

Senate Bill 410

By: Senators Kirkpatrick of the 32nd, Walker III of the 20th, Robertson of the 29th, Payne of the 54th, Anavitarte of the 31st and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 2 of Article 3 of Chapter 50 of Title 43 of the Official Code of Georgia
2 Annotated, relating to licensing of veterinarians and veterinary technicians generally, so as
3 to exempt certain sterilization services performed by out-of-state veterinarians from licensing
4 requirements; to provide for temporary licenses for out-of-state veterinarians; to provide for
5 exceptions; to provide for definitions; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 3 of Chapter 50 of Title 43 of the Official Code of Georgia Annotated,
10 relating to licensing of veterinarians and veterinary technicians generally, is amended by
11 revising Code Section 43-50-44, relating to exemptions from article, as follows:

12 "43-50-44.

13 This article shall not be construed to prohibit:

14 (1)(A) An employee of the federal, state, or local government or any contractual
15 partner thereof from performing his or her duties relating to animals owned by, on loan
16 to, or under the control of such employer or the control of stray animals; or

- 17 (B) Any employee of a public or private college or university from performing his or
18 her duties relating to animals owned by or on loan to such employer;
- 19 (2)(A) A person who is a regular student in a veterinary school or school of veterinary
20 technology performing duties or actions assigned by his or her instructors or working
21 under the supervision of a licensed veterinarian;
- 22 (B) A member of the faculty, a resident, an intern, or a graduate student of an
23 accredited college or school of veterinary medicine or school of veterinary technology
24 performing his or her regular clinical or nonclinical functions or a person lecturing or
25 giving instructions or demonstrations at an accredited college or school of veterinary
26 medicine or school of veterinary technology in connection with a continuing education
27 course or seminar; or
- 28 (C) A graduate of a foreign college or school of veterinary medicine who is in the
29 process of obtaining the ECFVG or PAVE certificate or substantial equivalent
30 performing duties or actions under the direct supervision of a licensed veterinarian;
- 31 (3) Any person, compensated or otherwise, from performing current acceptable livestock
32 and food animal management practices, including, but not limited to, castration of food
33 animals, dehorning without the use of prescription drugs or surgical closure of wounds,
34 hoof trimming or shoeing, docking, ear notching, removing needle teeth, testing for
35 pregnancy, implantation of over-the-counter growth implants, implantation of
36 over-the-counter identification devices, artificial insemination, the use of federally
37 approved over-the-counter products, veterinary approved products, branding, collecting
38 of fluids for genetic identification and classification, semen and embryo collection and
39 storage, and the use of ultrasound for collection of production data and similar
40 nondiagnostic purposes;
- 41 (4) Any person assisting with a nonsurgical fetal delivery in a food animal, provided that
42 no fee is charged;

- 43 (5) The actions of a veterinarian who is currently licensed in another state, province of
44 Canada, or a United States territory in consulting with a licensed veterinarian but who:
- 45 (A) Does not open an a veterinary office or appoint a place to do veterinary business
46 within this state;
- 47 (B) Does not print or use letterhead or business cards reflecting in-state addresses;
- 48 (C) Does not establish answering services or advertise the existence of a veterinary
49 practice address within this state;
- 50 (D) Does not practice veterinary medicine as a consultant rendering services directly
51 to the public without the direction of a licensed veterinarian more than two days per
52 calendar year;
- 53 (E) Is providing services for an organization conducting a public event lasting less than
54 ten days that utilizes animals in need of veterinary examinations, treatments, or
55 oversight to promote the safety and health of the public, the event, and the animal
56 participants; provided, however, that a veterinarian licensed in another state who
57 practices veterinary medicine on animals belonging to residents of this state by
58 communicating directly with such owners and independent of the attending veterinary
59 licensee is not exempt from this state's licensing requirements; and
- 60 (F) Does not offer through electronic means remote services within this state, except
61 for consulting, as otherwise permitted in this chapter;
- 62 (6)(A) Any merchant or manufacturer selling, at his or her regular place of business,
63 medicines, feed, appliances, or other products used in the prevention or treatment of
64 animal diseases. This shall not be construed to authorize the sale of medication
65 requiring a prescription from a veterinarian, but shall only include the right to sell those
66 medications which are classified as proprietary and which are commonly known as
67 over-the-counter medicines; and

68 (B) Subparagraph (A) of this paragraph shall not be construed to authorize the sale of
69 antimicrobial feed additives without an order from a veterinarian under the guidance
70 of the veterinary feed directive in compliance with 21 C.F.R. 558.6;

71 (7)(A) The owner of an animal or the owner's bona fide employees caring for and
72 treating the animal belonging to such owner;

73 (B) The owner's friend or relative caring for or treating the animal belonging to such
74 owner, provided that no fee is charged and the friend or relative does not solicit,
75 advertise, or regularly engage in providing such care or treatment or administer or
76 dispense prescription drugs without a valid prescription; or

77 (C) The owner of an animal and any of the owner's bona fide employees caring for and
78 treating the animal belonging to such owner, except where the ownership of the animal
79 was transferred for purposes of circumventing the provisions of this ~~chapter~~ article.
80 Persons ~~must~~ shall comply with all laws, rules, and regulations relative to the use of
81 medicines and biologics; provided, however, that such owner and any of such owner's
82 bona fide employees caring for and treating such animal shall not practice veterinary
83 medicine except as otherwise permitted under this Code section;

