--swine--are--not--the~~
17 ~~practice--of--veterinary--medicine--within--the--meaning--of--this~~
18 ~~chapter.~~

19 (f) a person advising with respect to or performing
20 acts that the board defines by rule as accepted livestock
21 management practices.

22 (2) THE OPERATIONS KNOWN AND DESIGNATED AS CASTRATING
23 OR DEHORNING OF CATTLE, SHEEP, HORSES, AND SWINE ARE NOT THE
24 PRACTICE OF VETERINARY MEDICINE WITHIN THE MEANING OF THIS
25 CHAPTER.

1 (3) (A) PREGNANCY TESTING AND EMBRYO TRANSFERS MAY BE
2 PERFORMED BY INDIVIDUALS WHO ATTEST TO THE BOARD THAT THEY
3 POSSESS A COMBINATION OF 3 YEARS' EDUCATION AND TRAINING IN
4 THOSE PROCEDURES.

5 (B) EXEMPTION UNDER SUBSECTION (3)(A) REMAINS IN
6 EFFECT UNTIL TESTING AND CERTIFICATION PROCEDURES, AS
7 DETERMINED BY BOARD RULE, ARE IMPLEMENTED ON OR BEFORE JULY
8 1, 1991. AT A MINIMUM, BOARD RULES MUST ADDRESS:

9 (I) MINIMUM EDUCATION REQUIREMENTS;

10 (II) MINIMUM REQUIREMENTS OF PRACTICAL EXPERIENCE;

11 (III) CONTINUING EDUCATION REQUIREMENTS;

12 (IV) LIMITATIONS ON PRACTICES AND PROCEDURES THAT MAY
13 BE PERFORMED BY CERTIFIED INDIVIDUALS;

14 (V) THE USE OF SPECIFIC DRUGS NECESSARY FOR SAFE AND
15 PROPER PRACTICE OF CERTIFIED PROCEDURES;

16 (VI) CONTENT AND ADMINISTRATION OF THE CERTIFICATION
17 TEST, INCLUDING WRITTEN AND PRACTICAL TESTING;

18 (VII) APPLICATION AND REEXAMINATION PROCEDURES;

19 (VIII) CONDUCT OF CERTIFIED INDIVIDUALS, INCLUDING
20 RULES FOR SUSPENSION, REVOCATION, AND DENIAL OF
21 CERTIFICATION; AND

22 (IX) ESTABLISHMENT OF AN ADVISORY COMMITTEE CONSISTING
23 OF:

24 (A) ONE MEMBER OF THE BOARD;

25 (B) ONE MEMBER OF THE MONTANA STATE UNIVERSITY

1 REPRODUCTIVE PHYSIOLOGY DEPARTMENT;

2 (C) ONE MEMBER REPRESENTING THE MONTANA STOCKGROWERS
3 ASSOCIATION ANIMAL HEALTH COMMITTEE;

4 (D) ONE MEMBER REPRESENTING THE MONTANA WOOLGROWERS
5 ASSOCIATION;

6 (E) ONE LAY REPRODUCTIVE SPECIALIST; AND

7 (F) A VETERINARIAN WHO IS A MEMBER OF THE AMERICAN
8 COLLEGE OF THERIOGENOLOGISTS.

9 ~~†3†2†~~(3) This chapter does not prohibit a person from
10 caring for and treating his own farm animals or being
11 assisted in this treatment by his full-time employees
12 employed in the conduct of his business or by other persons
13 whose services are rendered gratuitously in case of
14 emergency.

15 ~~†4†3†~~(4) This chapter does not prohibit the selling
16 of veterinary remedies and instruments by a registered
17 pharmacist at his regular place of business."

18 **Section 3.** Section 37-18-202, MCA, is amended to read:

19 "37-18-202. Powers of board and department --
20 examinations -- prosecutions. (1) The board may adopt rules
21 and orders necessary for the performance of its duties,
22 including but not limited to:

23 (a) development of continuing professional education
24 requirements and exceptions therefrom;

25 (b) prescribe prescribing of forms for application for

1 examination and license; and

2 (c) prepare preparation of examinations.

3 (2) The department shall, subject to 37-1-101,
4 supervise the examination of applicants for license to
5 practice veterinary medicine, obtain the services of
6 professional examination agencies instead of its own
7 preparation of examinations, and grant and revoke licenses.

8 ~~†2†~~(3) The department may employ attorneys, subject to
9 the approval of the attorney general, to assist county
10 attorneys in prosecutions brought under this chapter in the
11 respective district courts of the state or to assist the
12 attorney general in representing the board before the
13 supreme court."

14 **Section 4.** Section 37-18-307, MCA, is amended to read:

15 "37-18-307. Renewal -- fee -- continuing education --
16 automatic renewal for military personnel. (1) A person
17 licensed to practice veterinary medicine in this state shall
18 procure from the department before November 1 annually his
19 certificate of registration. The certificate shall be issued
20 by the department on the payment of a fee to-be fixed
21 annually by the board and the on presentation of evidence
22 satisfactory to the board that the licensee, in-the-year
23 preceding--the--application---for---renewal,---attended---an
24 educational--program--approved has complied with continuing
25 education requirements established by the board. However,

1 the The board may authorize--the--department--to--issue
 2 renewals,--but--not--consecutive--renewals,--on--a--showing
 3 satisfactory-to-the-board-that-attendance-at-the-educational
 4 programs-was-unavoidably-prevented,--and-new waive, relax, or
 5 suspend continuing education requirements or particular
 6 program requirements for applicants who cannot fulfill those
 7 requirements because of individual hardship. New licensees
 8 who secure licenses by examination shall be granted a
 9 renewal the first year without attending the educational
 10 programs. The certificate is prima facie evidence of the
 11 right of the holder to practice veterinary medicine in this
 12 state during the time for which it is issued.

13 (2) Failure of a person licensed to procure a
 14 certificate of registration before November 1, annually,
 15 constitutes a forfeiture of the license held by the person.
 16 A person who has thus forfeited his license may have it
 17 restored to him by making written application for
 18 restoration within 1 year of the forfeiture, setting forth
 19 the reasons for failure to procure the certificate of
 20 registration at the time specified and accompanied by
 21 payment of the registration fee provided for in this section
 22 and an additional restoration fee as the board requires and
 23 by presentation of evidence satisfactory to the board that
 24 he has fulfilled the all continuing educational requirements
 25 of--all--licensees--recited-above to the date of application

1 for restoration. The person making application for
 2 restoration of license within 1 year of its forfeiture is
 3 not required to submit to examination.

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

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

19 **Section 5.** Section 37-18-311, MCA, is amended to read:

20 "37-18-311. Refusal, suspension, or revocation of
 21 license -- right to notice and hearing. (1) The board may,
 22 with respect to the practice of veterinary medicine, either
 23 refuse to grant a license or a certificate of registration
 24 or suspend or revoke a license and certificate of
 25 registration on any of the following grounds:

(a) fraud or deception in procuring the license;

(b) publication or use of an untruthful or improper statement or representation with the view of deceiving the public or a client or customer in connection with the practice of veterinary medicine;

(c) conviction of a felony as shown by a certified copy of the record of the court of conviction, subject to chapter 1, part 2, of this title;

(d) habitual intemperance in the use of intoxicating liquors or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs or, subject to chapter 1, part 2, of this title, conviction of a violation of a federal or state law relating to narcotic drugs;

(e) ~~immoral, unprofessional, or dishonorable~~ conduct, as defined by rule of the board, manifestly disqualifying the licensee from practicing veterinary medicine;

(f) gross malpractice, including failure to furnish to the board on written application by it a report or information relating thereto;

(g) employment of unlicensed persons to perform work which under this chapter can lawfully be done only by persons licensed to practice veterinary medicine;

(h) fraud or dishonest conduct in applying or reporting diagnostic biological tests or in issuing health certificates;

(i) failure to keep one's premises in a clean and sanitary condition;

(j) violation of this part or of the rules or orders of the board;

(k) revocation by proper authorities for any of the above reasons of a license issued by another state.

