

**EHB 1334**

**THE STATE SENATE**  
**Wednesday, March 30, 2005**

**ENGROSSED**

**House Bill No. 1334**

**As Amended**

ENGROSSED HOUSE BILL NO. 1334 - By: RICHARDSON and NANCE of the House and WYRICK of the Senate.

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 698.12, as amended by Section 3, Chapter 172, O.S.L. 2002, 698.16 and 698.22, as amended by Section 6, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2004, Sections 698.12 and 698.22), which relate to the Oklahoma Veterinary Practice Act; clarifying certain prohibited actions; modifying certain notice requirements; requiring veterinary technicians to renew registration; authorizing the State Board of Veterinary Medical Examiners to establish certain fee by rule; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.12, as amended by Section 3, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2004, Section 698.12), is amended to read as follows:

Section 698.12 The Oklahoma Veterinary Practice Act shall not be construed to prohibit:

- 1. Acts of dehorning, branding, tagging or notching ears, pregnancy checking, collecting semen, preparing semen, freezing semen, castrating, worming, vaccinating, injecting or artificial insemination of farm animals; or the acts or conduct of a person advising with respect to nutrition, feeds or feeding;

1           2. The owner of an animal or the owner's employees or helpers  
2 from caring for or treating animals belonging to the owner; provided  
3 that, the acts of the owner's employees or helpers otherwise  
4 prohibited by the Oklahoma Veterinary Practice Act are only an  
5 incidental part of the employment duties and for which no special  
6 compensation is made;

7           3. Acts of a person in lawful possession of an animal for some  
8 other purpose than practicing veterinary medicine; provided that, no  
9 charge may be made or included in any other charge or fee or  
10 adjustment otherwise made of any charge or fee for acts performed  
11 pursuant to this subsection unless the acts are performed by a  
12 licensed veterinarian as provided by the Oklahoma Veterinary  
13 Practice Act;

14           4. Acts of auction markets and other shippers of food animals  
15 in preparing such animals for shipment;

16           5. Acts of a person who is a student in good standing in a  
17 veterinary school, in performing duties or functions assigned by  
18 the student's instructors, or working under the direct supervision  
19 of a licensed veterinarian for each individual case and acts  
20 performed by an instructor or student in a school of veterinary  
21 medicine recognized by the Board and performed as a part of the  
22 educational and training curriculum of the school under the direct  
23 supervision of faculty. The unsupervised or unauthorized practice

1 of veterinary medicine even though on the premises of a school of  
2 veterinary medicine is prohibited;

3 6. Acts of any employee in the course of employment by the  
4 federal government or acts of a veterinarian practicing on property  
5 and persons outside the jurisdiction of the State of Oklahoma;

6 7. A veterinarian currently licensed in another state from  
7 consulting with a licensed veterinarian of this state;

8 8. Acts of vocational-agriculture instructors or students while  
9 engaged in regular vocational-agriculture instruction in programs  
10 approved by the Oklahoma Department of ~~Vocational~~ Career and  
11 ~~Technical~~ Technology Education; provided that said acts are  
12 performed on food animals and are under the supervision of  
13 instructors and are carried out in the usual course of instruction  
14 and not as independent practice by an unlicensed veterinarian  
15 without supervision;

16 9. Any person employed by a licensed veterinarian who is  
17 assisting with the professional duties of the licensed veterinarian  
18 and who is under the direct supervision of the licensed veterinarian  
19 from administering medication or rendering auxiliary or supporting  
20 assistance under the direct supervision of such licensed  
21 veterinarian, provided that the practice is conducted in compliance  
22 with all laws of this state and rules of this Board;

1        10. Any chiropractic physician licensed in this state who is  
2 certified by the Board of Chiropractic Examiners to engage in animal  
3 chiropractic diagnosis and treatment from practicing animal  
4 chiropractic diagnosis and treatment; or

5        11. Any chiropractic physician licensed in this state who is  
6 not certified to practice animal chiropractic diagnosis and  
7 treatment by the Board of Chiropractic Examiners from providing  
8 chiropractic treatment to an animal referred to such chiropractic  
9 physician by a licensed veterinarian.

