

VETERINARY PRACTICE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael L. Kohler

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill adds an exemption to the requirement for licensure under the Veterinary Practice Act.

Highlighted Provisions:

This bill:

- ▶ exempts certain individuals who test a bovine for pregnancy from the requirement to be licensed under the Veterinary Practice Act.

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 2021, Chapter 240

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

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

58-28-307. Exemptions from chapter.

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

(1) an individual who practices veterinary medicine, surgery, or dentistry upon any animal owned by the individual, and the employee of that individual when the practice is upon

30 an animal owned by the employee's employer, and incidental to employment, except:

31 (a) this exemption does not apply to an individual, or the individual's employee, when
32 the ownership of an animal was acquired for the purpose of circumventing this chapter; and

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

37 (2) an individual who as a student at a veterinary college approved by the board
38 engages in the practice of veterinary medicine, surgery, and dentistry as part of the individual's
39 academic training and under the direct supervision and control of a licensed veterinarian, if that
40 practice is during the last two years of the college course of instruction and does not exceed an
41 18-month duration;

42 (3) a veterinarian who is an officer or employee of the government of the United
43 States, or the state, or its political subdivisions, and technicians under the veterinarian's
44 supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that
45 government;

46 (4) an individual while engaged in the vaccination of poultry, pullorum testing, typhoid
47 testing of poultry, and related poultry disease control activity;

48 (5) an individual who is engaged in bona fide and legitimate medical, dental,
49 pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or
50 dentistry is directly related to, and a necessary part of, that research;

51 (6) a veterinarian licensed under the laws of another state rendering professional
52 services in association with licensed veterinarians of this state for a period not to exceed 90
53 days;

54 (7) a registered pharmacist of this state engaged in the sale of veterinary supplies,
55 instruments, and medicines, if the sale is at the registered pharmacist's regular place of
56 business;

57 (8) an individual in this state engaged in the sale of veterinary supplies, instruments,

58 and medicines, except prescription drugs which must be sold in compliance with state and
59 federal regulations, if the supplies, instruments, and medicines are sold in original packages
60 bearing adequate identification and directions for application and administration and the sale is
61 made in the regular course of, and at the regular place of business;

62 (9) an individual rendering emergency first aid to animals in those areas where a
63 licensed veterinarian is not available, and if suspicious reportable diseases are reported
64 immediately to the state veterinarian;

65 (10) an individual performing or teaching nonsurgical bovine artificial insemination;

66 (11) an individual affiliated with an institution of higher education who teaches
67 nonsurgical bovine embryo transfer or any technician trained by or approved by an institution
68 of higher education who performs nonsurgical bovine embryo transfer, but only if any
69 prescription drug used in the procedure is prescribed and administered under the direction of a
70 veterinarian licensed to practice in Utah;

71 (12) (a) the practice of animal chiropractic by a chiropractic physician licensed under
72 Chapter 73, Chiropractic Physician Practice Act, who has been certified by the American
73 Veterinary Chiropractic Association for performing chiropractic on an animal;

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

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

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

85 (13) unlicensed assistive personnel performing duties appropriately delegated to the

86 unlicensed assistive personnel in accordance with Section [58-28-502](#);

87 (14) an animal shelter employee who is:

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

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

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

93 (15) an individual providing appropriate training for animals; however, this exception
94 does not include diagnosing any medical condition, or prescribing or dispensing any
95 prescription drugs or therapeutics; [~~and~~]

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

97 (a) has a valid certification from the International Association of Equine Dentistry, or
98 an equivalent certification designated by division rule made in collaboration with the board, to
99 perform teeth floating; [~~and~~]

100 (b) administers or uses a sedative drug only if the individual is under the direct
101 supervision of a veterinarian in accordance with Subsection [58-28-502\(2\)\(a\)\(iv\)](#)[-]; and

102 (17) an individual testing a bovine for pregnancy if the individual has:

103 (a) obtained a masters degree or higher in animal reproductive physiology; and

104 (b) completed at least eight hours of continuing education on animal reproductive
105 physiology within the previous two-year period.