(2) The board may not refuse to issue a license or certificate of registration or suspend or revoke a license and certificate of registration for any cause unless the person accused has been given notice and a public hearing by the board."

Section 6. Section 37-18-502, MCA, is amended to read:

"37-18-502. Injunction. The board or any person may bring an action in the district court to enjoin any person who is not licensed from engaging in the practice of veterinary medicine unless otherwise exempted under 37-18-104(3)(2)(4). If the court finds that the defendant is violating or threatening to violate any provision of Title 37, chapter 18, it shall enter an order restraining him from the violation, without regard to any criminal provisions of Title 37, chapter 18."

NEW SECTION. Section 7. Municipal license fee prohibited. No license fee or license tax may be imposed upon a person who practices veterinary medicine, as a condition to the practice of his profession, by any

1 municipality or other political subdivision of the state,
2 including a local government with self-governing powers.

3 NEW SECTION. **Section 8.** Extension of authority. Any
4 existing authority to make rules on the subject of the
5 provisions of [this act] is extended to the provisions of
6 [this act].

7 NEW SECTION. **Section 9.** Effective date. [This act] is
8 effective on passage and approval.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION AS AMENDED

SENATE BILL NO. 111

INTRODUCED BY BOYLAN, SPRING, MANNING,

JERGESON, SPAETH, HAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS REGULATING THE PRACTICE OF VETERINARY MEDICINE; CLARIFYING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR BOARD CERTIFICATION OF PERSONS WHO PRACTICE PREGNANCY TESTING AND EMBRYO TRANSFER; REVISING THE REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION; PROHIBITING THE MUNICIPAL LICENSING OF VETERINARIANS; AMENDING SECTIONS 37-18-102, 37-18-104, 37-18-202, 37-18-307, 37-18-311, AND 37-18-502, MCA; PROVIDING FOR APPLICABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

(1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;

(2) development of standards for continuing education

requirements, which may be supplemental to present board rules on the subject;

(3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked; and

(4) certification of individuals seeking to practice pregnancy testing and embryo transfers, to be implemented on or before July 1, 1991.

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

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;

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

12 (e) performs a manual or laboratory procedure on
13 livestock for the diagnosis of pregnancy, sterility, or
14 infertility ~~for-remuneration-or--hire~~ FOR REMUNERATION OR
15 HIRE;

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

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

22 ~~(2)--Nothing-in-subsection-(1)(e)-of-this-section-shall~~
23 ~~in-any-way-be-construed-to-prohibit-the-pregnancy-testing-by~~
24 ~~any-person-of-his-own--farm--animals--or--by--his--employees~~
25 ~~regularly--employed--in--the--conduct--of-his-business-or-by~~

1 ~~other-persons-whose-services-are-rendered-gratuitously-~~

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

7 ~~(3)(2)(3)~~ Nothing in this section shall be construed
8 as modifying, amending, altering, or repealing any part of
9 37-18-104."

10 **Section 2.** Section 37-18-104, MCA, is amended to read:

11 **"37-18-104. Exemptions.** (1) This chapter does not
12 apply to:

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

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

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

25 (d) a veterinarian residing on a border of a

neighboring state and authorized under the laws thereof to practice veterinary medicine therein, who is actually called to attend cases in this state but who does not open an office or appoint a place to meet patients or receive calls in this state, if veterinarians licensed and registered in this state are extended a like privilege to engage in the practice of veterinary medicine to the same extent in the neighboring state;

(e) the employment as assistants to veterinarians licensed and registered under this chapter of veterinary medical students who have successfully completed 3 years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American veterinary medical association and authorized by law to confer degrees; or

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

(f) a person advising with respect to or performing acts that the board defines by rule as accepted livestock management practices.

(2) THE OPERATIONS KNOWN AND DESIGNATED AS CASTRATING OR DEHORNING OF CATTLE, SHEEP, HORSES, AND SWINE ARE NOT THE PRACTICE OF VETERINARY MEDICINE WITHIN THE MEANING OF THIS

CHAPTER.

(3) (A) PREGNANCY TESTING AND EMBRYO TRANSFERS MAY BE PERFORMED BY INDIVIDUALS WHO ATTEST TO THE BOARD THAT THEY POSSESS A COMBINATION OF 3 YEARS' EDUCATION AND TRAINING IN THOSE PROCEDURES.

(B) EXEMPTION UNDER SUBSECTION (3)(A) REMAINS IN EFFECT UNTIL TESTING AND CERTIFICATION PROCEDURES, AS DETERMINED BY BOARD RULE, ARE IMPLEMENTED ON OR BEFORE JULY 1, 1991. AT A MINIMUM, BOARD RULES MUST ADDRESS:

(I) MINIMUM EDUCATION REQUIREMENTS;

(II) MINIMUM REQUIREMENTS OF PRACTICAL EXPERIENCE;

(III) CONTINUING EDUCATION REQUIREMENTS;

(IV) LIMITATIONS ON PRACTICES AND PROCEDURES THAT MAY BE PERFORMED BY CERTIFIED INDIVIDUALS;

(V) THE USE OF SPECIFIC DRUGS NECESSARY FOR SAFE AND PROPER PRACTICE OF CERTIFIED PROCEDURES;

(VI) CONTENT AND ADMINISTRATION OF THE CERTIFICATION TEST, INCLUDING WRITTEN AND PRACTICAL TESTING;

(VII) APPLICATION AND REEXAMINATION PROCEDURES;

(VIII) CONDUCT OF CERTIFIED INDIVIDUALS, INCLUDING RULES FOR SUSPENSION, REVOCATION, AND DENIAL OF CERTIFICATION; AND

(IX) ESTABLISHMENT OF AN ADVISORY COMMITTEE CONSISTING OF:

(A) ONE MEMBER OF THE BOARD;

(B) ONE MEMBER OF THE MONTANA STATE UNIVERSITY
REPRODUCTIVE PHYSIOLOGY DEPARTMENT;

(C) ONE MEMBER REPRESENTING THE MONTANA STOCKGROWERS
ASSOCIATION ANIMAL HEALTH COMMITTEE;

(D) ONE MEMBER REPRESENTING THE MONTANA WOOLGROWERS
ASSOCIATION;

(E) ONE LAY REPRODUCTIVE SPECIALIST; AND

(F) A VETERINARIAN WHO IS A MEMBER OF THE AMERICAN
COLLEGE OF THERIOGENOLOGISTS.

~~†3†2†~~(3) This chapter does not prohibit a person from
caring for and treating his own farm animals or being
assisted in this treatment by his full-time employees
employed in the conduct of his business or by other persons
whose services are rendered gratuitously in case of
emergency.

~~†4†3†~~(4) This chapter does not prohibit the selling
of veterinary remedies and instruments by a registered
pharmacist at his regular place of business."

Section 3. Section 37-18-202, MCA, is amended to read:

"37-18-202. Powers of board and department --
examinations -- prosecutions. (1) The board may adopt rules
and orders necessary for the performance of its duties,
including but not limited to:

(a) development of continuing professional education
requirements and exceptions therefrom;

(b) prescribe prescribing of forms for application for
examination and license; and

(c) prepare preparation of examinations.

(2) The department shall, subject to 37-1-101,
supervise the examination of applicants for license to
practice veterinary medicine, obtain the services of
professional examination agencies instead of its own
preparation of examinations, and grant and revoke licenses.

