

Draft Gray Bill - SB 22 - 1/12/05

DATE 1/12/05

Proposed by Montana Veterinary Medical Association

BILL NO. SB 22

SENATE BILL NO. 22
INTRODUCED BY R. LAIBLE

**A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING "ANIMAL
MASSAGE";
PROVIDING THAT ANIMAL MASSAGE IS NOT THE PRACTICE OF
VETERINARY MEDICINE; AND AMENDING SECTIONS 37-18-101 AND
37-18-104, MCA."**

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

Section 1. Section 37-18-101, MCA, is amended to read:

"37-18-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Board" means the board of veterinary medicine provided for in 2-15-1742.

(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(3) **"ANIMAL MASSAGE" MEANS THE EXTERNAL MANIPULATION OR PRESSURE OF SOFT TISSUE. ANIMAL MASSAGE INCLUDES TECHNIQUES SUCH AS TAPPING, COMPRESSIONS, FRICTION, KNEADING, SHAKING, AND FASCIAL OR CONNECTIVE TISSUE STRETCHING, WITH OR WITHOUT THE AIDS OF SUPERFICIAL HEAT, COLD, WATER, LUBRICANTS, OR SALTS. ANIMAL MASSAGE DOES NOT INCLUDE DIAGNOSIS, PROGNOSIS, OR ALL TREATMENT OF DISEASES, DEFORMITIES, DEFECTS, WOUNDS, OR INJURIES OF ANIMALS. ANIMAL MASSAGE DOES NOT INCLUDE ATTEMPTS TO ADJUST OR MANIPULATE ANY ARTICULATIONS OF THE BODY OR SPINE OR MOBILIZATION OF THESE ARTICULATIONS BY THE USE OF A THRUSTING FORCE. FOR PURPOSES OF THIS SECTION, ANIMAL MASSAGE MAY BE PERFORMED SOLEY FOR PURPOSES OF ANIMAL WELL-BEING."**

Section 2. 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-Bozeman, 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 of that state to practice veterinary medicine, 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 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, if the students are employed by and work under the immediate supervision of a veterinarian licensed and registered under this chapter; or

(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) Nonsurgical embryo transfers in bovines may be performed under the supervision of a veterinarian licensed and residing in Montana. At a minimum, board rules regarding nonsurgical embryo transfers in bovines must address:

- (a) minimum education requirements;
- (b) minimum requirements of practical experience;
- (c) continuing education requirements;
- (d) limitations on practices and procedures that may be performed by certified individuals;
- (e) the use of specific drugs necessary for safe and proper practice of certified procedures;
- (f) content and administration of the certification test, including written and practical testing;
- (g) application and reexamination procedures; and
- (h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification.

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

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

(6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities determined by board rule to be acceptable, when performed under the supervision of the employing veterinarian.

(7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under this subsection include activities determined by board rule to be acceptable but do not include the performance of surgery or the rendering of diagnoses.

(8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia technician from administering, any controlled substance authorized by the board for the purpose of euthanasia pursuant to part 6 of this chapter.

9) ANIMAL MASSAGE IS NOT THE PRACTICE OF VETERINARY MEDICINE WITHIN THE MEANING OF THIS CHAPTER IF THE PROVIDER:

(a) DOES NOT REPRESENT HIMSELF OR HERSELF AS A VETERINARIAN,

(b) DOES NOT USE ANY TITLE ASSOCIATED WITH THE PRACTICE OF VETERINARY MEDICINE,

(c) PERFORMS ANIMAL MASSAGE WITHIN THE SCOPE OF ANIMAL MASSAGE PROVIDED IN 37-18-101,

(d) OBTAINS A SIGNED WRITTEN ACKNOWLEDGEMENT FROM THE OWNER OF THE ANIMAL CONTAINING THE FOLLOWING INFORMATION:

(i) THAT THE PROVIDER IS NOT A LICENSED VETERINARIAN,

(ii) A DESCRIPTION OF THE NATURE OF THE SERVICES TO BE PROVIDED,

(iii) THE PROVIDER'S EDUCATION, TRAINING, EXPERIENCE AND OTHER QUALIFICATIONS REGARDING ANIMAL MASSAGE, AND

(iv) THE OWNER ACKNOWLEDGES RECEIPT OF THIS INFORMATION AND CONSENTS TO HAVE ANIMAL MASSAGE PERFORMED ON THEIR ANIMAL OR ANIMALS.

(10) The activity known and designated **IN THIS CHAPTER** as **ANIMAL MASSAGE** is not the practice of veterinary medicine within the meaning of this chapter.

(Subsection (8) terminates January 1, 2008--sec. 11, Ch. 60, L. 2003.)" - END-