84 (8)(A) The owner, operator, or employee of a licensed kennel, animal rescue
85 organization, animal shelter, or stable or of a pet-sitting service providing food, shelter,
86 or supervision of an animal or administering prescription drugs pursuant to prescription
87 of a licensed veterinarian or over-the-counter medicine to an animal;

88 (B) Any person acting under the direct or indirect supervision of a licensed veterinarian
89 to provide care to animals that are the property of an animal shelter when ~~at least~~ the
90 following ~~three~~ conditions are met:

91 (i) The person is an employee of an animal shelter or a local government who has
92 control over the governance of the animal shelter;

93 (ii) The person is performing these tasks in compliance with a written protocol
94 developed in consultation with a licensed veterinarian; and

- 95 (iii) The person has received proper training; provided, however, that such persons
96 shall not diagnose, prescribe, dispense, or perform surgery;
- 97 (9) Any person selling or applying any pesticide, insecticide, or herbicide, as permitted
98 by law;
- 99 (10) Any person engaging in scientific research involving animals conducted in
100 accordance with federal, state, and local laws and regulations;
- 101 (11) Any licensed veterinary technician, veterinary technologist, or other employee of
102 a licensed veterinarian from performing lawful duties under the direction and supervision
103 of such veterinarian who shall be responsible for the performance of the employee;
- 104 (12) The owner of an animal, the owner's employee, or a member of a nationally
105 recognized organization that acknowledges persons performing embryo transfer or
106 artificial breeding and that is approved by the board from:
- 107 (A) The nonsurgical removal of an embryo from an animal for the purpose of
108 transplanting such embryo into another female animal, cryopreserving such embryo, or
109 implanting such embryo in an animal, provided that the use of prescription medications
110 in such animals is maintained under the direction of a licensed veterinarian with a valid
111 veterinarian-client-patient relationship; or
- 112 (B) The testing and evaluation of semen;
- 113 (13) Any other licensed or registered ~~health-care~~ healthcare provider utilizing his or her
114 special skills, or any person whose expertise, in the opinion of the licensed veterinarian
115 ~~licensed in this state~~, would benefit the animal, so long as the treatment of the animal is
116 under the direction of a licensed veterinarian with a valid veterinarian-client-patient
117 relationship;
- 118 (14) A person performing soft tissue animal massage or other forms of soft tissue animal
119 manipulation;
- 120 (15) A person performing aquaculture or raniculture management practices;
- 121 (16) A person implanting electronic identification devices in small companion animals;

- 122 (17) An employee or contractual partner of a zoological park or aquarium accredited by
 123 the ~~American Zoo and Aquarium~~ Association of Zoos and Aquariums or other
 124 substantially equivalent nationally recognized accrediting agency as determined by the
 125 board from performing his or her duties that are approved by a licensed veterinarian and
 126 relate to animals owned by or on loan to such zoological park or aquarium;
- 127 (18) Any person lawfully engaged in the art or profession of farriery for the care of
 128 hooves and feet of equines and livestock;
- 129 (19) Any veterinarian licensed by a state and serving as a volunteer health practitioner
 130 as such term is defined in Code Section 38-3-161 from providing service after a state of
 131 emergency has been declared pursuant to Code Section 38-3-51 or other applicable law
 132 or laws; ~~or~~
- 133 (20) Any veterinarian licensed by a state from practicing veterinary medicine in a
 134 temporary capacity at one of this state's institutions of higher learning. Such veterinarian
 135 shall be paid for his or her services solely from state, federal, or institutional funds. Such
 136 veterinarian shall practice solely at the institution of higher learning, or in an educational
 137 or research program outside the institution associated with the institution, for no more
 138 than six months in order to qualify for practice under this Code section. Any violation
 139 of state or federal laws, rules, or regulations by such veterinarian shall be reported to the
 140 applicable licensing board by the institution of higher learning."

141 **SECTION 2.**

142 Said part is further amended by adding a new Code section to read as follows:

143 "43-50-44.1.

144 (a) As used in this Code section, the term:

145 (1) 'Shelter medicine' means veterinary practices used to manage the health of
 146 populations of animals handled by municipal animal shelters and private animal welfare
 147 or adoption agencies.

148 (2) 'Sterilization services' means procedures that meet or exceed veterinary medical
149 standards of care in providing sterilization of dogs, cats, and pet rabbits.

150 (b)(1) No later than December 31, 2024, the board shall adopt rules and regulations
151 implementing a process by which the holder of an active veterinary license or veterinary
152 technician license from another state, in good standing in such state, may qualify for a
153 one-time, six-month temporary license, license by endorsement, or a combination thereof,
154 for practice in government or nonprofit shelter medicine, nonprofit sterilization clinics,
155 or nonprofit mobile sterilization programs registered with this state. Such process shall
156 include the issuance of a license to an applicant based upon such applicant:

157 (A) Holding a license from another state for which the training, experience, and testing
158 substantially meet or exceed the requirements of this state to obtain a license; and

159 (B) Obtaining a specialty, certification, training, or other experience while employed
160 in another state which substantially meets or exceeds the requirement to obtain a license
161 in this state.

162 (2) The board shall conduct periodic reviews of its rules and regulations adopted
163 pursuant to paragraph (1) of this subsection.

164 (c) The holder of an active veterinary license or veterinary technician license from another
165 state who is employed by a nonprofit or for-profit entity not registered in this state, and
166 who provides mobile sterilization services in Georgia under such entity, is ineligible for a
167 temporary license provided for in subsection (b) of this Code section."

168 **SECTION 3.**

169 All laws and parts of laws in conflict with this Act are repealed.