~~†2†~~(3) The department may employ attorneys, subject to
the approval of the attorney general, to assist county
attorneys in prosecutions brought under this chapter in the
respective district courts of the state or to assist the
attorney general in representing the board before the
supreme court."

Section 4. Section 37-18-307, MCA, is amended to read:

"37-18-307. Renewal -- fee -- continuing education --
automatic renewal for military personnel. (1) A person
licensed to practice veterinary medicine in this state shall
procure from the department before November 1 annually his
certificate of registration. The certificate shall be issued
by the department on the payment of a fee ~~to-be~~ fixed
annually by the board and the on presentation of evidence
satisfactory to the board that the licensee ~~--in--the--year~~
~~preceding--the--application--for--renewal--attended--an~~
educational program approved has complied with continuing

1 education requirements established by the board. However,
 2 the The board may ~~authorize--the--department--to--issue~~
 3 ~~renewals,---but--not--consecutive--renewals,---on--a--showing~~
 4 ~~satisfactory-to-the-board-that-attendance-at-the-educational~~
 5 ~~programs-was-unavoidably-prevented;-and-new~~ waive, relax, or
 6 suspend continuing education requirements or particular
 7 program requirements for applicants who cannot fulfill those
 8 requirements because of individual hardship. New licensees
 9 who secure licenses by examination shall be granted a
 10 renewal the first year without attending the educational
 11 programs. The certificate is prima facie evidence of the
 12 right of the holder to practice veterinary medicine in this
 13 state during the time for which it is issued.

14 (2) Failure of a person licensed to procure a
 15 certificate of registration before November 1, annually,
 16 constitutes a forfeiture of the license held by the person.
 17 A person who has thus forfeited his license may have it
 18 restored to him by making written application for
 19 restoration within 1 year of the forfeiture, setting forth
 20 the reasons for failure to procure the certificate of
 21 registration at the time specified and accompanied by
 22 payment of the registration fee provided for in this section
 23 and an additional restoration fee as the board requires and
 24 by presentation of evidence satisfactory to the board that
 25 he has fulfilled the all continuing educational requirements

1 ~~of-all-licensees-recited-above~~ to the date of application
 2 for restoration. The person making application for
 3 restoration of license within 1 year of its forfeiture is
 4 not required to submit to examination.

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

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

20 **Section 5.** Section 37-18-311, MCA, is amended to read:

21 "37-18-311. Refusal, suspension, or revocation of
 22 license -- right to notice and hearing. (1) The board may,
 23 with respect to the practice of veterinary medicine, either
 24 refuse to grant a license or a certificate of registration
 25 or suspend or revoke a license and certificate of

1 registration on any of the following grounds:

2 (a) fraud or deception in procuring the license;

3 (b) publication or use of an untruthful or improper
4 statement or representation with the view of deceiving the
5 public or a client or customer in connection with the
6 practice of veterinary medicine;

7 (c) conviction of a felony as shown by a certified
8 copy of the record of the court of conviction, subject to
9 chapter 1, part 2, of this title;

10 (d) habitual intemperance in the use of intoxicating
11 liquors or habitual addiction to the use of morphine,
12 cocaine, or other habit-forming drugs or, subject to chapter
13 1, part 2, of this title, conviction of a violation of a
14 federal or state law relating to narcotic drugs;

15 (e) ~~immoral~~, unprofessional, or dishonorable conduct,
16 as defined by rule of the board, manifestly disqualifying
17 the licensee from practicing veterinary medicine;

18 (f) gross malpractice, including failure to furnish to
19 the board on written application by it a report or
20 information relating thereto;

21 (g) employment of unlicensed persons to perform work
22 which under this chapter can lawfully be done only by
23 persons licensed to practice veterinary medicine;

24 (h) fraud or dishonest conduct in applying or
25 reporting diagnostic biological tests or in issuing health

1 certificates;

2 (i) failure to keep one's premises in a clean and
3 sanitary condition;

4 (j) violation of this part or of the rules or orders
5 of the board;

6 (k) revocation by proper authorities for any of the
7 above reasons of a license issued by another state.

8 (2) The board may not refuse to issue a license or
9 certificate of registration or suspend or revoke a license
10 and certificate of registration for any cause unless the
11 person accused has been given notice and a public hearing by
12 the board."

13 **Section 6.** Section 37-18-502, MCA, is amended to read:

14 "37-18-502. Injunction. The board or any person may
15 bring an action in the district court to enjoin any person
16 who is not licensed from engaging in the practice of
17 veterinary medicine unless otherwise exempted under
18 37-18-104(3)+(2)(4). If the court finds that the defendant is
19 violating or threatening to violate any provision of Title
20 37, chapter 18, it shall enter an order restraining him from
21 the violation, without regard to any criminal provisions of
22 Title 37, chapter 18."

23 **NEW SECTION. Section 7. Municipal license fee**
24 **prohibited.** No license fee or license tax may be imposed
25 upon a person who practices veterinary medicine, as a

1 condition to the practice of his profession, by any
2 municipality or other political subdivision of the state,
3 including a local government with self-governing powers.

4 NEW SECTION. Section 8. Extension of authority. Any
5 existing authority to make rules on the subject of the
6 provisions of [this act] is extended to the provisions of
7 [this act].

8 NEW SECTION. SECTION 9. APPLICABILITY. THE PROVISIONS
9 OF [THIS ACT] CLARIFY EXISTING AUTHORITY OF THE BOARD OF
10 VETERINARY MEDICINE TO REGULATE VETERINARY PRACTICES. THE
11 PROVISIONS OF TITLE 2, CHAPTER 8, PART 2, AND 5-4-207 DO NOT
12 APPLY TO [THIS ACT].

13 NEW SECTION. Section 10. Effective date. [This act]
14 is effective on passage and approval.

-End-

SENATE BILL NO. 111

INTRODUCED BY BOYLAN, SPRING, MANNING,

JERGESON, SPAETH, HAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS REGULATING THE PRACTICE OF VETERINARY MEDICINE; CLARIFYING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR BOARD CERTIFICATION OF PERSONS WHO PRACTICE PREGNANCY TESTING AND EMBRYO TRANSFER; REVISING THE REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION; PROHIBITING THE MUNICIPAL LICENSING OF VETERINARIANS; AMENDING SECTIONS 37-18-102, 37-18-104, 37-18-202, 37-18-307, 37-18-311, AND 37-18-502, MCA; PROVIDING FOR APPLICABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

(1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;

(2) development of standards for continuing education

requirements, which may be supplemental to present board rules on the subject;

(3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked; and

(4) certification of individuals seeking to practice pregnancy testing and embryo transfers, to be implemented on or before July 1, 1991.

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

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;

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

12 (e) performs a manual or laboratory procedure on
13 livestock for the diagnosis of pregnancy, sterility, or
14 infertility ~~for remuneration or hire~~ FOR REMUNERATION OR
15 HIRE;

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

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

22 ~~(2)--Nothing in subsection (1)(e) of this section shall~~
23 ~~in any way be construed to prohibit the pregnancy testing by~~
24 ~~any person of his own farm animals or by his employees~~
25 ~~regularly employed in the conduct of his business or by~~

1 ~~other persons whose services are rendered gratuitously.~~

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

7 ~~(3)(2)(3)~~ Nothing in this section shall be construed
8 as modifying, amending, altering, or repealing any part of
9 37-18-104."

