



State Legislative Update

March 2021

This issue of the State Legislative Update includes select summaries of bills and regulations tracked by AVMA Division of State Advocacy during the month of March. For more information, please contact Mr. Cody Corcelius, Policy Analyst, AVMA Division of State Advocacy (wcorcelius@avma.org).

Enactments

The **North Dakota Veterinary Medical Association** championed ND SB 2140 which waives repayment requirements for individuals participating in the Professional Student Exchange Program (PSEP) in veterinary medicine who entered an agreement with the state board of higher education during the biennium beginning July 1, 2019, and ending June 30, 2021. Effective May 5, 2021, **Utah** (UT SB 114) will allow a licensed chiropractor certified by the American Veterinary Chiropractic Association to treat an animal without a veterinarian's referral. **West Virginia's** WV HB 2262 removes the requirement that a veterinarian must review the controlled substance monitoring database, effective May 31, 2021.

Declaw

Several state legislatures are considering bills that would ban the declawing of cats for anything other than medical purposes. New York is currently the only state with a statewide ban on declawing cats except for medical purposes. In **California**, CA SB 585 would prohibit a person from removing or disabling a cat's claws except when performed solely for a therapeutic purpose. The bill would require a veterinarian who determines a phalangectomy is necessary for a therapeutic purpose to file a written statement with the Veterinary Medical Board within 10 business days after performing the procedure. Likewise, **Nevada's** NV AB 209 would prohibit a person from removing or disabling the claws of a cat unless necessary to address the physical medical condition of a cat. Nevada's proposal would also require a veterinarian who determines the procedure is necessary to file a written statement with the Nevada State Board of Veterinary Medical Examiners stating the purpose for performing the procedure and providing the name and address of the owner, and provide a copy of the statement to the owner.

Liability

Legislation that would improve civil liability protection for veterinary professionals responding to emergency situations continues to gain popularity across the country, with bills introduced in **New Jersey** (NJ A 1643/S 715), **Ohio** (OH SB 130), **Rhode Island** (RI SB 482), and **Texas** (TX HB 2850).

NJ A 1643/S 715 would establish a Good Samaritan Law to provide immunity from civil liability for veterinarians or emergency responders who assist animals at the scene of an accident or emergency. OH SB 130 would make a veterinarian who renders emergency treatment without

compensation to an ill or injured animal not liable to the owner of the animal for any damages to the animal except in the case of gross negligence. During a period of a declared emergency, RI SB 482 would permit volunteer health practitioners, including veterinarians, and organizations from other states to provide medical and veterinary services and provide the volunteer health practitioners with limited immunity. TX HB 2850 would provide immunity from civil liability to a veterinarian, licensed veterinary technician, or certified veterinary assistant who provides veterinary care or treatment to an animal during a disaster.

Licensure

Bills in **Arkansas** (AR HB 1667), **Maine** (ME LD 1131/HP 809) and **Ohio** (OH SB 131/HB 203) would address recognition of occupational licenses from other states. AR HB 1667 would allow an applicant who has established residence in Arkansas and has had a license, in good standing, for at least one year to receive a license in Arkansas. ME LD 1131/HP 809 would require state licensing boards, including the veterinary medical board, to issue an occupational license to an applicant who meets certain requirements, including holding a similar license in another state for at least one year and being in good standing with the issuing board in the other state. And OH SB 131/HB 203 would add the requirement for the state veterinary medical board to issue a license to an applicant to practice veterinary medicine or for a veterinary technician if the applicant holds a license in another state or the applicant has satisfactory work experience, a government certification, or a private certification in a state that does not issue that license.

In **Texas**, TX HB 4181 would criminalize practicing veterinary medicine without a license as a felony.

Prescribing

In **Maine**, ME LD 799 (SP 71) would delay the implementation of the requirement that a veterinarian prescribe all benzodiazepine or opioid medications electronically until July 1, 2025.

Legislation in **Texas** (TX HB 4173) would prohibit pharmacists and licensing authorities from using a veterinarian's DEA registration number for a purpose other than a purpose described by federal law.

Taxes

Proposals to repeal or impose taxes affecting veterinary practice continue to be introduced.

