

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE EXAM REQUIREMENT FOR EMBRYO
5 TRANSFER TECHNICIANS; AMENDING SECTION 37-18-104, MCA; AND PROVIDING AN EFFECTIVE
6 DATE."

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

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

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

12 (a) a veterinarian in the performance of the veterinarian's official duties, either civil or military, in the
13 service of the United States unless the veterinarian is engaged in the practice of veterinary medicine in a
14 private capacity;

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

18 (c) a veterinarian practicing in another state or country and authorized under the laws of that state or
19 country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that term
20 is defined in board rule;

21 (d) the employment of a veterinary medical student who has successfully completed 3 years of the
22 professional curriculum in veterinary medicine at a college having educational standards equal to those
23 approved by the American veterinary medical association, if the student is employed by and works under the
24 immediate supervision of a veterinarian licensed and registered under this chapter; or

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

27 (2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and
28 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)(f)~~ application and reexamination procedures; and
- ~~(h)(g)~~ 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."

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2 NEW SECTION. **Section 2.** **Effective date.** [This act] is effective July 1, 2021.

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