

SENATE BILL NO. 504

INTRODUCED BY W. CURDY

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN ANIMAL SHELTER TO PROVIDE CARE TO STRAY ANIMALS; PROVIDING A DEFINITION; 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. (Temporary) 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.

37-18-101. (Effective January 1, 2023) 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) "Direct supervision" means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is on the premises and readily available to take over direct care or to consult on animal care directly with a licensed veterinary technician.

(4) "Emergency" means a life-threatening condition in which immediate treatment is necessary to sustain life or, if death is imminent, to relieve pain and suffering.

(5) "Immediate supervision" means direction on an animal patient's care provided by a veterinarian licensed under this chapter who is within direct eyesight and hearing range of a licensed veterinary technician.

(6) "Indirect supervision" means direction on an animal patient's care provided by a veterinarian

1 licensed under this chapter who is not on the premises but is available to perform the duties of a licensed
2 veterinarian by maintaining direct communication with a licensed veterinary technician and who is in
3 compliance with 37-18-309.

4 (7) "Stray animal" means any domestic cat or dog that is lost, abandoned, unclaimed by a person,
5 or wandering at large without readily identifiable ownership."

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7 **Section 2.** Section 37-18-104, MCA, is amended to read:

8 **"37-18-104. (Temporary) Exemptions -- rules.** (1) This chapter does not apply to:

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

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

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

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

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

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

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

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

10 (4) This chapter does not prohibit:

11 (a) a person from caring for and treating the person's own farm animals or being assisted in this

12 treatment by the person's full-time employees, as defined in 2-18-601, employed in the conduct of the person's

13 business or by other persons whose services are rendered gratuitously in case of emergency; or

14 (b) an animal shelter from caring for and treating the animal shelter's own animals and stray

15 animals or being assisted in this treatment by the animal shelter's employees, as defined in 2-18-601, employed

16 in the conduct of the animal shelter's business or by other persons whose services are rendered gratuitously in

17 case of emergency.

18 (5) This chapter does not prohibit the selling of veterinary remedies and instruments by a

19 registered pharmacist at the pharmacist's regular place of business.

20 (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities

21 determined by board rule to be acceptable, when performed under the supervision of the employing

22 veterinarian.

23 (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for

24 that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under

25 this subsection include activities determined by board rule to be acceptable but do not include the performance

26 of surgery or the rendering of diagnoses.

27 (8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia

28 technician from administering, any controlled substance authorized by the board for the purpose of euthanasia

1 pursuant to part 6 of this chapter.

2 **37-18-104. (Effective January 1, 2023) Exemptions -- rules.** (1) This chapter does not apply to:

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

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

9 (c) a veterinarian practicing in another state or country and authorized under the laws of that state
10 or country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that
11 term is defined in board rule. The board may, by rule, define conditions in which a veterinary technician
12 licensed or registered in another state may engage in occasional veterinary technician tasks in this state, as
13 provided in 37-18-702.

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

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

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

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

25 (a) minimum education requirements;

26 (b) minimum requirements of practical experience;

27 (c) continuing education requirements;

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

- 1 (e) the use of specific drugs necessary for safe and proper practice of certified procedures;
- 2 (f) content and administration of the certification test, including written and practical testing;
- 3 (g) application and reexamination procedures; and
- 4 (h) conduct of certified individuals, including rules for suspension, revocation, and denial of
- 5 certification.

6 (4) This chapter does not prohibit:

7 (a) a person from caring for and treating the person's own farm animals or being assisted in this
8 treatment by the person's full-time employees, as defined in 2-18-601, employed in the conduct of the person's
9 business or by other persons whose services are rendered gratuitously in case of emergency; or

10 (b) an animal shelter from caring for and treating the animal shelter's own animals and stray
11 animals or being assisted in this treatment by the animal shelter's employees, as defined in 2-18-601, employed
12 in the conduct of the animal shelter's business or by other persons whose services are rendered gratuitously in
13 case of emergency.

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

16 (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities
17 determined by board rule to be acceptable, when performed under the direct, immediate, or indirect supervision
18 of the employing veterinarian. The board shall adopt rules regarding which veterinary practices may be
19 performed under direct, immediate, or indirect supervision by a licensed veterinary technician.

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

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

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