10 **Section 2.** Section 37-18-104, MCA, is amended to read:
11 **"37-18-104. Exemptions.** (1) This chapter does not
12 apply to:

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

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

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

25 (d) a veterinarian residing on a border of a

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

9 (e) the employment as assistants to veterinarians
 10 licensed and registered under this chapter of veterinary
 11 medical students who have successfully completed 3 years of
 12 the professional curriculum in veterinary medicine at a
 13 college having educational standards equal to those approved
 14 by the American veterinary medical association and
 15 authorized by law to confer degrees; or

16 ~~{2}--The operations known and designated as--castrating~~
 17 ~~or dehorning of cattle, sheep, horses, and swine are not the~~
 18 ~~practice of veterinary medicine within the meaning of this~~
 19 ~~chapter:~~

20 (f) a person advising with respect to or performing
 21 acts that the board defines by rule as accepted livestock
 22 management practices.

23 (2) THE OPERATIONS KNOWN AND DESIGNATED AS CASTRATING
 24 OR DEHORNING OF CATTLE, SHEEP, HORSES, AND SWINE ARE NOT THE
 25 PRACTICE OF VETERINARY MEDICINE WITHIN THE MEANING OF THIS

1 CHAPTER.

2 (3) (A) PREGNANCY TESTING AND EMBRYO TRANSFERS MAY BE
 3 PERFORMED BY INDIVIDUALS WHO ATTEST TO THE BOARD THAT THEY
 4 POSSESS A COMBINATION OF 3 YEARS' EDUCATION AND TRAINING IN
 5 THOSE PROCEDURES.

6 (B) EXEMPTION UNDER SUBSECTION (3)(A) REMAINS IN
 7 EFFECT UNTIL TESTING AND CERTIFICATION PROCEDURES, AS
 8 DETERMINED BY BOARD RULE, ARE IMPLEMENTED ON OR BEFORE JULY
 9 1, 1991. AT A MINIMUM, BOARD RULES MUST ADDRESS:

10 (I) MINIMUM EDUCATION REQUIREMENTS;

11 (II) MINIMUM REQUIREMENTS OF PRACTICAL EXPERIENCE;

12 (III) CONTINUING EDUCATION REQUIREMENTS;

13 (IV) LIMITATIONS ON PRACTICES AND PROCEDURES THAT MAY
 14 BE PERFORMED BY CERTIFIED INDIVIDUALS;

15 (V) THE USE OF SPECIFIC DRUGS NECESSARY FOR SAFE AND
 16 PROPER PRACTICE OF CERTIFIED PROCEDURES;

17 (VI) CONTENT AND ADMINISTRATION OF THE CERTIFICATION
 18 TEST, INCLUDING WRITTEN AND PRACTICAL TESTING;

19 (VII) APPLICATION AND REEXAMINATION PROCEDURES;

20 (VIII) CONDUCT OF CERTIFIED INDIVIDUALS, INCLUDING
 21 RULES FOR SUSPENSION, REVOCATION, AND DENIAL OF
 22 CERTIFICATION; AND

23 (IX) ESTABLISHMENT OF AN ADVISORY COMMITTEE CONSISTING
 24 OF:

25 (A) ONE MEMBER OF THE BOARD;

1 (B) ONE MEMBER OF THE MONTANA STATE UNIVERSITY
2 REPRODUCTIVE PHYSIOLOGY DEPARTMENT;

3 (C) ONE MEMBER REPRESENTING THE MONTANA STOCKGROWERS
4 ASSOCIATION ANIMAL HEALTH COMMITTEE;

5 (D) ONE MEMBER REPRESENTING THE MONTANA WOOLGROWERS
6 ASSOCIATION;

7 (E) ONE LAY REPRODUCTIVE SPECIALIST; AND

8 (F) A VETERINARIAN WHO IS A MEMBER OF THE AMERICAN
9 COLLEGE OF THERIOGENOLOGISTS.

10 ~~†3†2†~~(3) This chapter does not prohibit a person from
11 caring for and treating his own farm animals or being
12 assisted in this treatment by his full-time employees
13 employed in the conduct of his business or by other persons
14 whose services are rendered gratuitously in case of
15 emergency.

16 ~~†4†3†~~(4) This chapter does not prohibit the selling
17 of veterinary remedies and instruments by a registered
18 pharmacist at his regular place of business."

19 **Section 3.** Section 37-18-202, MCA, is amended to read:

20 "37-18-202. Powers of board and department --
21 examinations -- prosecutions. (1) The board may adopt rules
22 and orders necessary for the performance of its duties,
23 including but not limited to:

24 (a) development of continuing professional education
25 requirements and exceptions therefrom;

1 (b) prescribe prescribing of forms for application for
2 examination and license; and

3 (c) prepare preparation of examinations.

4 (2) The department shall, subject to 37-1-101,
5 supervise the examination of applicants for license to
6 practice veterinary medicine, obtain the services of
7 professional examination agencies instead of its own
8 preparation of examinations, and grant and revoke licenses.

9 ~~†2†~~(3) The department may employ attorneys, subject to
10 the approval of the attorney general, to assist county
11 attorneys in prosecutions brought under this chapter in the
12 respective district courts of the state or to assist the
13 attorney general in representing the board before the
14 supreme court."

15 **Section 4.** Section 37-18-307, MCA, is amended to read:

16 "37-18-307. Renewal -- fee -- continuing education --
17 automatic renewal for military personnel. (1) A person
18 licensed to practice veterinary medicine in this state shall
19 procure from the department before November 1 annually his
20 certificate of registration. The certificate shall be issued
21 by the department on the payment of a fee to--be fixed
22 annually by the board and the on presentation of evidence
23 satisfactory to the board that the licensee~~77~~--in--the--year
24 ~~preceding---the---application---for---renewal;--attended--an~~
25 educational program approved has complied with continuing

1 education requirements established by the board. However,
 2 the The board may authorize--the--department--to--issue
 3 renewals,---but--not--consecutive--renewals,---on--a--showing
 4 satisfactory-to-the-board-that-attendance-at-the-educational
 5 programs-was-unavoidably-prevented,-and-new waive, relax, or
 6 suspend continuing education requirements or particular
 7 program requirements for applicants who cannot fulfill those
 8 requirements because of individual hardship. New licensees
 9 who secure licenses by examination shall be granted a
 10 renewal the first year without attending the educational
 11 programs. The certificate is prima facie evidence of the
 12 right of the holder to practice veterinary medicine in this
 13 state during the time for which it is issued.

14 (2) Failure of a person licensed to procure a
 15 certificate of registration before November 1, annually,
 16 constitutes a forfeiture of the license held by the person.
 17 A person who has thus forfeited his license may have it
 18 restored to him by making written application for
 19 restoration within 1 year of the forfeiture, setting forth
 20 the reasons for failure to procure the certificate of
 21 registration at the time specified and accompanied by
 22 payment of the registration fee provided for in this section
 23 and an additional restoration fee as the board requires and
 24 by presentation of evidence satisfactory to the board that
 25 he has fulfilled the all continuing educational requirements

1 ~~of-all-licensees-recited-above~~ to the date of application
 2 for restoration. The person making application for
 3 restoration of license within 1 year of its forfeiture is
 4 not required to submit to examination.

