

ANIMAL CHIROPRACTIC AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: Scott H. Chew

LONG TITLE

General Description:

This bill allows a licensed chiropractor to treat an animal without a referral from a licensed veterinarian.

Highlighted Provisions:

This bill:

- ▶ removes the requirement that a veterinarian refer an animal to a licensed chiropractor before the chiropractor can treat the animal;
- ▶ removes the requirement that a licensed chiropractor take a course for treating animals before treating an animal, instead requiring a licensed chiropractor to obtain a certification for animal chiropractic; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-28-307, as last amended by Laws of Utah 2019, Chapter 177

58-73-102, as last amended by Laws of Utah 2006, Chapter 109



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **58-28-307** is amended to read:

30 **58-28-307. Exemptions from chapter.**

31 In addition to the exemptions from licensure in Section **58-1-307** this chapter does not
32 apply to:

33 (1) [~~any person~~] an individual who practices veterinary medicine, surgery, or dentistry
34 upon any animal owned by [~~him~~] the individual, and the employee of that [~~person~~] individual
35 when the practice is upon an animal owned by [~~his~~] the employee's employer, and incidental to
36 [~~his~~] employment, except:

37 (a) this exemption does not apply to [~~any person, or his~~] an individual, or the
38 individual's employee, when the ownership of an animal was acquired for the purpose of
39 circumventing this chapter; and

40 (b) this exemption does not apply to the administration, dispensing, or prescribing of a
41 prescription drug, or nonprescription drug intended for off label use, unless the administration,
42 dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient
43 relationship;

44 (2) [~~any person~~] an individual who as a student at a veterinary college approved by the
45 board engages in the practice of veterinary medicine, surgery, and dentistry as part of [~~his~~] the
46 individual's academic training and under the direct supervision and control of a licensed
47 veterinarian, if that practice is during the last two years of the college course of instruction and
48 does not exceed an 18-month duration;

49 (3) a veterinarian who is an officer or employee of the government of the United
50 States, or the state, or its political subdivisions, and technicians under [~~his~~] the veterinarian's
51 supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that
52 government;

53 (4) [~~any person~~] an individual while engaged in the vaccination of poultry, pullorum
54 testing, typhoid testing of poultry, and related poultry disease control activity;

55 (5) [~~any person~~] an individual who is engaged in bona fide and legitimate medical,
56 dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine,
57 surgery, or dentistry is directly related to, and a necessary part of, that research;

58 (6) [~~veterinarians~~] a veterinarian licensed under the laws of another state rendering

59 professional services in association with licensed veterinarians of this state for a period not to
60 exceed 90 days;

61 (7) [~~registered pharmacists~~] a registered pharmacist of this state engaged in the sale of
62 veterinary supplies, instruments, and medicines, if the sale is at [~~his~~] the registered pharmacist's
63 regular place of business;

64 (8) [~~any person~~] an individual in this state engaged in the sale of veterinary supplies,
65 instruments, and medicines, except prescription drugs which must be sold in compliance with
66 state and federal regulations, if the supplies, instruments, and medicines are sold in original
67 packages bearing adequate identification and directions for application and administration and
68 the sale is made in the regular course of, and at the regular place of business;

69 (9) [~~any person~~] an individual rendering emergency first aid to animals in those areas
70 where a licensed veterinarian is not available, and if suspicious reportable diseases are reported
71 immediately to the state veterinarian;

72 (10) [~~any person~~] an individual performing or teaching nonsurgical bovine artificial
73 insemination;

74 (11) [~~any person~~] an individual affiliated with an institution of higher education who
75 teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an
76 institution of higher education who performs nonsurgical bovine embryo transfer, but only if
77 any prescription drug used in the procedure is prescribed and administered under the direction
78 of a veterinarian licensed to practice in Utah;

79 (12) (a) [~~upon written referral by a licensed veterinarian,~~] the practice of animal
80 chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician
81 Practice Act, who has [~~completed an animal chiropractic course approved~~] been certified by the
82 American Veterinary Chiropractic Association [~~or the division~~] for performing chiropractic on
83 an animal;

84 (b) upon written referral by a licensed veterinarian, the practice of animal physical
85 therapy by a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, who
86 has completed at least 100 hours of animal physical therapy training, including quadruped
87 anatomy and hands-on training, approved by the division;

88 (c) upon written referral by a licensed veterinarian, the practice of animal massage
89 therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act,

90 who has completed at least 60 hours of animal massage therapy training, including quadruped
91 anatomy and hands-on training, approved by the division; and

92 (d) upon written referral by a licensed veterinarian, the practice of acupuncture by an
93 acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a
94 course of study on animal acupuncture approved by the division;

95 (13) unlicensed assistive personnel performing duties appropriately delegated to the
96 unlicensed assistive personnel in accordance with Section 58-28-502;

97 (14) an animal shelter employee who is:

