

# SENATE BILL 32

M4

1lr1058

---

By: **Senator Reilly**

Introduced and read first time: January 17, 2011

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable

Senate action: Adopted

Read second time: February 8, 2011

---

## CHAPTER \_\_\_\_\_

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.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

2 (f) "Practice of veterinary medicine" includes, but is not limited to, the  
3 practice by any person who:

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

7 (2) Performs a surgical operation, including cosmetic surgery, upon  
8 any animal;

9 (3) Performs dentistry on any animal;

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

12 (5) Represents himself as engaged in the practice of veterinary  
13 medicine;

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

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

21 (g) The term "practice of veterinary medicine" does not include or apply to:

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

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

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

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

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

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

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

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

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

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

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

19                   (ii) Anesthesia induction by intramuscular injection;

20                   (iii) Application of casts and splints;

21                   (iv) Dental extractions; and

22                   (v) Suturing of existing surgical skin incisions;

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

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

26                   (ii) Is certified as an animal acupuncturist by the Board of  
27 Acupuncture;

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

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

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

1                                   2.     Adhering to the terms and conditions of treatment  
2 decided by the veterinary practitioner, including the degree of communication and  
3 collaboration between the veterinary practitioner and the person practicing  
4 acupuncture;

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

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

10                               (v)    Has successfully completed a specialty training program in  
11 animal acupuncture that:

12                                   1.     Is approved by the Board of Acupuncture;

13                                   2.     Is offered by a school holding nationally recognized  
14 accreditation;

15                                   3.     Consists of at least 135 hours; and

16                                   4.     Enables the person to:

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

20                                   B.     Handle and restrain animals to the extent  
21 appropriate in the practice of acupuncture;

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

25                                   D.     Communicate effectively with a veterinary  
26 practitioner;

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

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

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.