

**Veterinary State Legislative
End of Year Report
December 24, 2008**

**American Veterinary Medical Association
Communications Division
State Legislative and Regulatory Affairs Department**

Animal Identification

Adopted

Several states this year adopted legislation authorizing the voluntary participation in an animal identification program. These include Indiana, through regulations of the Board of Animal Health, and Missouri and Nebraska, by way of legislation. In Rhode Island, the Department of Environmental Management implemented a program to ensure that sheep and goats moving interstate or intrastate are identified appropriately.

Introduced

A bill in Washington State proposed that the state could not establish or participate in the use of emerging technologies to create national animal identification lists or databases. This measure failed.

Animal Welfare

(see also Horse Welfare)

Animal welfare continued to be a hot issue around the country. From increasing penalties for animal cruelty, to tethering laws, to transportation and shelter issues, there was no shortage of bills designed to protect the welfare of all types of animals including dogs, cats, horses and livestock.

Adopted

Hawaii SB 3203 makes it a misdemeanor to hoard pet animals without necessary sustenance and under conditions deleterious to the health and well-being of the animals and the owner.

New York HB 10343 prohibits the confinement of animals in a car in extreme temperatures without proper ventilation and gives law enforcement officers the right to remove an animal when the owner cannot be located. Similarly, in Maine, HB 1545 allows a law enforcement officer, humane agent or animal control officer to take all reasonable steps necessary to remove an animal from a motor vehicle if the animal's

safety, health or well-being appears to be in immediate danger from heat, cold or lack of adequate ventilation.

New Hampshire HB 1143 establishes penalties for failure to provide outdoor dogs with necessary shelter, including allowing the dog to remain clean and dry, with adequate air circulation.

Nebraska LB 764 prohibits the intentional tripping, causing to fall or dragging of a bovine by its tail by any means for the purpose of entertainment, sport, practice or contest.

West Virginia SB 305 allows custody to be granted to a humane officer who takes possession of an animal known or believed to be abandoned or neglected, after a hearing.

Oklahoma SB 1463 prohibits computer-assisted remote hunting of animals and birds.

Massachusetts HB 5006 prohibits an individual from engaging in the business of leasing or renting dogs. Voters in that state also approved a ballot initiative that will ban greyhound racing by 2010, closing the two greyhound tracks in Massachusetts.

Introduced

Several other states introduced legislation relating to animal welfare this year that did not reach final adoption. An Arizona bill would have prohibited animal testing if alternative methods exist. California and Virginia would have prohibited a person from driving with an animal on his or her lap. A New York bill would have required training in the humane treatment of animals before receiving a teaching certificate and West Virginia introduced bills which would have given humane officers the authority to take possession of any animal believed to be abandoned, neglected or deprived of necessary sustenance, shelter, medical care or reasonable protection from fatal freezing or heat exhaustion.

In addition, Wyoming introduced draft legislation that would establish a pet animal board consisting of seven members, including a representative of an animal welfare agency and a small animal veterinarian. The pet animal board would exercise general supervision over and protect pet animal interests of the state from disease, abuse, neglect and welfare, and would recommend legislation as it deemed necessary. The bill would also provide for the protection and treatment of impounded pet animals.

Animal Cruelty

Adopted

In Colorado, HB 1308 makes it a Class 6 felony to knowingly, recklessly or with criminal negligence cause serious physical harm to an assistance dog or service animal.

Kentucky SB 58 makes torture of a dog or cat a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense if the dog or cat suffers

physical injury or death as a result of the torture. In South Carolina, HB 4921 makes torturing, mutilating, injuring, disabling, poisoning or killing a police dog or horse a felony. Finally, Alaska HB 307 states that a person commits cruelty to animals if the person knowingly kills or injures an animal with the intent to intimidate, threaten or terrorize another person.

Nebraska LB 1055 provides that a sentencing court shall order a person convicted of a Class IV felony not to own, possess or reside with any animal for at least five years after the date of conviction. The provision is optional, not mandatory, for persons convicted of a Class I misdemeanor or Class III misdemeanor.