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

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

20 **Section 5.** Section 37-18-311, MCA, is amended to read:

21 "37-18-311. Refusal, suspension, or revocation of
 22 license -- right to notice and hearing. (1) The board may,
 23 with respect to the practice of veterinary medicine, either
 24 refuse to grant a license or a certificate of registration
 25 or suspend or revoke a license and certificate of

1 registration on any of the following grounds:

2 (a) fraud or deception in procuring the license;

3 (b) publication or use of an untruthful or improper
4 statement or representation with the view of deceiving the
5 public or a client or customer in connection with the
6 practice of veterinary medicine;

7 (c) conviction of a felony as shown by a certified
8 copy of the record of the court of conviction, subject to
9 chapter 1, part 2, of this title;

10 (d) habitual intemperance in the use of intoxicating
11 liquors or habitual addiction to the use of morphine,
12 cocaine, or other habit-forming drugs or, subject to chapter
13 1, part 2, of this title, conviction of a violation of a
14 federal or state law relating to narcotic drugs;

15 (e) ~~immoral~~, unprofessional~~-or-dishonorable~~ conduct,
16 as defined by rule of the board, manifestly disqualifying
17 the licensee from practicing veterinary medicine;

18 (f) gross malpractice, including failure to furnish to
19 the board on written application by it a report or
20 information relating thereto;

21 (g) employment of unlicensed persons to perform work
22 which under this chapter can lawfully be done only by
23 persons licensed to practice veterinary medicine;

24 (h) fraud or dishonest conduct in applying or
25 reporting diagnostic biological tests or in issuing health

1 certificates;

2 (i) failure to keep one's premises in a clean and
3 sanitary condition;

4 (j) violation of this part or of the rules or orders
5 of the board;

6 (k) revocation by proper authorities for any of the
7 above reasons of a license issued by another state.

8 (2) The board may not refuse to issue a license or
9 certificate of registration or suspend or revoke a license
10 and certificate of registration for any cause unless the
11 person accused has been given notice and a public hearing by
12 the board."

13 **Section 6.** Section 37-18-502, MCA, is amended to read:

14 "37-18-502. Injunction. The board or any person may
15 bring an action in the district court to enjoin any person
16 who is not licensed from engaging in the practice of
17 veterinary medicine unless otherwise exempted under
18 37-18-104~~(3)~~~~(2)~~(4). If the court finds that the defendant is
19 violating or threatening to violate any provision of Title
20 37, chapter 18, it shall enter an order restraining him from
21 the violation, without regard to any criminal provisions of
22 Title 37, chapter 18."

23 NEW SECTION. **Section 7.** Municipal license fee
24 prohibited. No license fee or license tax may be imposed
25 upon a person who practices veterinary medicine, as a

1 condition to the practice of his profession, by any
2 municipality or other political subdivision of the state,
3 including a local government with self-governing powers.

4 NEW SECTION. Section 8. Extension of authority. Any
5 existing authority to make rules on the subject of the
6 provisions of [this act] is extended to the provisions of
7 [this act].

8 NEW SECTION. SECTION 9. APPLICABILITY. THE PROVISIONS
9 OF [THIS ACT] CLARIFY EXISTING AUTHORITY OF THE BOARD OF
10 VETERINARY MEDICINE TO REGULATE VETERINARY PRACTICES. THE
11 PROVISIONS OF TITLE 2, CHAPTER 8, PART 2, AND 5-4-207 DO NOT
12 APPLY TO [THIS ACT].

13 NEW SECTION. Section 10. Effective date. [This act]
14 is effective on passage and approval.

-End-

STANDING COMMITTEE REPORT

March 18, 1989
Page 2 of 3

March 18, 1989

Page 1 of 3

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 111 (third reading copy -- blue), with statement of intent included, be concurred in as amended.

Signed: Bob Bachini
Bob Bachini, Chairman

And, that such amendments read:

1. Title, line 8.
Strike: "PREGNANCY TESTING AND"
2. Page 2, line 5.
Strike: "and"
3. Page 2, line 7.
Strike: "pregnancy testing and"
4. Page 2, line 8.
Following: "1991"
Insert: "; and"
5. Page 2, following line 8.
Insert: "(5) formation of an advisory committee to make recommendations regarding the certification of individuals seeking to practice embryo transfers"
6. Page 6, line 2.
Strike: "PREGNANCY TESTING AND EMBRYO"
Insert: "Embryo"
7. Page 6, line 3.
Following: "PERFORMED"
Insert: ", under the direct supervision of a licensed veterinarian,"
8. Page 6, line 5.
Strike: "THOSE PROCEDURES"

Insert: "that procedure"

9. Page 6, lines 23 and 24.

Strike: "CONSISTING OF:"

Insert: "The Committee:
(A) must consist of:"

10. Page 6, line 25.

Strike: "(A)"

Insert: "(I)"

Following: "BOARD"

Insert: "who is a veterinarian"

11. Page 7, line 1.

Strike: "(B)"

Insert: "(II)"

12. Page 7, line 3.

Strike: "(C)"

Insert: "(III)"

13. Page 7, line 5.

Strike: "(D)"

Insert: "(IV)"

14. Page 7, line 7.

Strike: "(E)"

Insert: "(V)"

Following: "LAY"

Insert: "veterinary"

Following: "SPECIALIST"

Insert: "with practical experience in embryo transfers"

15. Page 7, line 8.

Strike: "(F)"

Insert: "(VI)"

16. Page 7, following line 9.

Insert: "(B) shall make recommendations regarding the testing and certification procedures. The committee may not adopt rules.

(C) in cooperation with the board, shall conduct a study of the practice of bovine pregnancy testing and ovine pregnancy testing with the use of ultrasound equipment. The study must include but is not limited to:

(I) federal laws governing the practice of pregnancy testing;

(II) education and experience requirements for the practice of pregnancy testing; and

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SB III

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March 18, 1989
Page 3 of 3

(III) pregnancy testing by nonveterinarians;
(D) terminates July 1, 1991."

17. Page 7, line 10.

Strike: "(3)"

Insert: "(4)"

18. Page 7, line 12.

Following: "~~full-time~~"

Insert: "full-time"

Following: "employees"

Insert: ", as defined in 2-18-601,"

19. Page 7, line 16.

Strike: "(4)"

Insert: "(5)"

COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 111
Representative Steppler

March 27, 1989 2:49 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 111 (third reading copy -- blue).

Signed: Don Steppler
Representative Steppler

And, that such amendments to Senate Bill 111 read as follows:

1. Page 6, line 4.
Following: "EDUCATION"
Insert: ", experience"

ADOPT

REJECT

HOUSE
SB 111

SENATE BILL NO. 111

INTRODUCED BY BOYLAN, SPRING, MANNING,

JERGESON, SPAETH, HAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS REGULATING THE PRACTICE OF VETERINARY MEDICINE; CLARIFYING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR BOARD CERTIFICATION OF PERSONS WHO PRACTICE PREGNANCY-TESTING-AND EMBRYO TRANSFER; REVISING THE REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION; PROHIBITING THE MUNICIPAL LICENSING OF VETERINARIANS; AMENDING SECTIONS 37-18-102, 37-18-104, 37-18-202, 37-18-307, 37-18-311, AND 37-18-502, MCA; PROVIDING FOR APPLICABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

(1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;

(2) development of standards for continuing education

requirements, which may be supplemental to present board rules on the subject;

(3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked; and

(4) certification of individuals seeking to practice pregnancy-testing-and embryo transfers, to be implemented on or before July 1, 1991; AND

(5) FORMATION OF AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE CERTIFICATION OF INDIVIDUALS SEEKING TO PRACTICE EMBRYO TRANSFERS.

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~~ 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)~~~~(2)~~~~(4)~~, 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.~~

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

Section 2. Section 37-18-104, MCA, is amended to read:

"37-18-104. Exemptions. (1) This chapter does not apply to:

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

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

(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; or

19 ~~{2}--The operations known and designated as--castrating~~
20 ~~or-dehorning-of-cattle,-sheep,-horses,-and-swine-are-not-the~~
21 ~~practice--of--veterinary-medicine-within-the-meaning-of-this~~
22 ~~chapter--~~

23 (f) a person advising with respect to or performing
24 acts that the board defines by rule as accepted livestock
25 management practices.

1 (2) THE OPERATIONS KNOWN AND DESIGNATED AS CASTRATING
2 OR DEHORNING OF CATTLE, SHEEP, HORSES, AND SWINE ARE NOT THE
3 PRACTICE OF VETERINARY MEDICINE WITHIN THE MEANING OF THIS
4 CHAPTER.