New York's NY A 6585 would exempt services to board an animal when rendered by a veterinarian from sales and use taxes. Legislation in **Texas** (TX SB 1711) would include all veterinary services—including prescribed medications, artificial insemination, breeding services, boarding, training provided by a veterinarian or a person employed by a veterinarian, and medical tests performed on an animal or substances removed from an animal in connection with diagnosis or treatment—as a taxable service.

Animal Abuse Cruelty			
State	Link	Summary of Proposed Bill or Regulation	Status
Delaware	<u>DE HB 4</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require veterinarians to report a suspected or confirmed case of rabies to the department of agriculture within 12 hours; 2. Require those administering rabies vaccinations to be licensed veterinarians; 3. Require the licensed veterinarian administering the vaccine to complete a certificate specifying accurately the manufacturer's specifications of the duration of immunity of the rabies vaccination used and the date the animal needs to be revaccinated in accordance with the specific criteria of the Compendium or as mandated by Delaware state law; and, 4. Prohibit licensed veterinarians from vaccinating a native wild animal, mammal, hybrid, exotic mammal, or exotic mammal hybrid or another animal with a rabies vaccine not intended for use in that animal. 	Introduced 3/9/2021
Louisiana	<u>LA HB 231</u>	<p>Relative to dogs and other animals used in dogfighting, would:</p> <ol style="list-style-type: none"> 1. Require the appointment of a licensed veterinarian or other custodian to care for and assess the seized animals; 2. Require veterinarian or custodian to determine whether the animal is suitable for placement and take steps to rehome, including microchipping and sterilizing the animal; and, 3. Allow animals deemed as unsuitable pets and who have no owner to be euthanized in a humane manner after the hold period. 	Introduced 3/25/2021
Missouri	<u>MO HB 643</u>	Would provide immunity for veterinarians who report animal abuse.	Introduced 1/6/2021
New Jersey	<u>NJ A 2319</u>	Would specify that no owner or operator of an animal-related enterprise, including veterinary clinics, may employ or allow to volunteer a person who has been convicted of a criminal animal cruelty offense, and require actions to be taken to ensure such employment or volunteering does not occur.	Introduced 2/3/2021
New Jersey	<u>NJ S 3168</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require a veterinarian, veterinary technician, or any person who has reasonable cause to believe an animal has been subjected to an act of animal cruelty to report the suspected violation to the appropriate law enforcement officer; and 2. Provide civil and criminal immunity for a person who, in good faith, reports a suspected animal cruelty violation and a suspected violation of the standards or rules and regulations concerning domestic livestock. 	Introduced 11/9/2020
Texas	<u>TX HB 4330</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Require veterinarians to report suspected incidents of animal cruelty; and 2. Provide civil and criminal immunity in reporting, so long as reporting in good faith. 	Introduced 3/12/2021

Animal Disease Vaccination			
State	Link	Summary of Proposed Bill or Regulation	Status
Georgia	<u>GA SB 303</u>	Would require dogs of a commercial breeder to have an annual checkup by a veterinarian, be up to date on all vaccinations required by law and local ordinance and be given heartworm medication at such regular intervals as are required for prevention.	Introduced 3/18/2021

Iowa	IA HF 726	Would allow veterinary assistants to administer rabies vaccinations.	Introduced 3/3/2021
New Hampshire	NH SB 127	<p>Would:</p> <ol style="list-style-type: none"> 1. Establish an animal records database; 2. Require the veterinarian signing a health certificate to pay a fee not to exceed \$2 for each official health certificate submitted to the department of agriculture, markets, and food; 3. Require the veterinarian signing the health certificate wavier (if applicable) to pay a fee not to exceed \$2 for each official health certificate submitted to the department of agriculture, markets, and food; and 4. Require the veterinarian to enter the rabies vaccine certificate information electronically into the animal records database and generate a copy for the owner. 	Introduced 2/3/2021

