

**EQUINE DENTISTRY AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David P. Hinkins**

House Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill amends the Veterinary Practice Act.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ permits certain individuals to perform teeth floating without a license if the individual holds a valid third party certification to perform teeth floating.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-28-102**, as last amended by Laws of Utah 2010, Chapter 189

**58-28-307**, as last amended by Laws of Utah 2014, Chapter 191

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

Section 1. Section **58-28-102** is amended to read:

**58-28-102. Definitions.**

In addition to the definitions in Section **58-1-102**, as used in this chapter:



28 (1) "Abandonment" means to forsake entirely or to refuse to provide care and support  
29 for an animal placed in the custody of a licensed veterinarian.

30 (2) "Administer" means:

31 (a) the direct application by a person of a prescription drug or device by injection,  
32 inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a  
33 research subject; or

34 (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug  
35 for application by injection, inhalation, ingestion, or any other means to the body of the animal  
36 by the owner or caretaker in accordance with the veterinarian's written directions.

37 (3) "Animal" means any animal other than a human.

38 (4) "AVMA" means American Veterinary Medical Association.

39 (5) "Board" means the Veterinary Board established in Section [58-28-201](#).

40 (6) "Client" means the patient's owner, the owner's agent, or other person responsible  
41 for the patient.

42 (7) "Direct supervision" means a veterinarian licensed under this chapter is present and  
43 available for face-to-face contact with the patient and person being supervised, at the time the  
44 patient is receiving veterinary care.

45 (8) "Extra-label use" means actual use or intended use of a drug in an animal in a  
46 manner that is not in accordance with approved labeling.

47 (9) "Immediate supervision" means the veterinarian licensed under this chapter is  
48 present with the individual being supervised, while the individual is performing the delegated  
49 tasks.

50 (10) "Indirect supervision" means a veterinarian licensed under this chapter:

51 (a) has given either written or verbal instructions for veterinary care of a patient to the  
52 person being supervised; and

53 (b) is available to the person being supervised by telephone or other electronic means  
54 of communication during the period of time in which the veterinary care is given to the patient.

55 (11) "Practice of veterinary medicine, surgery, and dentistry" means to:

56 (a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or  
57 physical condition of any animal;

58 (b) administer, prescribe or dispense any drug, medicine, treatment, method, or

59 practice, perform any operation or manipulation, apply any apparatus or appliance for the cure,  
60 relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise  
61 practice any veterinary medicine, dentistry, or surgery on any animal;

62 (c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other  
63 manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery,  
64 or dentistry;

65 (d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;

66 (e) solicit, sell, or furnish any parenterally administered animal disease cures,  
67 preventions, or treatments, with or without the necessary instruments for the administration of  
68 them, or any and all worm and other internal parasitic remedies, upon any agreement, express  
69 or implied, to administer these cures, preventions, treatments, or remedies; or

70 (f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor,"  
71 "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or  
72 device tending to indicate that such person is qualified to practice veterinary medicine, surgery,  
73 or dentistry.

74 (12) (a) "Teeth floating" means the removal of enamel points and the smoothing,  
75 contouring, and leveling of dental arcades and incisors of equine and other farm animals.

76 (b) "Teeth floating" does not include a dental procedure on a canine or feline.

77 [~~12~~] (13) "Unlawful conduct" is defined in Sections 58-1-501 and 58-28-501.

78 [~~13~~] (14) "Unlicensed assistive personnel":

79 (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a  
80 veterinarian licensed under this chapter as permitted by administrative rule and in accordance  
81 with the standards of the profession; and

82 (b) includes:

83 (i) a veterinary assistant, if working under immediate supervision;

84 (ii) a veterinary technician who:

85 (A) has graduated from a program of veterinary technology accredited by the AVMA  
86 that is at least a two-year program; and

87 (B) who is working under direct supervision; and

88 (iii) a veterinary technologist who:

89 (A) has graduated from a four-year program of veterinary technology accredited by the

90 AVMA; and

91 (B) is working under indirect supervision.

92 ~~[(14)]~~ (15) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-28-502  
93 and may be further defined by rule.