10        SECTION 2.        AMENDATORY        59 O.S. 2001, Section 698.16, is  
11 amended to read as follows:

12        Section 698.16 A. 1. Any animal except domestic animals as  
13 such term is defined in Section 85.1 of Title 4 of the Oklahoma  
14 Statutes placed in the custody of a licensed veterinarian for  
15 boarding, treatment or any other such reason which is abandoned by  
16 its owner, the owner's agent, or any other person for a period of  
17 more than ~~ten (10)~~ three (3) days after written notice, by  
18 registered or certified mail, return receipt requested, is ~~given~~  
19 **sent** to the owner or the owner's agent at the last-known address of  
20 the owner or the owner's agent, shall be deemed abandoned and may be  
21 sold or turned over to the custody of the nearest humane society,  
22 dog pound, or animal shelter in the area for disposal as deemed  
23 proper by the humane society, dog pound or animal shelter. If no

1 humane society, dog pound or animal shelter is available in the  
2 county, the animal may be disposed of in a humane manner or sold by  
3 the licensed veterinarian or the sheriff of the county.

4 2. Any animal except domestic animals as such term is defined  
5 in Section 85.1 of Title 4 of the Oklahoma Statutes placed in the  
6 custody of a licensed veterinarian for, but not limited to,  
7 boarding, treatment, or any other care, which is abandoned by an  
8 anonymous individual for a period of more than ~~ten (10)~~ three (3)  
9 days, shall be deemed to be abandoned and may be sold or turned over  
10 to the custody of the nearest humane society or dog pound or animal  
11 shelter in the area for disposal as deemed proper by the humane  
12 society, dog pound or animal shelter. If no humane society, dog  
13 pound or animal shelter is available in the county, the animal other  
14 than domestic animal may be disposed of in a humane manner or sold  
15 by the licensed veterinarian or sheriff of the county.

16 B. Any domestic animal as such term is defined by Section 85.1  
17 of Title 4 of the Oklahoma Statutes placed in the custody of a  
18 licensed veterinarian for boarding, treatment or any other reason  
19 which is abandoned by the owner, the owner's agent or by an  
20 anonymous individual may be disposed of as required for estrays  
21 pursuant to Chapter 4 of Title 4 of the Oklahoma Statutes.

22 C. 1. Compliance with the notice provisions of this section by  
23 the licensed veterinarian or the disposal of an animal pursuant to

1 subsection B of this section, as provided in subsection A of this  
2 section, shall relieve the licensed veterinarian and any custodian  
3 to whom such animal may be given of any further liability for  
4 disposal.

5 2. Such procedure by a licensed veterinarian shall not  
6 constitute grounds for disciplining pursuant to the Oklahoma  
7 Veterinary Practice Act.

8 3. Compliance with this section shall relieve the veterinarian  
9 from liability for such disposal or sale.

10 SECTION 3. AMENDATORY 59 O.S. 2001, Section 698.22, as  
11 amended by Section 6, Chapter 172, O.S.L. 2002 (59 O.S. Supp. 2004,  
12 Section 698.22), is amended to read as follows:

13 Section 698.22 A. The State Board of Veterinary Medical  
14 Examiners shall examine a candidate for certification as a  
15 veterinary technician. A candidate for examination shall pay to the  
16 secretary of the Board a reasonable fee established by rule of the  
17 Board and shall furnish satisfactory proof of graduation from a  
18 program of veterinary technology accredited by the American  
19 Veterinary Medical Association and approved by the Board.

20 B. The provisions of the Oklahoma Veterinary Practice Act shall  
21 not require a licensed veterinarian to hire a registered veterinary  
22 technician nor prohibit a licensed veterinarian from employing a  
23 veterinary assistant. Licensed veterinarians may delegate animal

1 care responsibilities to employees commensurate with their training,  
2 experience, and skills.

3 C. On or before July 1 of each year, every registered  
4 veterinary technician shall apply to the State Board of Veterinary  
5 Medical Examiners for a renewal certificate of registration.  
6 Completion of the renewal certificate will permit the veterinary  
7 technician to be registered in Oklahoma during the next fiscal year.  
8 Forms for the renewal registration shall be furnished by the Board.  
9 Each renewal application shall be accompanied by a renewal fee in an  
10 amount to be established by the Board by rule.

11 SECTION 4. This act shall become effective November 1, 2005.

12 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND LABOR, dated 3-28-05  
13 - DO PASS, As Amended.