Animal Shelters

State	Link	Summary of Proposed Bill or Regulation	Status
Colorado	CO HB 21-1160	Would clarify the standard of care that an animal shelter or pet animal rescue is required to provide each dog and cat held in its custody.	Introduced 3/3/2021
Louisiana	LA HB 177	Would authorize a student in a veterinary school performing duties or actions assigned by his instructors, or working under the direct supervision of a licensed veterinarian during a school vacation period, to also perform sterilizations on dogs or cats being sold or released through adoption by an animal shelter or animal control agency in the state.	Introduced 3/23/2021
Minnesota	MN SF 2207/MN HF 1852	Would prohibit the use of non-anesthetic gases in the euthanasia of pets or companion animals at private or public animal shelter, humane society, society for the prevention of cruelty to animals, animal control facility, or pound.	Introduced 3/22/2021

Appropriations

State	Link	Summary of Proposed Bill or Regulation	Status
North Carolina	NC HB 435	Would create a "Pet is Family" license plate. Money made from the plate would go to The Sergei Foundation, Inc., to be used to assist low income families in paying for veterinary care.	Introduced 3/29/2021

Companion Animals

State	Link	Summary of Proposed Bill or Regulation	Status
Missouri	MO HB 561	Would require any person licensed to manufacture or distribute pet food or specialty pet food to place a warning on any pet food or specialty pet food imported from or containing any feed ingredient imported from or produced in a foreign nation. The warning would read: "WARNING: Use of this product may cause serious injury to or the death of your pet."	Introduced 1/6/2021
New York	NY A 6560	Would require a veterinarian to disclose the cause of death to the department of agriculture and markets when companion animal's death is due to illness, disease, or congenital condition and the death occurs within six months of the owner obtaining the companion animal from a pet dealer.	Introduced 3/19/2021

Education			
State	Link	Summary of Proposed Bill or Regulation	Status
North Dakota	<u>ND SB 2140</u>	Would waive repayment requirements for individuals participating in the Professional Student Exchange Program (PSEP) in veterinary medicine, dentistry, or optometry who entered an agreement with the state board of higher education during the biennium beginning July 1, 2019, and ending June 30, 2021.	Enacted 3/23/2021

Emergency First Responders			
State	Link	Summary of Proposed Bill or Regulation	Status
New Jersey	<u>NJ A 1643</u> <u>NJ S 715</u>	Would establish a Good Samaritan Law to provide immunity from civil liability for veterinarians or emergency responders who assist animals at accident scene or emergency.	Introduced 1/14/2020
Ohio	<u>OH SB 130</u>	Would make a veterinarian who renders emergency treatment, without compensation, to an ill or injured animal, not liable to the owner of the animal for any damages to the animal except in the case of gross negligence.	Introduced 3/16/2021
Rhode Island	<u>RI SB 482</u>	Would provide that: 1. During a period of a declared emergency volunteer health practitioners, including veterinarians, and organizations from other states would be permitted to provide medical and veterinary services pursuant to rules and regulations promulgated by the director of the department of health; and, 2. Volunteer health practitioners would have limited immunity for acts or omissions while providing services, and the practitioners would be treated as state employees for workers' compensation purposes.	Introduced 3/4/2021
Texas	<u>TX HB 2850</u>	Would: 1. Provide immunity from civil liability to a veterinarian, licensed veterinary technician or certified veterinary assistant who in good faith and as a volunteer provides veterinary care or treatment to an animal during a disaster; and 2. Allow a veterinarian to share factual information in response to false information shared by a client or animal owner in a public forum so long as the veterinarian does not share personally identifiable information other than the full name of the client or owner.	Introduced 3/4/2021

Equine			
State	Link	Summary of Proposed Bill or Regulation	Status
California	<u>CA Amndt 1866</u>	Would: 1. Increase the time that a horse placed on the Veterinarian's List as unsound or lame may not work out, unless permitted by the veterinarian, from 72 hours to seven days; 2. Specify that a horse placed on the list as receiving a veterinary treatment of an intra-articular injection of a corticosteroid or of Extracorporeal Shock Wave Therapy may not work out for 10 or 30 days, respectively; 3. Require any horse placed on the list to undergo a veterinary examination prior to resuming training; and 4. Increase the number of days before a horse placed on the list as unsound or lame may be removed from the list, depending on the	Published 2/26/2021

		number of times the horse has been placed on the list in a 365-day period.	
Texas	TX HB 3132	Would permit a student of an equine dental provider certification program perform equine dentistry under the direct supervision of an active veterinarian in good standing.	Introduced 3/8/2021