5 (3) (A) PREGNANCY-TESTING-AND-EMBRYO EMBRYO TRANSFERS
6 MAY BE PERFORMED, UNDER THE DIRECT SUPERVISION OF A LICENSED
7 VETERINARIAN, BY INDIVIDUALS WHO ATTEST TO THE BOARD THAT
8 THEY POSSESS A COMBINATION OF 3 YEARS' EDUCATION,
9 EXPERIENCE, AND TRAINING IN THOSE-PROCEDURES THAT PROCEDURE.

10 (B) EXEMPTION UNDER SUBSECTION (3)(A) REMAINS IN
11 EFFECT UNTIL TESTING AND CERTIFICATION PROCEDURES, AS
12 DETERMINED BY BOARD RULE, ARE IMPLEMENTED ON OR BEFORE JULY
13 1, 1991. AT A MINIMUM, BOARD RULES MUST ADDRESS:

- 14 (I) MINIMUM EDUCATION REQUIREMENTS;
- 15 (II) MINIMUM REQUIREMENTS OF PRACTICAL EXPERIENCE;
- 16 (III) CONTINUING EDUCATION REQUIREMENTS;
- 17 (IV) LIMITATIONS ON PRACTICES AND PROCEDURES THAT MAY
18 BE PERFORMED BY CERTIFIED INDIVIDUALS;
- 19 (V) THE USE OF SPECIFIC DRUGS NECESSARY FOR SAFE AND
20 PROPER PRACTICE OF CERTIFIED PROCEDURES;
- 21 (VI) CONTENT AND ADMINISTRATION OF THE CERTIFICATION
22 TEST, INCLUDING WRITTEN AND PRACTICAL TESTING;
- 23 (VII) APPLICATION AND REEXAMINATION PROCEDURES;
- 24 (VIII) CONDUCT OF CERTIFIED INDIVIDUALS, INCLUDING
25 RULES FOR SUSPENSION, REVOCATION, AND DENIAL OF

CERTIFICATION; AND

(IX) ESTABLISHMENT OF AN ADVISORY COMMITTEE CONSISTING OF+. THE COMMITTEE:

(A) MUST CONSIST OF:

(A)(I) ONE MEMBER OF THE BOARD WHO IS A VETERINARIAN;

(B)(II) ONE MEMBER OF THE MONTANA STATE UNIVERSITY REPRODUCTIVE PHYSIOLOGY DEPARTMENT;

(C)(III) ONE MEMBER REPRESENTING THE MONTANA STOCKGROWERS ASSOCIATION ANIMAL HEALTH COMMITTEE;

(D)(IV) ONE MEMBER REPRESENTING THE MONTANA WOOLGROWERS ASSOCIATION;

(E)(V) ONE LAY VETERINARY REPRODUCTIVE SPECIALIST WITH PRACTICAL EXPERIENCE IN EMBRYO TRANSFERS; AND

(F)(VI) A VETERINARIAN WHO IS A MEMBER OF THE AMERICAN COLLEGE OF THERIOGENOLOGISTS;

(B) SHALL MAKE RECOMMENDATIONS REGARDING THE TESTING AND CERTIFICATION PROCEDURES. THE COMMITTEE MAY NOT ADOPT RULES.

(C) IN COOPERATION WITH THE BOARD, SHALL CONDUCT A STUDY OF THE PRACTICE OF BOVINE PREGNANCY TESTING AND OVINE PREGNANCY TESTING WITH THE USE OF ULTRASOUND EQUIPMENT. THE STUDY MUST INCLUDE BUT IS NOT LIMITED TO:

(I) FEDERAL LAWS GOVERNING THE PRACTICE OF PREGNANCY TESTING;

(II) EDUCATION AND EXPERIENCE REQUIREMENTS FOR THE

PRACTICE OF PREGNANCY TESTING; AND

(III) PREGNANCY TESTING BY NONVETERINARIANS;

(D) TERMINATES JULY 1, 1991.

(3)(2)(3)(4) This chapter does not prohibit a person from caring for and treating his own farm animals or being assisted in this treatment by his full-time FULL-TIME employees, AS DEFINED IN 2-18-601, employed in the conduct of his business or by other persons whose services are rendered gratuitously in case of emergency.

(4)(3)(4)(5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered pharmacist at his regular place of business."

Section 3. Section 37-18-202, MCA, is amended to read:

"37-18-202. Powers of board and department -- examinations -- prosecutions. (1) The board may adopt rules and orders necessary for the performance of its duties, including but not limited to:

(a) development of continuing professional education requirements and exceptions therefrom;

(b) prescribe prescribing of forms for application for examination and license; and

(c) prepare preparation of examinations.

(2) The department shall, subject to 37-1-101, supervise the examination of applicants for license to practice veterinary medicine, obtain the services of

professional examination agencies instead of its own preparation of examinations, and grant and revoke licenses.

(2)(3) The department may employ attorneys, subject to the approval of the attorney general, to assist county attorneys in prosecutions brought under this chapter in the respective district courts of the state or to assist the attorney general in representing the board before the supreme court."

Section 4. Section 37-18-307, MCA, is amended to read:

"37-18-307. Renewal -- fee -- continuing education -- automatic renewal for military personnel. (1) A person licensed to practice veterinary medicine in this state shall procure from the department before November 1 annually his certificate of registration. The certificate shall be issued by the department on the payment of a fee to--be fixed annually by the board and the on presentation of evidence satisfactory to the board that the licensee;--in--the--year preceding---the---application---for---renewal;--attended--an educational-program-approved has complied with continuing education requirements established by the board. However, the The board may authorize--the--department--to---issue renewals;---but--not--consecutive--renewals;--on--a--showing satisfactory-to-the-board-that-attendance-at-the-educational programs-was-unavoidably-prevented;--and-new waive, relax, or suspend continuing education requirements or particular

program requirements for applicants who cannot fulfill those requirements because of individual hardship. New licensees who secure licenses by examination shall be granted a renewal the first year without attending the educational programs. The certificate is prima facie evidence of the right of the holder to practice veterinary medicine in this state during the time for which it is issued.

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

(3) Notwithstanding any other provisions in this chapter, a person licensed who enters or is called to active

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

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

14 **Section 5.** Section 37-18-311, MCA, is amended to read:

15 "37-18-311. Refusal, suspension, or revocation of
 16 license -- right to notice and hearing. (1) The board may,
 17 with respect to the practice of veterinary medicine, either
 18 refuse to grant a license or a certificate of registration
 19 or suspend or revoke a license and certificate of
 20 registration on any of the following grounds:

21 (a) fraud or deception in procuring the license;

22 (b) publication or use of an untruthful or improper
 23 statement or representation with the view of deceiving the
 24 public or a client or customer in connection with the
 25 practice of veterinary medicine;

1 (c) conviction of a felony as shown by a certified
 2 copy of the record of the court of conviction, subject to
 3 chapter 1, part 2, of this title;

4 (d) habitual intemperance in the use of intoxicating
 5 liquors or habitual addiction to the use of morphine,
 6 cocaine, or other habit-forming drugs or, subject to chapter
 7 1, part 2, of this title, conviction of a violation of a
 8 federal or state law relating to narcotic drugs;

9 (e) ~~immoral~~, unprofessional, or dishonorable conduct,
 10 as defined by rule of the board, manifestly disqualifying
 11 the licensee from practicing veterinary medicine;

12 (f) gross malpractice, including failure to furnish to
 13 the board on written application by it a report or
 14 information relating thereto;

15 (g) employment of unlicensed persons to perform work
 16 which under this chapter can lawfully be done only by
 17 persons licensed to practice veterinary medicine;

18 (h) fraud or dishonest conduct in applying or
 19 reporting diagnostic biological tests or in issuing health
 20 certificates;

21 (i) failure to keep one's premises in a clean and
 22 sanitary condition;

23 (j) violation of this part or of the rules or orders
 24 of the board;

25 (k) revocation by proper authorities for any of the

above reasons of a license issued by another state.

