

SENATE BILL NO. 92

INTRODUCED BY

Burnett

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT ARTIFICIAL INSEMINATION DOES NOT CONSTITUTE THE PRACTICE OF VETERINARY MEDICINE; DELETING AN OBSOLETE REFERENCE TO THE NONSURGICAL EMBRYO TRANSFER ADVISORY COMMITTEE; AND AMENDING SECTION 37-18-104, MCA."

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

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

"37-18-104. Exemptions -- rules. (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 of that state to practice veterinary medicine therein in that state, 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

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

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

3 (3) ~~(a) Nonsurgical embryo transfers in bovines may be performed, under the supervision of a
4 veterinarian licensed and residing in Montana, by individuals who attest to the board that they possess a
5 combination of 3 years' education, experience, and training in that procedure.~~

6 ~~(b) Exemption under subsection (3)(a) remains in effect until testing and certification procedures,
7 as determined by board rule, are implemented on or before July 1, 1991. At a minimum, board rules
8 regarding nonsurgical embryo transfers in bovines must address:~~

9 ~~(i)(a) minimum education requirements;~~

10 ~~(ii)(b) minimum requirements of practical experience;~~

11 ~~(iii)(c) continuing education requirements;~~

12 ~~(iv)(d) limitations on practices and procedures that may be performed by certified individuals;~~

13 ~~(v)(e) the use of specific drugs necessary for safe and proper practice of certified procedures;~~

14 ~~(vi)(f) content and administration of the certification test, including written and practical testing;~~

15 ~~(vii)(g) application and reexamination procedures; and~~

16 ~~(viii)(h) conduct of certified individuals, including rules for suspension, revocation, and denial of
17 certification; and~~

18 ~~(ix) establishment of an advisory committee. The committee:~~

19 ~~(A) must consist of:~~

20 ~~(i) one member of the board who is a veterinarian;~~

21 ~~(ii) one member of the Montana state university reproductive physiology department;~~

22 ~~(iii) one member representing the Montana stockgrowers association animal health committee;~~

23 ~~(iv) one member representing the Montana woolgrowers association;~~

24 ~~(v) one reproductive specialist with practical experience in embryo transfers; and~~

25 ~~(vi) a veterinarian who is a member of the American college of theriogenologists;~~

26 ~~(B) shall make recommendations regarding the testing and certification procedures. The committee
27 may not adopt rules.~~

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

- 1 ~~(I) federal laws governing the practice of pregnancy testing;~~
2 ~~(II) education and experience requirements for the practice of pregnancy testing; and~~
3 ~~(III) pregnancy testing by nonveterinarians;~~
4 ~~(D) terminates July 1, 1991.~~

5 (4) This chapter does not prohibit a person from caring for and treating ~~his~~ that person's own farm
6 animals or from being assisted in this treatment by ~~his~~ that person's full-time employees, as defined in
7 2-18-601, employed in the conduct of ~~his~~ that person's business or by other persons whose services are
8 rendered gratuitously in case of emergency.

9 (5) This chapter does not prohibit a person from performing artificial insemination, as defined in
10 81-2-401(1), on that person's own farm animals or from being assisted in performing artificial insemination
11 by employees employed in the conduct of that person's business or by other persons whose services are
12 rendered gratuitously.

13 ~~(5)(6)~~ This chapter does not prohibit the selling of veterinary remedies and instruments by a
14 registered pharmacist at ~~his~~ the pharmacist's regular place of business."

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