Feral cats

State	Link	Summary of Proposed Bill or Regulation	Status
West Virginia	WV HB 2966	Would make it unlawful for a political subdivision or municipality to pass or enforce an ordinance that would allow feral cats to be trapped and killed. The capture and release of a feral cat by a TNR participant would still be permitted.	Introduced 3/8/2021

Licensure

State	Link	Summary of Proposed Bill or Regulation	Status
Arkansas	AR HB 1667	Would require the licensing board to issue an occupational license to an applicant who is a resident of Arkansas so long as the applicant meets certain requirements, including: <ol style="list-style-type: none"> 1. Licensed and in good standing in at least one other state; 2. Held the license for at least one year; and 3. Met the minimum education and work experience requirements. 	Introduced 3/9/2021
Maine	ME LD 1131 (HP 809)	Would require a licensing board to issue an occupational license for an applicant who meets certain requirements, including: <ol style="list-style-type: none"> 1. Holding a current and valid occupational license issued by a board in another state; 2. Holding the occupational license issued in the other state for at least one year; 3. Passing an examination or meeting education, training or experience standards by the issuing board in the other state which are substantially similar to those required in Maine; and 4. Being in good standing with the issuing board in the other state. 	Introduced 3/18/2021
Ohio	OH HB 203 OH SB 131	Would require the state veterinary medical licensing board to issue a license to an applicant to practice veterinary medicine or for a veterinary technician if either of the following applies: <ol style="list-style-type: none"> 1. The applicant holds a license in another state; or 2. The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the practice of veterinary medicine in a state that does not issue that license. 	Introduced 3/10/2021 Introduced 3/16/2021
Texas	TX HB 4181	Would criminalize practicing veterinary medicine without a license as a felony.	Introduced 3/12/2021

Livestock

State	Link	Summary of Proposed Bill or Regulation	Status
Texas	TX SB 1078	Would expand existing liability protection to include farm owners when participants, including employees and independent contractors, are participating in farm activities. Such activities would include providing animal health management activities like vaccination.	Introduced 3/5/2021

Malpractice Damages			
State	Link	Summary of Proposed Bill or Regulation	Status
Iowa	IA HF 746	Would establish a statute of limitations for recovery from injuries to a person or property from a licensed veterinarian from five years to two years.	Introduced 3/4/2021

Marijuana Cannabis Hemp			
State	Link	Summary of Proposed Bill or Regulation	Status
Illinois	IL HB 46	Would mandate that no person may knowingly allow an animal to ingest cannabis, including second-hand smoke, or cannabis-infused products in a way that results in the animal's sickness or death.	Introduced 1/13/2021
Oklahoma	OK HB 2179	Would provide for animal patient medical marijuana licenses.	Introduced 2/1/2021

Pharmaceuticals Prescription Drug Monitoring Program			
State	Link	Summary of Proposed Bill or Regulation	Status
Maine	ME LD 799 (SP 71)	Would delay the implementation of the requirement that a veterinarian prescribe all benzodiazepine or opioid medications electronically to July 1, 2025.	Introduced 3/5/2021
Rhode Island	RI SB 489	Would establish a process for the donation of unused medications for use by nonprofit, state and local facilities by owners of animals.	Introduced 3/4/2021
Texas	TX HB 4173	Would prohibit pharmacists and licensing authorities from using a veterinarian's DEA registration number for a purpose other than a purpose described by federal law.	Introduced 3/12/2021
West Virginia	WV HB 2028	Would exempt veterinarians from the requirements of controlled substance monitoring.	Introduced 3/19/2021
West Virginia	WV HB 2262	Would remove the requirement that a veterinarian review the controlled substance monitoring database.	Enacted 3/11/2021

