



State Legislative Update

May/June 2022

This issue of the State Legislative Update includes select summaries of bills and regulations tracked by the AVMA and introduced in May and June. For more information, please contact [Cody Corcelius](#), policy analyst.

Liability

A new law in **Louisiana** ([LA HB 842](#)) provides immunity from civil and criminal liability for veterinarians and veterinary technicians who report animal cruelty in good faith.

Personhood fights for animals

A long-awaited opinion was finally rendered in the Happy the Elephant case. The AVMA and NYSVS filed an amicus brief in this case that was before the **New York** Court of Appeals, the highest court in New York. The court ruled that the ancient writ of habeas corpus only applies to human beings and provides a means to secure release from illegal custody. The petitioner argued that Happy the Elephant was entitled to the writ because elephants have higher cognitive abilities than most animals. The court rejected that argument stating, "Because the writ of habeas corpus is intended to protect the liberty right of human beings to be free of unlawful confinement, it has no applicability to Happy, a nonhuman animal who is not a 'person' subjected to illegal detention." The court also stated, "Nonhuman animals are not, and never have been, considered 'persons' with a right to liberty" The court recognized that a ruling characterizing animals as persons would have "an enormous destabilizing impact on modern society." Lastly, the court found that "Granting legal personhood to a nonhuman animal in such a manner would have significant implications for the interactions of humans and animals in all facets of life, including risking the disruption of property rights, the agricultural industry (among others), and medical research efforts. Indeed, followed to its logical conclusion, such a determination would call into question the very premises underlying pet ownership, the use of service animals, and the enlistment of animals in other forms of work." This decision is in step with past precedence and a great decision for the profession.

Loan repayment programs

Legislation in **Arizona** ([AZ HB 2864](#)/[AZ SB 1731](#)) would establish the Arizona Veterinary Loan Assistance Program and require a recipient of the program to remain and work as a full-time veterinarian in Arizona for four years in agricultural practice in an area designated by the USDA as having a shortage, or in a nonprofit, county, or municipal shelter. Meanwhile, **Delaware's** [DE HB 403](#) would require recipients of financial assistance from the Delaware Institute of Veterinary Medicine to practice veterinary medicine in Delaware for at least 2 years upon graduation.

Non-economic damages

In **Delaware**, [DE SB 258](#) would have allowed for non-economic damages to be considered in cases involving tortious injury or death to a person's pet. The AVMA testified alongside the **Delaware Veterinary Medical Association** and other coalition stakeholders to oppose the provisions that would have allowed up to \$15,000 for the owner's emotional trauma, pain, and

suffering. As a result, the bill was amended to remove the egregious provisions, which was a significant win for the profession. It has now passed through both chambers and awaits action by the governor.

Prescription monitoring program

New Jersey’s [NJ A 4185](#) would expand the state’s prescription monitoring program to include veterinarians.

Proposed rules in **New Hampshire** ([Vet 1000](#)) would add requirements for veterinarians who prescribe opioids to patients, including querying the prescription drug monitoring program (PDMP). Veterinarians would be required to conduct a risk assessment to determine whether a patient is a medically appropriate candidate for a schedule II, III, or IV opioid; establish and document a pain treatment plan that includes the lowest effective dosage of opioids for the fewest days possible as well as consideration of non-pharmacological modalities and non-opioid therapy; and document informed consent of the owner. Provisions also would limit the prescribing of opioids for acute pain to no more than 14 days.

Veterinarian-client-patient relations (VCPR) / Telemedicine

Championed by the **Hawaii Veterinary Medical Association** and supported by the AVMA, a new law ([HI SB 2798](#)) defines a veterinarian-client-patient relationship (VCPR), which requires a physical examination or timely and medically appropriate visits to the premises where the animal patient is kept. Provisions also establish parameters for the use of veterinary telemedicine; authorize the veterinary medical board to grant temporary courtesy and relief permits for out-of-state veterinarians; and allow for international veterinary school graduates to qualify for the licensure examination.

Veterinary technicians

In **Colorado**, [CO HB 22-1235](#) was finalized after significant efforts by the **Colorado Veterinary Medical Association**. A review required by statute, this legislation took recommendations from the Department of Regulatory Agencies and extended the practice act through September 1, 2033. New sections, such as providing for the licensure of veterinary technicians and authorizing individuals who are not licensed veterinarians to administer rabies vaccinations in certain settings, also were added.

Regulations in **Montana** ([MT 23-13-264](#)) have been introduced to provide for the licensure of veterinary technicians and establish licensure requirements. These rules implement Senate Bill 106, which becomes effective January 1, 2023.