(2) The board may not refuse to issue a license or certificate of registration or suspend or revoke a license and certificate of registration for any cause unless the person accused has been given notice and a public hearing by the board."

Section 6. Section 37-18-502, MCA, is amended to read:

"37-18-502. Injunction. The board or any person may bring an action in the district court to enjoin any person who is not licensed from engaging in the practice of veterinary medicine unless otherwise exempted under 37-18-104(3)(2)(4). If the court finds that the defendant is violating or threatening to violate any provision of Title 37, chapter 18, it shall enter an order restraining him from the violation, without regard to any criminal provisions of Title 37, chapter 18."

NEW SECTION. Section 7. Municipal license fee prohibited. No license fee or license tax may be imposed upon a person who practices veterinary medicine, as a condition to the practice of his profession, by any municipality or other political subdivision of the state, including a local government with self-governing powers.

NEW SECTION. Section 8. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of

[this act].

NEW SECTION. SECTION 9. APPLICABILITY. THE PROVISIONS OF [THIS ACT] CLARIFY EXISTING AUTHORITY OF THE BOARD OF VETERINARY MEDICINE TO REGULATE VETERINARY PRACTICES. THE PROVISIONS OF TITLE 2, CHAPTER 8, PART 2, AND 5-4-207 DO NOT APPLY TO [THIS ACT].

NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.

-End-

Free Conference Committee Report
on SB 111
Report No. 1, April 12, 1989

Mr President and Mr. Speaker:

We, your Free Conference Committee on SB 111 met and considered:

The House Committee on Agriculture, Livestock, and Irrigation amendments to SB 111 (third reading copy -- blue) dated March 18, 1989.

We recommend that SB 111 (reference copy -- salmon) be amended as follows:

1. Page 6, lines 6 and 7.

Strike: "DIRECT"

2. Page 7, line 12.

Strike: "LAY VETERINARY"


And that this Conference Committee Report be adopted.

FOR THE SENATE

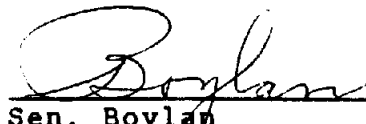
FOR THE HOUSE


Sen. Meyer, Chairman


Rep. DeMars


Sen. Beck


Rep. Steppler


Sen. Boylan


Rep. Compton

ADOPT

REJECT

SB 111

SENATE BILL NO. 111

INTRODUCED BY BOYLAN, SPRING, MANNING,

JERGESON, SPAETH, HAYNE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS REGULATING THE PRACTICE OF VETERINARY MEDICINE; CLARIFYING DEFINITIONS AND EXEMPTIONS; PROVIDING FOR BOARD CERTIFICATION OF PERSONS WHO PRACTICE PREGNANCY-TESTING-AND EMBRYO TRANSFER; REVISING THE REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION; PROHIBITING THE MUNICIPAL LICENSING OF VETERINARIANS; AMENDING SECTIONS 37-18-102, 37-18-104, 37-18-202, 37-18-307, 37-18-311, AND 37-18-502, MCA; PROVIDING FOR APPLICABILITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

(1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;

(2) development of standards for continuing education

requirements, which may be supplemental to present board rules on the subject;

(3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked; and

(4) certification of individuals seeking to practice pregnancy-testing-and embryo transfers, to be implemented on or before July 1, 1991; AND

(5) FORMATION OF AN ADVISORY COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE CERTIFICATION OF INDIVIDUALS SEEKING TO PRACTICE EMBRYO TRANSFERS.

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

1 the practice of veterinary medicine in any of its branches.

2 (c) diagnoses, prescribes, or administers a drug,
3 medicine, appliance, application, or treatment of whatever
4 nature or performs a surgical operation or manipulation for
5 the prevention, cure, or relief of a pain, deformity, wound,
6 fracture, bodily injury, physical condition, or disease of
7 animals;

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

15 (e) performs a manual or laboratory procedure on
16 livestock for the diagnosis of pregnancy, sterility, or
17 infertility ~~for remuneration or hire~~ FOR REMUNERATION OR
18 HIRE;

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

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

25 ~~(2)--Nothing in subsection (1)(e) of this section shall~~

1 ~~in any way be construed to prohibit the pregnancy testing by~~
2 ~~any person of his own farm animals or by his employees~~
3 ~~regularly employed in the conduct of his business or by~~
4 ~~other persons whose services are rendered gratuitously.~~

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)~~(2)(3) Nothing in this section shall be construed
11 as modifying, amending, altering, or repealing any part of
12 37-18-104."

13 **Section 2.** 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; or

19 ~~(2)--The operations known and designated as--castrating~~
20 ~~or-dehorning-of-cattle, sheep, horses, and swine are not the~~
21 ~~practice--of--veterinary medicine within the meaning of this~~
22 ~~chapter.~~

23 (f) a person advising with respect to or performing
24 acts that the board defines by rule as accepted livestock
25 management practices.

1 (2) THE OPERATIONS KNOWN AND DESIGNATED AS CASTRATING
2 OR DEHORNING OF CATTLE, SHEEP, HORSES, AND SWINE ARE NOT THE
3 PRACTICE OF VETERINARY MEDICINE WITHIN THE MEANING OF THIS
4 CHAPTER.

5 (3) (A) PREGNANCY-TESTING-AND-EMBRYO EMBRYO TRANSFERS
6 MAY BE PERFORMED, UNDER THE DIRECT SUPERVISION OF A LICENSED
7 VETERINARIAN, BY INDIVIDUALS WHO ATTEST TO THE BOARD THAT
8 THEY POSSESS A COMBINATION OF 3 YEARS' EDUCATION,
9 EXPERIENCE, AND TRAINING IN THOSE PROCEDURES THAT PROCEDURE.

10 (B) EXEMPTION UNDER SUBSECTION (3)(A) REMAINS IN
11 EFFECT UNTIL TESTING AND CERTIFICATION PROCEDURES, AS
12 DETERMINED BY BOARD RULE, ARE IMPLEMENTED ON OR BEFORE JULY
13 1, 1991. AT A MINIMUM, BOARD RULES MUST ADDRESS:

- 14 (I) MINIMUM EDUCATION REQUIREMENTS;
- 15 (II) MINIMUM REQUIREMENTS OF PRACTICAL EXPERIENCE;
- 16 (III) CONTINUING EDUCATION REQUIREMENTS;
- 17 (IV) LIMITATIONS ON PRACTICES AND PROCEDURES THAT MAY
18 BE PERFORMED BY CERTIFIED INDIVIDUALS;
- 19 (V) THE USE OF SPECIFIC DRUGS NECESSARY FOR SAFE AND
20 PROPER PRACTICE OF CERTIFIED PROCEDURES;
- 21 (VI) CONTENT AND ADMINISTRATION OF THE CERTIFICATION
22 TEST, INCLUDING WRITTEN AND PRACTICAL TESTING;
- 23 (VII) APPLICATION AND REEXAMINATION PROCEDURES;
- 24 (VIII) CONDUCT OF CERTIFIED INDIVIDUALS, INCLUDING
25 RULES FOR SUSPENSION, REVOCATION, AND DENIAL OF

1 CERTIFICATION; AND

2 (IX) ESTABLISHMENT OF AN ADVISORY COMMITTEE CONSISTING

3 OF: THE COMMITTEE:

4 (A) MUST CONSIST OF:

5 (A)(I) ONE MEMBER OF THE BOARD WHO IS A VETERINARIAN;