In addition, Hawaii adopted SB 2895, which adds horses to the list of animals designated as pets under the animal cruelty statute.

Introduced

Many states introduced bills this year to increase penalties for various animal cruelty offenses. Seven states introduced bills which would have increased animal cruelty offenses to more serious misdemeanors or felonies. New Jersey introduced a bill which would require animal cruelty training for selected assistant county prosecutors and tracking of animal cruelty cases in a uniform crime reporting system. Several states also introduced bills which would have broadened the number and type of animal cruelty offenses, including a bill in Pennsylvania proposing to make tail docking, debarking and surgical births all prima facie evidence of animal cruelty violations, with a limited exception for the practice of veterinary medicine. Connecticut also introduced a bill to prohibit the declawing of cats by veterinarians except for therapeutic purposes.

Animal Fighting

Adopted

Several states strengthened their animal fighting laws as well. In Georgia, HB 301 increases penalties and prohibits attending or wagering on dog fights. Idaho SB 1260 makes it a felony to knowingly or intentionally participate in certain activities related to dog fighting exhibitions. In Minnesota, SB 3360 makes it a felony to promote, engage in, or be employed in the activity of cockfighting, dog fighting or pitting one pet or companion animal against another. The new law elevates attending an animal fighting exhibition to a gross misdemeanor. Wyoming HB 46 and Maryland regulations make certain activities relating to animal fighting felonies.

Virginia HB 656/SB 592 provides that engaging in the fighting of any animals is a Class 1 misdemeanor, while dog fighting, possession of materials intended to enhance the ability of animals to fight, permitting a minor to become involved in animal fighting, or wagering on animal fighting are Class 6 felonies.

Newly enacted New Hampshire SB 513 allows the state to confiscate animals used in illegal fights and prohibit a person convicted of conducting illegal animal fighting exhibitions from having custody or control over animals within the species that is the subject of the conviction. The new provision also makes money involved in animal fighting exhibitions subject to forfeiture.

Introduced

Several other states introduced bills which would increase animal fighting penalties. Arizona, Hawaii, Illinois and South Carolina proposed bills to upgrade animal fighting offenses to a felony. A New Jersey bill would have made certain crimes related to animal fighting a crime of the second degree and Rhode Island proposed mandatory imprisonment for convictions related to animal fighting.

Several other states proposed bills to criminalize attendance at a dog fight. Finally, California, Missouri, and Tennessee introduced bills which would have provided for forfeiture procedures for certain property connected with the crime of animal fighting.

Commercial Kennel Regulation

Adopted

Several states adopted laws in this area. Pennsylvania HB 2525 made comprehensive changes to the Dog Law Act including raising standards for care in commercial dog-breeding kennels that sell or transfer 60 dogs a year, banning wire flooring, doubling the minimum area required for cages and requiring exercise and semiannual veterinary exams. Kennel owners have one year to make improvements unless they met conditions to receive a waiver from the Department of Agriculture for an additional two years.

In Maine, HB 1394 provides for a working group to evaluate the regulation of dog and cat breeding facilities in the state and recommend any changes necessary to ensure the humane treatment of animals and effective enforcement of state laws. Virginia HB 538 now defines a commercial breeder as any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals and places certain restrictions on the facility regarding the sale of such animals.

Louisiana HB 1193 requires any individual or business with five or more dogs and who breeds and sells dogs retail, wholesale or to the public to procure a kennel license and pay a kennel license fee in lieu of the individual dog licenses and license fees. The new law further prohibits any individual or business that breeds, buys or sells dogs from maintaining more than 75 dogs over the age of one year at any time for breeding purposes.

Finally, the North Carolina Board of Agriculture adopted regulations providing for certain standards that must be met in outdoor facilities which are subject to the Animal Welfare Act. The regulations also require a written program of veterinary care to include

disease control and prevention, vaccination, euthanasia and adequate veterinary care to be established with the assistance of a licensed veterinarian by any person who is required to be licensed or registered under the Animal Welfare Act. Finally, the regulations provide standards for transporting dogs and cats by persons subject to the Animal Welfare Act.