94 ~~[(15)]~~ (16) "Veterinarian-client-patient relationship" means:

95 (a) a veterinarian licensed under this chapter has assumed responsibility for making  
96 clinical judgements regarding the health of an animal and the need for medical treatment of an  
97 animal, and the client has agreed to follow the veterinarian's instructions;

98 (b) the veterinarian has sufficient knowledge of the animal to initiate at least a general  
99 or preliminary diagnosis of the medical condition of the animal, including knowledge of the  
100 keeping and care of the animal as a result of recent personal examination of the animal or by  
101 medically appropriate visits to the premises where the animal is housed; and

102 (c) the veterinarian has arranged for emergency coverage for follow-up evaluation in  
103 the event of adverse reaction or the failure of the treatment regimen.

104 Section 2. Section 58-28-307 is amended to read:

105 **58-28-307. Exemptions from chapter.**

106 In addition to the exemptions from licensure in Section 58-1-307 this chapter does not  
107 apply to:

108 (1) any person who practices veterinary medicine, surgery, or dentistry upon any  
109 animal owned by him, and the employee of that person when the practice is upon an animal  
110 owned by his employer, and incidental to his employment, except:

111 (a) this exemption does not apply to any person, or his employee, when the ownership  
112 of an animal was acquired for the purpose of circumventing this chapter; and

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

117 (2) any person who as a student at a veterinary college approved by the board engages  
118 in the practice of veterinary medicine, surgery, and dentistry as part of his academic training  
119 and under the direct supervision and control of a licensed veterinarian, if that practice is during  
120 the last two years of the college course of instruction and does not exceed an 18-month

121 duration;

122 (3) a veterinarian who is an officer or employee of the government of the United  
123 States, or the state, or its political subdivisions, and technicians under his supervision, while  
124 engaged in the practice of veterinary medicine, surgery, or dentistry for that government;

125 (4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid  
126 testing of poultry, and related poultry disease control activity;

127 (5) any person who is engaged in bona fide and legitimate medical, dental,  
128 pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or  
129 dentistry is directly related to, and a necessary part of, that research;

130 (6) veterinarians licensed under the laws of another state rendering professional  
131 services in association with licensed veterinarians of this state for a period not to exceed 90  
132 days;

133 (7) registered pharmacists of this state engaged in the sale of veterinary supplies,  
134 instruments, and medicines, if the sale is at his regular place of business;

135 (8) any person in this state engaged in the sale of veterinary supplies, instruments, and  
136 medicines, except prescription drugs which must be sold in compliance with state and federal  
137 regulations, if the supplies, instruments, and medicines are sold in original packages bearing  
138 adequate identification and directions for application and administration and the sale is made in  
139 the regular course of, and at the regular place of business;

140 (9) any person rendering emergency first aid to animals in those areas where a licensed  
141 veterinarian is not available, and if suspicious reportable diseases are reported immediately to  
142 the state veterinarian;

143 (10) any person performing or teaching nonsurgical bovine artificial insemination;

144 (11) any person affiliated with an institution of higher education who teaches  
145 nonsurgical bovine embryo transfer or any technician trained by or approved by an institution  
146 of higher education who performs nonsurgical bovine embryo transfer, but only if any  
147 prescription drug used in the procedure is prescribed and administered under the direction of a  
148 veterinarian licensed to practice in Utah;

149 (12) (a) upon written referral by a licensed veterinarian, the practice of animal  
150 chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician  
151 Practice Act, who has completed an animal chiropractic course approved by the American

152 Veterinary Chiropractic Association or the division;

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

157 (c) upon written referral by a licensed veterinarian, the practice of animal massage  
158 therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act,  
159 who has completed at least 60 hours of animal massage therapy training, including quadruped  
160 anatomy and hands-on training, approved by the division; and

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

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

166 (14) an animal shelter employee who is:

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

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

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

172 (15) an individual providing appropriate training for animals; however, this exception  
173 does not include diagnosing any medical condition, or prescribing or dispensing any  
174 prescription drugs or therapeutics[-]; and

175 (16) an individual who performs teeth floating if the individual has a valid certification  
176 from the International Association of Equine Dentistry to perform teeth floating.