

SENATE BILL 32

M4

11r1058

By: **Senator Reilly**

Introduced and read first time: January 17, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Practice of Veterinary Medicine – Exclusions**

3 FOR the purpose of adding trimming and maintaining horse hooves by a farrier or a
4 certain person to the list of activities that are excluded from the definition of the
5 practice of veterinary medicine; and generally relating to the practice of
6 veterinary medicine in the State.

7 BY repealing and reenacting, without amendments,
8 Article – Agriculture
9 Section 2–301(a) and (f)
10 Annotated Code of Maryland
11 (2007 Replacement Volume and 2010 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Agriculture
14 Section 2–301(g)
15 Annotated Code of Maryland
16 (2007 Replacement Volume and 2010 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Agriculture**

20 2–301.

21 (a) In this subtitle the following words have the meanings indicated.

22 (f) “Practice of veterinary medicine” includes, but is not limited to, the
23 practice by any person who:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Diagnoses, advises, prescribes, or administers a drug, medicine,
2 biological product, appliance, application, or treatment of any nature, for the
3 prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal;

4 (2) Performs a surgical operation, including cosmetic surgery, upon
5 any animal;

6 (3) Performs dentistry on any animal;

7 (4) Performs any manual procedure upon an animal for the diagnosis
8 or treatment of sterility or infertility of the animal;

9 (5) Represents himself as engaged in the practice of veterinary
10 medicine;

11 (6) Offers, undertakes, or holds himself out as being able to diagnose,
12 treat, operate, vaccinate, or prescribe for any animal disease, pain, injury, deformity,
13 or physical condition; or

14 (7) Uses any words, letters, or titles in connection or under
15 circumstances as to induce the belief that the person using them is engaged in the
16 practice of veterinary medicine. This use is prima facie evidence of the intention to
17 represent himself as engaged in the practice of veterinary medicine.

18 (g) The term “practice of veterinary medicine” does not include or apply to:

19 (1) Any person practicing veterinary medicine in the performance of
20 civil or military official duties in the service of the United States or of the State;

21 (2) Experimentation and scientific research of biological chemists or
22 technicians engaged in the study and development of methods and techniques, directly
23 or indirectly related or applicable to the problems of the practice of veterinary
24 medicine;

25 (3) A person who advises with respect to or performs acts which the
26 Board, by rule or regulation, has prescribed as accepted management practices in
27 connection with livestock production;

28 (4) A physician licensed to practice medicine in the State or to his
29 assistant while engaged in educational research;

30 (5) A person administering to the ills and injuries of his own animals
31 if they otherwise comply with all laws, rules and regulations relative to the use of
32 medicines and biologics;

1 (6) A farrier or a person actively engaged in the art or profession of
2 horseshoeing as long as his actions are limited to the art of horseshoeing [only] **OR**
3 **TRIMMING AND MAINTAINING HORSE HOOVES;**

4 (7) Any nurse, attendant, technician, intern, or other employee of a
5 licensed and registered veterinarian when administering medication or rendering
6 auxiliary or supporting assistance under the responsible direct supervision of a
7 licensed and registered veterinarian;

8 (8) A person who floats (files) equine teeth or removes caps;

9 (9) A person who scales or cleans animal teeth;

10 (10) Except as otherwise provided by regulations adopted by the Board,
11 a veterinary technician when performing the following procedures under the
12 responsible direct supervision of a veterinary practitioner:

13 (i) Anesthesia induction by inhalation or intravenous injection
14 if the veterinary practitioner is able to maintain direct visual contact of the veterinary
15 technician's performance of the procedure;

16 (ii) Anesthesia induction by intramuscular injection;

17 (iii) Application of casts and splints;

18 (iv) Dental extractions; and

19 (v) Suturing of existing surgical skin incisions;

20 (11) A person practicing acupuncture in accordance with the principles
21 of oriental medical theories if the person:

22 (i) Is licensed under Title 1A of the Health Occupations Article;

23 (ii) Is certified as an animal acupuncturist by the Board of
24 Acupuncture;

25 (iii) Practices only acupuncture, acupressure, and moxibustion;

26 (iv) Cooperates and consults with a veterinary practitioner by:

27 1. Beginning acupuncture treatment on an animal only
28 if the animal has been seen by a veterinary practitioner within the previous 14 days;

29 2. Adhering to the terms and conditions of treatment
30 decided by the veterinary practitioner, including the degree of communication and

1 collaboration between the veterinary practitioner and the person practicing
2 acupuncture;

3 3. Reporting to the veterinary practitioner at the end of
4 treatment or at monthly intervals, at the discretion of the veterinary practitioner; and

5 4. Not working on an animal for which the person has
6 not been appropriately trained, in accordance with regulations adopted by the Board of
7 Acupuncture; and

8 (v) Has successfully completed a specialty training program in
9 animal acupuncture that:

10 1. Is approved by the Board of Acupuncture;

11 2. Is offered by a school holding nationally recognized
12 accreditation;

13 3. Consists of at least 135 hours; and

14 4. Enables the person to:

15 A. Design effective treatments of animals based on
16 traditional acupuncture theories and principles, including appropriate knowledge of
17 functional animal anatomy and physiology;

18 B. Handle and restrain animals to the extent
19 appropriate in the practice of acupuncture;

20 C. Demonstrate sufficient knowledge of animal diseases
21 and zoonoses that would require the immediate attention of a veterinary practitioner;
22 and

23 D. Communicate effectively with a veterinary
24 practitioner;

25 (12) A veterinarian licensed in another jurisdiction while consulting
26 with a veterinary practitioner in this State; or

27 (13) A student of veterinary medicine practicing veterinary medicine
28 who has successfully completed 3 years of veterinary education at an institution
29 approved by the Board and who works under the responsible direct supervision, as
30 defined by the Board, of a veterinary practitioner.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2011.