

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 452

By: Schulz and Sweeden of the
Senate

3
4 and

Armes of the House

5
6
7 (Oklahoma Department of Agriculture, Food, and

8 Forestry - policy - codification -

9 emergency)

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12 AUTHORS: Add the following House Coauthors: McMullen and Fields

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

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15 "An Act relating to livestock; amending 59 O.S. 2001,
16 Section 698.12, as last amended by Section 1,
Chapter 172, O.S.L. 2005 (59 O.S. Supp. 2008,
17 Section 698.12), which relates to the Oklahoma
Veterinary Practice Act; modifying acts not
18 prohibited; providing for certain acts relating to
livestock to be lawful; specifying certain
19 limitation; providing for codification; and
declaring an emergency.

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22 SECTION 1. AMENDATORY 59 O.S. 2001, Section 698.12, as
23 last amended by Section 1, Chapter 172, O.S.L. 2005 (59 O.S. Supp.
24 2008, Section 698.12), is amended to read as follows:

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

3 1. Acts of animal husbandry including but not limited to
4 dehorning, branding, tagging or notching ears, pregnancy checking,
5 collecting semen, preparing semen, freezing semen, castrating,
6 worming, vaccinating, injecting or artificial insemination of farm
7 animals, trimming or shoeing hooves; or the acts or conduct of a
8 person advising with respect to nutrition, feeds or feeding;

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

15 3. Acts of a person in lawful possession of an animal for some
16 other purpose than practicing veterinary medicine; provided that, no
17 charge may be made or included in any other charge or fee or
18 adjustment otherwise made of any charge or fee for acts performed
19 pursuant to this subsection unless the acts are performed by a
20 licensed veterinarian as provided by the Oklahoma Veterinary
21 Practice Act;

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

1 5. Acts of a person who is a student in good standing in a
2 veterinary school, in performing duties or functions assigned by
3 the student's instructors, or working under the direct supervision
4 of a licensed veterinarian for each individual case and acts
5 performed by an instructor or student in a school of veterinary
6 medicine recognized by the Board and performed as a part of the
7 educational and training curriculum of the school under the direct
8 supervision of faculty. The unsupervised or unauthorized practice
9 of veterinary medicine even though on the premises of a school of
10 veterinary medicine is prohibited;

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

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

16 8. Acts of vocational-agriculture instructors or students while
17 engaged in regular vocational-agriculture instruction in programs
18 approved by the Oklahoma Department of Career and Technology
19 Education; provided that said acts are under the supervision of
20 instructors and are carried out in the usual course of instruction
21 and not as independent practice by an unlicensed veterinarian
22 without supervision;

23 9. Any person employed by a licensed veterinarian who is
24 assisting with the professional duties of the licensed veterinarian

1 and who is under the direct supervision of the licensed veterinarian
2 from administering medication or rendering auxiliary or supporting
3 assistance under the direct supervision of such licensed
4 veterinarian, provided that the practice is conducted in compliance
5 with all laws of this state and rules of this Board;

6 10. Any chiropractic physician licensed in this state who is
7 certified by the Board of Chiropractic Examiners to engage in animal
8 chiropractic diagnosis and treatment from practicing animal
9 chiropractic diagnosis and treatment;

10 11. Any chiropractic physician licensed in this state who is
11 not certified to practice animal chiropractic diagnosis and
12 treatment by the Board of Chiropractic Examiners from providing
13 chiropractic treatment to an animal referred to such chiropractic
14 physician by a licensed veterinarian; or

15 12. Any individual that is certified in animal massage therapy
16 and acquires liability insurance from engaging in animal massage
17 therapy after referral from a licensed veterinarian.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 21-1 of Title 2, unless there is
20 created a duplication in numbering, reads as follows:

21 A. The following acts shall be considered lawful acts for
22 purposes of caring for livestock: acts of animal husbandry including
23 but not limited to dehorning, branding, tagging or notching ears,
24 pregnancy checking, collecting semen, preparing semen, freezing

1 semen, castrating, worming, vaccinating, injecting or artificial
2 insemination of farm animals, trimming or shoeing hooves; or the
3 acts or conduct of a person advising with respect to nutrition,
4 feeds or feeding.

5 B. Nothing in this section shall be construed to authorize a
6 person to prescribe, administer, or dispense a controlled dangerous
7 substance in violation of the Oklahoma Veterinary Practice Act.

8 C. The State Board of Agriculture shall promulgate rules
9 necessary to carry out the purposes of this section.

10 SECTION 3. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval."

14 Passed the House of Representatives the 8th day of April, 2009.

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Presiding Officer of the House of
Representatives

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19 Passed the Senate the ____ day of _____, 2009.

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Presiding Officer of the Senate

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