

1 SENATE BILL NO. 347

2 INTRODUCED BY T. MANZELLA

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PERSONS WHO ARE
5 CONSIDERED TO BE PRACTICING VETERINARY MEDICINE; ALLOWING A CERTIFIED EQUINE DENTIST
6 TO PROVIDE TEETH FLOATING SERVICES; AND AMENDING SECTIONS 37-18-102 AND 37-18-104,
7 MCA."

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

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

12 **"37-18-102. Veterinary medicine defined.** (1) A person is considered practicing veterinary medicine
13 when the person does any of the following:

14 (a) represents to the public that the person is a veterinarian or is engaged in the practice of veterinary
15 medicine in any of its branches, either directly or indirectly;

16 (b) uses words, titles, or letters in this connection or on a display or advertisement or under
17 circumstances so as to induce the belief the person using them is engaged in the practice of veterinary
18 medicine. This use is prima facie evidence of the intention to represent oneself as engaged in the practice of
19 veterinary medicine in any of its branches.

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

23 (d) instructs, demonstrates, or solicits by a notice, sign, or other indication, with contract either
24 express or implied, or otherwise, with or without the necessary instruments, for the administration of biologics or
25 medicines or animal disease cures for the prevention and treatment of disease of animals and remedies for the
26 treatment of internal parasites in animals;

27 (e) performs a manual or laboratory procedure on livestock for the diagnosis of pregnancy, sterility, or
28 infertility for remuneration or hire;

1 (f) except as provided in subsection (4), performs acupuncture, ova or embryo transfer, or dentistry on
2 animals;

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

5 (2) Subsection (1)(e) may not in any way be construed to prohibit the pregnancy testing by any
6 person of the person's own farm animals or by the person's employees regularly employed in the conduct of the
7 person's business or by other persons whose services are rendered gratuitously.

8 (3) This section may not be construed as modifying, amending, altering, or repealing any part of 37-
9 18-104.

10 (4) Dentistry services as allowed in subsection (1)(f) do not include teeth floating services. A person
11 who is certified by the international association of equine dentistry and who provides teeth floating services is
12 not considered to be practicing veterinary medicine under this chapter and is exempt from the licensing
13 requirements of this chapter.

14 (5) (a) As used in this section, "teeth floating" means the removal of enamel points and the
15 smoothing, contouring, and leveling of dental arcades and incisors of equine and other farm animals.

16 (b) The term does not include a dental procedure on a canine or feline."
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18 **Section 2.** Section 37-18-104, MCA, is amended to read:

19 **"37-18-104. Exemptions -- rules.** (1) This chapter does not apply to:

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

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

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

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

5 (e) a person who is certified by the international association of equine dentistry and who provides
6 teeth floating services as defined in 37-18-102; or

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

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

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

14 (a) minimum education requirements;

15 (b) minimum requirements of practical experience;

16 (c) continuing education requirements;

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

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

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

20 (g) application and reexamination procedures; and

21 (h) conduct of certified individuals, including rules for suspension, revocation, and denial of
22 certification.

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

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