Animal disease Vaccination			
State	Link	Summary of proposed bill or regulation	Status
Indiana	<u>Indiana State Board of Animal</u>	Would: 1. Add definition of "animal health professional," which includes veterinarians 2. Add egg drop syndrome virus (ESDV) to the reportable disease list	Proposed 5/25/2022

	Health 22-127	3. Require reporting of a listed disease to the state veterinarian within 24 hours of receiving the information. Currently, information must be reported within two business days.	
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Appropriations

State	Link	Summary of proposed bill or regulation	Status
Missouri	MO HB 3006	Would appropriate funds to the Veterinary Student Loan Payment Fund	Enacted 6/30/2022
Missouri	MO HB 3017	Would appropriate funds for the design and construction of a new veterinary laboratory at the University of Missouri	Enacted 6/30/2022

Education

State	Link	Summary of proposed bill or regulation	Status
Arizona	AZ HB 2864/ AZ SB 1731	Would: 1. Establish the Arizona Veterinary Loan Assistance Program within the Arizona Board of Regents 2. Require a recipient of the program to remain and work as a full-time veterinarian in Arizona for four years in agricultural practice in an area designated by the USDA as having a shortage, or in a nonprofit, county, or municipal shelter	Introduced 6/20/2022 Enacted 6/28/2022
Delaware	DE HB 403	Would require recipients of financial assistance from the Delaware Institute of Veterinary Medicine to practice veterinary medicine in Delaware for at least two years upon graduation	Introduced 5/5/2022

Liability

State	Link	Summary of proposed bill or regulation	Status
Louisiana	LA HB 842	Provides immunity from civil and criminal liability for veterinarians and veterinary technicians for the reporting of animal cruelty in good faith	Enacted 5/17/2022

Licensure

State	Link	Summary of Proposed Bill or Regulation	Status
Louisiana	LA LAC 46:LXXXV. 303 and 803	Would allow waiver eligibility for part-time veterinarians with respect to the NAVLE application requirement and waiver eligibility for part-time registered veterinary technicians with respect to the VTNE application requirement	Published 4/20/2022
New York	NY Unprofessional Conduct in the Practice of Veterinary Medicine	Would define unprofessional conduct for multi-veterinarian and solo veterinarian practices	Proposed 6/1/2022

Malpractice | Damages

State	Link	Summary of proposed bill or regulation	Status
Delaware	DE SS 1 for DE SB 258	Would allow, in cases of tortious injuries to a pet, the reasonable and necessary cost of veterinary care. Provisions allowing for non-economic damages (NED) were removed from the bill via a substitute bill	Engrossed 6/17/2022

Pharmaceuticals | Prescription drug monitoring program

State	Link	Summary of proposed bill or regulation	Status
New Hampshire	Vet 1000	Would require veterinarians prescribing opioids to: <ol style="list-style-type: none"> 1. Query the prescription drug monitoring program (PDMP) 2. Conduct a risk assessment to determine whether a patient is a medically appropriate candidate for a schedule II, III, or IV opioid 3. Establish and document a pain treatment plan for the patient that includes the lowest effective dosage of opioids for the fewest days possible as well as consideration of non-pharmacological modalities and non-opioid therapy 4. Document informed consent of the owner 5. Limit prescribing opioids for acute pain to no more than 14 days 	Proposed 5/18/2022
New Jersey	NJ A 4185	Would expand prescription monitoring program to include veterinarians	Introduced 5/27/2022

Scope of practice

State	Link	Summary of proposed bill or regulation	Status
New York	NY S 9445	Would ban surgical devocalization on dogs and cats unless performed to treat or relieve a physical illness, disease, or injury, or correct a congenital abnormality	Introduced 5/27/2022
Rhode Island	RI SB 2445	Would have prohibited the declawing of a cat or other animal, unless a licensed veterinarian had determined that the procedure is necessary for a therapeutic purpose	Sine-Die Failed 6/30/2022

State programs | Boards of veterinary medicine

State	Link	Summary of proposed bill or regulation	Status
Colorado	CO HB 22-1235	Following a required sunset review: <ol style="list-style-type: none"> 1. Creates a veterinary professional assistance program 2. Requires credit hours of practice act jurisprudence as part of veterinarians' continuing education program and permits veterinarians to take nonbiomedical courses which may include client communication, management, and leadership 3. Establishes regulation of veterinary technicians and adds two veterinary technicians to the state board of veterinary medicine 4. Authorizes a person who is not a licensed veterinarian to administer rabies vaccinations in a clinic setting under the direct supervision of a licensed veterinarian, or through the indirect supervision of a licensed veterinarian if the person is working on behalf of an animal shelter for shelter-owned animals 	Enacted 6/8/2022

Veterinarian-client-patient relationship Telemedicine			
State	Link	Summary of proposed bill or regulation	Status
Hawaii	<u>HI SB 2798</u>	<ol style="list-style-type: none"> 1. Defines a veterinarian-client-patient relationship (VCPR), including a physical examination or timely and medically appropriate visits to the premises where the animal patient is kept, to establish 2. Establishes parameters for veterinary telemedicine 3. Authorizes the veterinary medical board to grant temporary courtesy and relief permits for out-of-state veterinarians 4. Allows international veterinary school graduates to qualify for the licensure examination 	Enacted 6/17/2022

Veterinary technicians Veterinary assistants			
State	Link	Summary of proposed bill or regulation	Status
Montana	<u>MT 23-13-264</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Define “support personnel” as unlicensed personnel employed by a licensed veterinarian 2. Update fee schedules for veterinary technician applications and renewals 3. Require veterinary technicians to obtain 20 hours of continuing education over a 24-month period 4. Update the definition of “unprofessional conduct” to include failure to follow animal rabies prevention and control guidelines, dispensing or prescribing a VFD or a prescription drug without a valid VCPR, failure to adequately supervise LVTs and support personnel, failure to adequately follow the direction of a supervising veterinarian, going beyond scope of practice or permissible duties 5. Establish requirements for applicants for veterinary technician licensure 6. Establish duties technicians may perform under the immediate supervision of a licensed veterinarian 	Introduced 5/27/2022