

HOUSE BILL 477

Introduced by Stovall, et al.

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| 2/05 | Introduced |
| 2/05 | Referred to Agriculture, Livestock & Irrigation |
| 2/05 | First Reading |
| 2/16 | Hearing |
| 2/25 | Missed Transmittal Deadline |

1 *House* BILL NO. *477*
 2 INTRODUCED BY *Stearns Tash York Yellowtail*
 3 *Sam Nelson M. Hanson J. C. Thomas*
 4 *B. Lewis Keller Devlin* A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE PROCEDURE
 5 OF FLOATING OF TEETH FROM THE PRACTICE OF VETERINARY
 6 MEDICINE; AND AMENDING SECTION 37-18-104, MCA."

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

9 Section 1. Section 37-18-104, MCA, is amended to read:

10 "37-18-104. Exemptions -- rules. (1) This chapter does
 11 not 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 who resides on a border of
 25 a neighboring state and is authorized under the laws thereof

1 of that state to practice veterinary medicine therein, and
 2 who is actually called to attend cases in this state but who
 3 does not open an office or appoint a place to meet patients
 4 or receive calls in this state, if veterinarians licensed
 5 and registered in this state are extended a like privilege
 6 to engage in the practice of veterinary medicine to the same
 7 extent in the 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 (f) a person advising with respect to or performing
 16 acts that the board defines by rule as accepted livestock
 17 management practices.

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

22 (3) ~~(a) Nonsurgical--embryo-transfers-in-bovines-may-be~~
 23 ~~performed, under the supervision of a veterinarian--licensed~~
 24 ~~and--residing--in--Montana, by individuals who attest to the~~
 25 ~~board that they possess a combination of 3 years' education,~~

1 experience, and training in that procedure;
 2 (b) Exemption under subsection (3)(a) remains in effect
 3 until testing and certification procedures, as determined by
 4 board rules, are implemented on or before July 1, 1991. At a
 5 minimum, board rules must address:
 6 (i) minimum education requirements;
 7 (ii) minimum requirements of practical experience;
 8 (iii) continuing education requirements;
 9 (iv) limitations on practices and procedures that may be
 10 performed by certified individuals;
 11 (v) the use of specific drugs necessary for safe and
 12 proper practice of certified procedures;
 13 (vi) content and administration of the certification
 14 test, including written and practical testing;
 15 (vii) application and reexamination procedures;
 16 (viii) conduct of certified individuals, including rules
 17 for suspension, revocation, and denial of certification; and
 18 (ix) establishment of an advisory committee. The
 19 committee:
 20 (A) must consist of:
 21 (i) one member of the board who is a veterinarian;
 22 (ii) one member of the Montana state university
 23 reproductive physiology department;
 24 (iii) one member representing the Montana stockgrowers
 25 association animal health committee;

1 (iv) one member representing the Montana woolgrowers
 2 association;
 3 (v) one reproductive specialist with practical
 4 experience in embryo transfers; and
 5 (vi) a veterinarian who is a member of the American
 6 college of theriogenologists;
 7 (B) shall make recommendations regarding the testing
 8 and certification procedures. The committee may not adopt
 9 rules;
 10 (C) in cooperation with the board, shall conduct a
 11 study of the practice of bovine pregnancy testing and ovine
 12 pregnancy testing with the use of ultrasound equipment. The
 13 study must include but is not limited to:
 14 (i) federal laws governing the practice of pregnancy
 15 testing;
 16 (ii) education and experience requirements for the
 17 practice of pregnancy testing; and
 18 (iii) pregnancy testing by nonveterinarians;
 19 (B) terminates July 1, 1991. The operation known and
 20 designated as floating of teeth of equines is not the
 21 practice of veterinary medicine within the meaning of this
 22 chapter.
 23 (4) This chapter does not prohibit a person from caring
 24 for and treating his the person's own farm animals or being
 25 assisted in this treatment by his the person's full-time

1 employees, as defined in 2-18-601, employed in the conduct
2 of ~~his~~ the person's business or by other persons whose
3 services are rendered gratuitously in case of emergency.

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

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