98 (a) (i) acting under the indirect supervision of a licensed veterinarian; and

99 (ii) performing animal euthanasia in the course and scope of employment; and

100 (b) acting under the indirect supervision of a veterinarian who is under contract with
101 the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the
102 Compendium of Animal Rabies Prevention and Control;

103 (15) an individual providing appropriate training for animals; however, this exception
104 does not include diagnosing any medical condition, or prescribing or dispensing any
105 prescription drugs or therapeutics; and

106 (16) an individual who performs teeth floating if the individual:

107 (a) has a valid certification from the International Association of Equine Dentistry, or
108 an equivalent certification designated by division rule made in collaboration with the board, to
109 perform teeth floating; and

110 (b) administers or uses a sedative drug only if the individual is under the direct
111 supervision of a veterinarian in accordance with Subsection 58-28-502(2)(a)(iv).

112 Section 2. Section 58-73-102 is amended to read:

113 **58-73-102. Definitions.**

114 (1) "Adjustment of the articulation of the spinal column" means performance by a
115 chiropractic physician by the use of passive movements directed toward the goal of restoring
116 joints to their proper physiological relationship of motion and related function, releasing
117 adhesions, or stimulating joint receptors using one or more of the following techniques:

118 (a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a
119 nature that the patient cannot prevent the motion, commencing where the motion encounters
120 the elastic barrier of resistance and ends at the limit of anatomical integrity;

121 (b) instrument adjusting, utilizing instruments specifically designed to deliver sudden,
122 high velocity, short amplitude thrust;

123 (c) light force adjusting utilizing sustained joint traction or applied directional pressure,
124 or both, which may be combined with passive motion to restore joint mobility; and

125 (d) long distance lever adjusting utilizing forces delivered at some distance from the
126 dysfunctional site and aimed at transmission through connected structures to accomplish joint
127 mobility.

128 (2) "Board" means the Chiropractic Physician Licensing Board created in Section
129 [58-73-201](#).

130 (3) "Chiropractic assistant" means ~~[a person]~~ an individual who performs activities
131 related to the practice of chiropractic under the supervision of a licensed chiropractic physician
132 in accordance with division rule established in collaboration with the board.

133 (4) "Chiropractic physician" means ~~[a person]~~ an individual who has been licensed
134 under this chapter to practice chiropractic.

135 (5) "Diagnosis of the articulation of the spinal column" means to examine the
136 articulations of the spinal column of another human to determine the source, nature, kind, or
137 extent of a disease, vertebral ~~[subluxation]~~ subluxation, or other physical condition, and to make
138 a determination of the source, nature, kind, or extent of a disease or other physical condition.

139 (6) "Elastic barrier" means the point at which the patient cannot move a joint by his
140 own means and through which movement is obtained or caused by a practitioner's skillful
141 treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high
142 velocity, short amplitude so the patient cannot prevent the motion.

143 (7) "Incisive surgery" means any procedure having the power or quality of cutting of a
144 patient for the purpose of treating disease, injury, or deformity, and includes the use of laser.

145 (8) ~~[(a)]~~ "Manipulate the articulation of the spinal column" means use by a practitioner
146 of a skillful treatment using the practitioner's hands in a manipulation of a joint as follows:

147 (a) by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the
148 motion~~[-Movement]~~;

149 (b) the movement of the joint is by force beyond its active limit of motion~~[-]~~;

150 ~~[(b)]~~ (c) ~~[This]~~ the manipulation commences where mobilization ends and specifically
151 begins when the elastic barrier of resistance is encountered and ends at the limit of anatomical

152 integrity[-]; and

153 ~~[(e)]~~ (d) ~~[Manipulation as described in this definition]~~ the manipulation is directed to
154 the goal of restoring joints to their proper physiological relationship of motion and related
155 function, releasing adhesions, or stimulating joint receptors.

156 (9) "Practice of chiropractic" means a practice of a branch of the healing arts:

157 (a) the purpose of which is to restore or maintain human health, in which patient care
158 or first aid, hygienic, nutritional, or rehabilitative procedures are administered;

159 (b) which places emphasis upon specific vertebral adjustment, manipulation, and
160 treatment of the articulation and adjacent tissues of the spinal column, musculoskeletal
161 structure of the body, and nervous system;

162 (c) that involves examining, diagnosing, treating, correcting, or prescribing treatment
163 for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or the
164 attempt to do so, in accordance with Section 58-73-601;

165 (d) that involves diagnosing, prescribing treatment, or making a determination of
166 treatment necessity for another person's condition by means of:

167 (i) a physical examination of the person; or

168 (ii) a determination based upon or derived from information supplied directly or
169 indirectly by a third person; and

170 (e) that includes the practice described in this Subsection (9) on an animal ~~[to the~~
171 ~~extent permitted by]~~ subject to:

172 (i) Subsection 58-28-307(12);

173 (ii) the provisions of this chapter; and

174 (iii) division rule.

175 (10) "Therapeutically position the articulation of the spinal column" means to adjust or
176 manipulate the articulation of the spinal column.