Introduced

Bills in Michigan, New York, Oklahoma, Washington and Vermont attempted to address licensing of breeders and living conditions in their facilities.

Domestic Violence Orders of Protection

Adopted

Louisiana adopted SB 264 which allows a court to enter a temporary restraining order granting the petitioner the exclusive care, possession or control of any pets belonging to or under the care of the petitioner or minor children residing in the residence or household of either party. The restraining order may direct the defendant to refrain from harassing, interfering with, abusing or injuring any pet, without legal justification, known to be owned, possessed, leased, kept or held by either party or minor child residing in the residence or household of either party.

Introduced

Arizona, Delaware, Iowa, Rhode Island and Washington introduced but did not adopt measures to allow courts to order temporary restraining orders or orders of protection.

Euthanasia

Adopted

The Pennsylvania Department of Agriculture and Iowa Agriculture and Land Stewardship Department incorporated the current AVMA guidelines on Euthanasia for acceptable forms of euthanasia.

Maryland enacted HB 1481, authorizing a licensed animal control facility to administer certain drugs to sedate or euthanize animals. In addition, the Oregon Veterinary Medical Examining Board adopted regulations allowing animal control agencies and shelters certified as euthanasia agencies to obtain employee training in proper methods of animal euthanasia from private vendors or licensed veterinarians.

Similarly, the North Carolina Board of Agriculture adopted regulations setting forth the requirements for certification as a euthanasia technician and also setting forth requirements for the use of carbon monoxide as a form of euthanasia, including

prohibiting the use of carbon monoxide on animals that appear to be less than 16 weeks of age, animals that are pregnant and animals that are near death.

States continue to eliminate the use of gas chambers for euthanizing. HB 5 was signed into law, adding Virginia to the growing list of states prohibiting the use of gas chambers for companion animals. In addition, the New York Department of Health adopted regulations removing certain restrictions on ketamine hydrochloride used to anesthetize animals prior to euthanasia.

Tennessee SB 3149 requires non-livestock animals to be held three business days before euthanasia except in emergency situations and allows such animal to be tranquilized with an approved substance before any form of euthanasia involving a lethal injection is performed.

Introduced

Several states including Alaska, Georgia, Illinois, New York and Pennsylvania considered bills this year which would have prohibited the use of a decompression chamber and a Georgia bill would have provided that intravenous injection be the preferred method of euthanasia. Georgia legislation proposed implementation of a euthanasia technician certification course for lay persons who perform euthanasia. Michigan introduced a resolution encouraging animal shelters to adopt a “no-kill” philosophy in dealing with homeless pets.

Exotic Animals

Introduced

The Delaware Department of Agriculture proposed regulations to govern the possession, sale and exhibition of exotic animals, giving the state veterinarian the authority to administer the regulations.

Foie Gras

Repealed

The Chicago City Council repealed its controversial ban on foie gras on May 14, 2008. The council voted 37-6 to repeal the two-year-old ban, which critics argued had made the city a national laughingstock. Alderman Thomas Tunney, a restaurant owner, asked for the vote on the measure that had previously prohibited restaurants from serving the delicacy.

Introduced

A Maryland bill called for banning production of foie gras as well as selling, transporting or offering for sale any product that is the result of force-feeding birds to produce foie gras.

Pet Lemon Laws

Introduced

Hawaii, Kentucky, Michigan, Mississippi and Washington all introduced pet “lemon law” bills to provide remedies to individuals who purchase animals which later turn out to have health problems. Remedies included, under certain circumstances, the right to return the animal, the right to receive reimbursement for the sale, the right to an exchange, or reimbursement for reasonable veterinary costs.

Pet Retailers/Shelters

Adopted

Arizona HB 2485 makes it illegal to offer an animal for sale on or adjacent to any public highway, street, park or any public property, or any commercial private property without the consent of the owner or lessee, although the bill provides exceptions for retail pet stores, certain animal adoption activities and sales by certain not-for-profit or agricultural organizations.

