

SENATE BILL NO. 504

INTRODUCED BY W. CURDY

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; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

# Amendment - 1st Reading-white - (S) Local Government

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0504.001.001

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

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

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

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

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

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

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

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

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

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

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

# Amendment - 1st Reading-white - (S) Local Government

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0504.001.001

(a) minimum education requirements;

(b) minimum requirements of practical experience;

(c) continuing education requirements;

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

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

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

(g) application and reexamination procedures; and

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

(4) This chapter does not prohibit:

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

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

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

(6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities determined by board rule to be acceptable, when performed under the supervision of the employing veterinarian.

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

(8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia technician from administering, any controlled substance authorized by the board for the purpose of euthanasia

# Amendment - 1st Reading-white - (S) Local Government

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0504.001.001

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;

# Amendment - 1st Reading-white - (S) Local Government

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0504.001.001

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

(4) This chapter does not prohibit:

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

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

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

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

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

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

**NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

**Amendment - 1st Reading-white - (S) Local Government**

- 2023

68th Legislature 2023

Drafter: Toni Henneman, 406-444-3593

SB0504.001.001

1

- END -

AMENDED