6 (B)(II) ONE MEMBER OF THE MONTANA STATE UNIVERSITY

7 REPRODUCTIVE PHYSIOLOGY DEPARTMENT;

8 (C)(III) ONE MEMBER REPRESENTING THE MONTANA

9 STOCKGROWERS ASSOCIATION ANIMAL HEALTH COMMITTEE;

10 (D)(IV) ONE MEMBER REPRESENTING THE MONTANA WOOLGROWERS

11 ASSOCIATION;

12 (E)(V) ONE LAY-VETERINARY REPRODUCTIVE SPECIALIST WITH

13 PRACTICAL EXPERIENCE IN EMBRYO TRANSFERS; AND

14 (F)(VI) A VETERINARIAN WHO IS A MEMBER OF THE AMERICAN

15 COLLEGE OF THERIOGENOLOGISTS;

16 (B) SHALL MAKE RECOMMENDATIONS REGARDING THE TESTING

17 AND CERTIFICATION PROCEDURES. THE COMMITTEE MAY NOT ADOPT

18 RULES.

19 (C) IN COOPERATION WITH THE BOARD, SHALL CONDUCT A

20 STUDY OF THE PRACTICE OF BOVINE PREGNANCY TESTING AND OVINE

21 PREGNANCY TESTING WITH THE USE OF ULTRASOUND EQUIPMENT. THE

22 STUDY MUST INCLUDE BUT IS NOT LIMITED TO:

23 (I) FEDERAL LAWS GOVERNING THE PRACTICE OF PREGNANCY

24 TESTING;

25 (II) EDUCATION AND EXPERIENCE REQUIREMENTS FOR THE

1 PRACTICE OF PREGNANCY TESTING; AND

2 (III) PREGNANCY TESTING BY NONVETERINARIANS;

3 (D) TERMINATES JULY 1, 1991.

4 (3)(2)(3)(4) This chapter does not prohibit a person

5 from caring for and treating his own farm animals or being

6 assisted in this treatment by his full-time FULL-TIME

7 employees, AS DEFINED IN 2-18-601, employed in the conduct

8 of his business or by other persons whose services are

9 rendered gratuitously in case of emergency.

10 (4)(3)(4)(5) This chapter does not prohibit the

11 selling of veterinary remedies and instruments by a

12 registered pharmacist at his regular place of business."

13 **Section 3.** Section 37-18-202, MCA, is amended to read:

14 "37-18-202. Powers of board and department --

15 examinations -- prosecutions. (1) The board may adopt rules

16 and orders necessary for the performance of its duties,

17 including but not limited to:

18 (a) development of continuing professional education

19 requirements and exceptions therefrom;

20 (b) prescribe prescribing of forms for application for

21 examination and license; and

22 (c) prepare preparation of examinations.

23 (2) The department shall, subject to 37-1-101,

24 supervise the examination of applicants for license to

25 practice veterinary medicine, obtain the services of

1 professional examination agencies instead of its own
2 preparation of examinations, and grant and revoke licenses.

3 ~~{2}~~(3) The department may employ attorneys, subject to
4 the approval of the attorney general, to assist county
5 attorneys in prosecutions brought under this chapter in the
6 respective district courts of the state or to assist the
7 attorney general in representing the board before the
8 supreme court."

9 **Section 4.** Section 37-18-307, MCA, is amended to read:

10 "37-18-307. **Renewal** -- fee -- continuing education --
11 automatic renewal for military personnel. (1) A person
12 licensed to practice veterinary medicine in this state shall
13 procure from the department before November 1 annually his
14 certificate of registration. The certificate shall be issued
15 by the department on the payment of a fee to--be fixed
16 annually by the board and the on presentation of evidence
17 satisfactory to the board that the licensee--in--the--year
18 preceding--the--application--for--renewal--attended--an
19 educational-program-approved has complied with continuing
20 education requirements established by the board. However,
21 the The board may authorize--the--department--to--issue
22 renewals--but--not--consecutive--renewals--on--a--showing
23 satisfactory-to-the-board-that-attendance-at-the-educational
24 programs was-unavoidably-prevented--and-new wave, relax, or
25 suspend continuing education requirements or particular

1 program requirements for applicants who cannot fulfill those
2 requirements because of individual hardship. New licensees
3 who secure licenses by examination shall be granted a
4 renewal the first year without attending the educational
5 programs. The certificate is prima facie evidence of the
6 right of the holder to practice veterinary medicine in this
7 state during the time for which it is issued.

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

24 (3) Notwithstanding any other provisions in this
25 chapter, a person licensed who enters or is called to active

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

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

14 **Section 5.** Section 37-18-311, MCA, is amended to read:

15 "37-18-311. Refusal, suspension, or revocation of
 16 license -- right to notice and hearing. (1) The board may,
 17 with respect to the practice of veterinary medicine, either
 18 refuse to grant a license or a certificate of registration
 19 or suspend or revoke a license and certificate of
 20 registration on any of the following grounds:

21 (a) fraud or deception in procuring the license;

22 (b) publication or use of an untruthful or improper
 23 statement or representation with the view of deceiving the
 24 public or a client or customer in connection with the
 25 practice of veterinary medicine;

1 (c) conviction of a felony as shown by a certified
 2 copy of the record of the court of conviction, subject to
 3 chapter 1, part 2, of this title;

4 (d) habitual intemperance in the use of intoxicating
 5 liquors or habitual addiction to the use of morphine,
 6 cocaine, or other habit-forming drugs or, subject to chapter
 7 1, part 2, of this title, conviction of a violation of a
 8 federal or state law relating to narcotic drugs;

9 (e) ~~immoral, unprofessional, or dishonorable~~ conduct,
 10 as defined by rule of the board, manifestly disqualifying
 11 the licensee from practicing veterinary medicine;

12 (f) gross malpractice, including failure to furnish to
 13 the board on written application by it a report or
 14 information relating thereto;

15 (g) employment of unlicensed persons to perform work
 16 which under this chapter can lawfully be done only by
 17 persons licensed to practice veterinary medicine;

18 (h) fraud or dishonest conduct in applying or
 19 reporting diagnostic biological tests or in issuing health
 20 certificates;

21 (i) failure to keep one's premises in a clean and
 22 sanitary condition;

23 (j) violation of this part or of the rules or orders
 24 of the board;

25 (k) revocation by proper authorities for any of the

above reasons of a license issued by another state.

(2) The board may not refuse to issue a license or certificate of registration or suspend or revoke a license and certificate of registration for any cause unless the person accused has been given notice and a public hearing by the board."

Section 6. Section 37-18-502, MCA, is amended to read:

"37-18-502. Injunction. The board or any person may bring an action in the district court to enjoin any person who is not licensed from engaging in the practice of veterinary medicine unless otherwise exempted under 37-18-104~~(3)~~(2)(4). If the court finds that the defendant is violating or threatening to violate any provision of Title 37, chapter 18, it shall enter an order restraining him from the violation, without regard to any criminal provisions of Title 37, chapter 18."

NEW SECTION. Section 7. Municipal license fee prohibited. No license fee or license tax may be imposed upon a person who practices veterinary medicine, as a condition to the practice of his profession, by any municipality or other political subdivision of the state, including a local government with self-governing powers.

NEW SECTION. Section 8. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of

[this act].

NEW SECTION. SECTION 9. APPLICABILITY. THE PROVISIONS OF [THIS ACT] CLARIFY EXISTING AUTHORITY OF THE BOARD OF VETERINARY MEDICINE TO REGULATE VETERINARY PRACTICES. THE PROVISIONS OF TITLE 2, CHAPTER 8, PART 2, AND 5-4-207 DO NOT APPLY TO [THIS ACT].

NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.

-End-