Scope of Practice			
State	Link	Summary of Proposed Bill or Regulation	Status
California	CA SB 585	Would: <ol style="list-style-type: none"> Prohibit a person from removing or disabling a cat's claws by performing a declawing procedure, as defined, except when a phalangectomy is performed solely for a therapeutic purpose and must be performed by a licensed veterinarian; and, Require a veterinarian, on or before 10 business days after performing phalangectomy, shall file a written statement, including the corresponding independent laboratory pathology report confirming the pathology, with the Veterinary Medical Board. 	Introduced 2/18/2021
Nevada	NV AB 209	Would: <ol style="list-style-type: none"> Prohibit a person from removing or disabling the claws of a cat by performing certain procedures unless necessary to address the physical medical condition of the cat; Prohibit the removal or disabling of the claws of a cat for cosmetic, aesthetic or convenience reasons, and; Require a licensed veterinarian who determines that the removal or disabling of the claws of a cat is necessary to address a physical medical condition to file a written statement with the Nevada State Board of Veterinary Medical Examiners setting forth the 	Introduced 3/8/2021

		purpose for performing the procedure and providing the name and address of the owner or keeper of the cat and provide a copy of the statement to the owner or keeper of the cat.	
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Small Business

State	Link	Summary of Proposed Bill or Regulation	Status
Iowa	IA SF 483	Would preempt localities from prohibiting an animal enterprise or use of a working animal, including commercial or academic use of animals.	Introduced 3/2/2021

State Programs | Board of Veterinary Medicine

State	Link	Summary of Proposed Bill or Regulation	Status
Arizona	AZ Executive Order 2021-02	Would prohibit any rulemaking, including regular, expedited, emergency and exempt, whether informal or formal, without the prior written approval of the Governor.	Introduced 3/5/2021
New Jersey	NJ S 3513	Would require animal and veterinary facilities to register with the State Board of Veterinary Medical Examiners and to be inspected by the board on an annual basis.	Introduced 3/9/2021
Texas	TX SB 981	Would require the State Board of Veterinary Medical Examiners to provide a copy of a complaint to the subject of the complaint.	Introduced 3/3/2021

Taxes: Credits | Exemptions | Sale & Use

State	Link	Summary of Proposed Bill or Regulation	Status
New York	NY A 6585	Would exempt services provided to board an animal when rendered by a veterinarian from sales and use taxes.	Introduced 3/19/2021
Texas	TX SB 1711	Would add veterinary services, including prescribed medications, artificial insemination, breeding services, boarding, training provided by a veterinarian or a person employed by a veterinarian, and medical tests performed on an animal or substances removed from an animal in connection with diagnosis or treatment, to the sales tax.	Introduced 3/11/2021

Veterinarian-Client-Patient Relationship | Telemedicine

State	Link	Summary of Proposed Bill or Regulation	Status
California	CA File 2020-1230-01	Would: <ol style="list-style-type: none"> Amend veterinarian client-patient relationships (VCPRs) to establish that when the original veterinarian is absent, the VCPR may continue to exist in the absence of client communication when the designated veterinarian serves at the same location where the medical records are kept; Establish that without a VCPR, prescribing, dispensing, or furnishing dangerous drugs constitutes unprofessional conduct; and Allow a veterinarian during an emergency in the absence of the treating veterinarian to prescribe, dispense, or furnish drugs to maintain the health of the animal until it can return to the originally treating veterinarian. 	Published 2/26/2021
Hawaii	HI HB 472	Would not revoke or suspend the license of any veterinarian or fine any veterinarian solely because the veterinarian engaged in telehealth without a previously existing veterinarian-client-patient relationship or physical examination of the patient.	Introduced 1/25/2021

Nevada	<u>NV AB 200</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Prohibit the practice of veterinary medicine except within the context of a veterinarian-client-patient relationship except in certain circumstances; 2. Authorize a veterinarian to supervise a veterinary technician via veterinary telemedicine under certain circumstances; 3. Revise which acts constitute the practice of veterinary medicine; and 4. Establish certain licensing requirements for the use of veterinary telemedicine. 	Introduced 3/4/2021
West Virginia	<u>WV HB 2968</u>	Would allow veterinarians to use telehealth or telemedicine to diagnose and treat animals with which they have a previously existing veterinarian-client-patient relationship.	Introduced 3/8/2021

Wildlife | Zoo Animals

State	Link	Summary of Proposed Bill or Regulation	Status
Missouri	<u>MO 3 CSR 10-9.359</u>	Would require wildlife breeders possessing some species of deer to complete annual herd inventory and records in the presence of, and signed by, an accredited veterinarian.	Published 3/1/2021