Introduced

Several bills were introduced this year to regulate pet stores, kennels and animal shelters. Bills included those which would have required registration of animal shelters, veterinary examinations of dogs coming in from out of state and prohibiting the sale or transfer of a puppy younger than eight weeks of age.

Spay/Neuter

Adopted

Los Angeles adopted one of the nation's toughest laws on pet sterilization, requiring most dogs and cats to be spayed or neutered by the time they are four months old, or as late as six months with a letter from a veterinarian. The ordinance is aimed at reducing and eventually eliminating the thousands of euthanasia procedures conducted in the city's animal shelters. There are several exemptions in the ordinance, which is similar to those adopted by about a dozen of its neighbors.

Many states require animals adopted from shelters to be sterilized, and New York City requires the same for animals bought from pet shops, but restrictions such as those in Southern California are rare. A 2006 Rhode Island law requires most cats to be sterilized.

A measure similar to Los Angeles' passed the California Assembly in 2007 but died in the state Senate.

Colorado enacted HB 1185, requiring that dogs and cats be sterilized when released to prospective owners from animal shelters and pet animal rescues, with certain exceptions.

Finally, the Vermont Department of Agriculture adopted regulations implementing the Dog, Cat, and Wolf-Hybrid Spaying and Neutering Program which encourages permanent sexual sterilization of dogs, cats and wolf-hybrids in order to reduce the population of unwanted companion animals and to protect public health and safety. The rules establish eligibility standards, form requirements, administrative duties and procedures, and fees.

Introduced

Eight states introduced, but did not pass, bills which would have required animals to be spayed or neutered under certain circumstances including upon release from an animal shelter, by the age of six months, without a proper permit, and/or upon adoption. Maryland also introduced a bill which would have required dogs declared to be dangerous to be spayed or neutered within 30 days of such declaration.

Finally, New York and North Carolina both introduced bills which would have increased funding for animal population control programs.

Tethering

Adopted

New legislation in West Virginia (HB 4344) requires that animals be adequately sheltered and prohibits the tethering or chaining of animals in a cruel manner.

Introduced

Michigan, Rhode Island, New Jersey, West Virginia and Vermont introduced bills this year to restrict tethering of animals. Some bills proposed restrictions on the amount of time animals could be tethered, while others addressed tether length.

Dangerous Dogs

Adopted

Several states adopted legislation dealing with dangerous or vicious dogs.

Alabama enacted a number of bills updating the procedure by which a dog can be declared dangerous or a nuisance (HB 380, HB 381). Minnesota SB 2876 makes several

changes to the state's animal control law, including new dangerous dog ownership requirements such as registration, microchipping, and lack of convictions for certain criminal offenses. Virginia HB 655 provides courts with additional discretion in determining whether a dog should be deemed dangerous.

Nebraska LB 1055 requires that dogs deemed as dangerous be spayed or neutered and implanted with microchip identification. The District of Columbia Department of Health also adopted a rule requiring the spaying or neutering of a dangerous dog, along with an additional annual license fee of \$100.

Newly enacted Ohio HB 71 allows a law enforcement officer to kill a dog that attacks a police dog and makes the owner or keeper of a dog civilly liable for an injury or death caused by the dog to an individual who is on the property as a solicitor or door-to-door salesperson.

Introduced

Dangerous dog bills proposed extending civil liability to owners whose dog bites another pet or person, making it a felony to permit dangerous dogs to run at large or aggressively bite or attack any person, requiring microchips and/or sterilization of dangerous dogs, requiring obedience training, and authorizing local governments to allow breed-specific legislation.

Court Decision

On April 4, 2008, the Texas Supreme Court ruled that the state's "first free bite" rule does not absolve dog owners from responsibility to stop an attack once it begins. The unanimous opinion reverses two lower courts, which ruled that a plaintiff could not sue the owner of three dogs that attacked her in 2001. The plaintiff alleged that the defendant stood and watched the attack, failing to intervene. The Texas court ruled that a pet owner owes a duty to stop the dog from attacking a person after the attack has begun.

Breed-Specific Legislation

Adopted

Breed-specific laws continue to surface across the country. For example, the City Council in Sioux City, Ia. voted to ban pit bulls. The ordinance allows current pit bull owners who keep their dog registered to keep their pet but not to replace it with another pit bull when it dies. The ban exempts the Humane Society, Animal Control, dogs participating in dog shows and puppies born to pit bulls in the city, up to six months of age. The ordinance applies to the breeds American pit bull terrier, American Staffordshire terrier and Staffordshire bull terrier and to "any dog which has the appearance and characteristics of being predominately" of those breeds.

Introduced

Three states also introduced breed-specific bills this year. Ohio introduced a bill which would have prohibited a person from owning, keeping or harboring a dog that belongs to a breed that is “commonly known as a pit bull dog.” Tennessee also proposed criminalizing ownership of pit bull dogs in the state. Massachusetts introduced a bill that would amend dog registration and licensing provisions, to set forth dangerous dog regulations, and to allow local Massachusetts governments to ban or further regulate a particular breed of dog by a majority vote of the governing body. A measure to ban pit bulls was introduced in Washington, DC, but it was not adopted.

Court Actions

In 2008, individual dog owners and a not-for-profit organization filed a lawsuit in federal district court against four Arkansas cities (Jacksonville, Lonoke, North Little Rock and Beebe) alleging that each one has an unconstitutional ordinance banning ownership of pit bull-type dogs. Several other Arkansas cities not named in the suit have similar bans. The group's suit, filed in Little Rock, claims the ordinances violate the equal protection clause of the 14th Amendment by discriminating against different classes of individuals without a rational government interest, among other constitutional violations. In 1991, the Arkansas Supreme Court upheld a similar ordinance, but the current challenge was brought in federal court.

In Canada, the Ontario Court of Appeal upheld the province's 2005 law to ban the breeding, sale and ownership of pit bulls after several dog attacks on people. The court found that a total ban on pit bulls is not arbitrary or grossly disproportionate in light of the evidence that pit bulls have a tendency to be unpredictable and that even apparently docile pit bulls may attack without warning or provocation.

Microchipping

As reported above, Alabama and Nebraska approved new laws requiring microchipping of dangerous dogs. Similar proposals failed in Arizona and Washington.

Introduced

The Texas Board of Veterinary Medical Examiners introduced regulations which would have required a releasing agency of an animal to record microchip information in a database of their own or that of the microchip manufacturer, rather than making the owner responsible for recording this information.

The Virginia Board of Veterinary Medicine proposed regulations to provide that the injection of a microchip for identification purposes shall only be performed in a veterinary establishment, except personnel of animal shelters may inject animals while in their possession.

Emergency Management

Adopted

Utah and New Mexico became the latest states to enact the Uniform Emergency Volunteer Health Practitioners Act (UEHVPA), governing licensed practitioners from outside of the state who come to the state to provide health and veterinary services in response to a declared emergency. The National Conference of Commissioners on Uniform State Laws drafted the model bill in 2006-07 after Hurricane Katrina to assist states in establishing a robust and redundant system to quickly and efficiently facilitate the deployment and use of licensed practitioners to provide health and veterinary services during emergencies.

Illinois HB 5076 provides civil damages immunity for persons, including veterinarians, who in good faith provide emergency care or treatment without fee to an injured animal during a disaster or accident.

Virginia passed HB 1222 to allow a veterinarian to provide volunteer services in the state under certain criteria without prior notice for a period of up to three days. In addition, newly adopted HB 1449 requires public institution of higher education to develop, adopt, and keep current a written crisis and emergency management plan including an emergency response plan to address the needs of individuals with household pets and service animals.

New Hampshire SB 512 establishes a commission to study the authority to practice or provide health and medical care in the event of the declaration of a state of emergency or a public health or safety incident. Iowa HB 2662 appropriates \$130,000 to the Emergency Veterinarian Rapid Response Services Program to support veterinary emergency preparedness and response services necessary to prevent or control transmission of disease among livestock or agricultural animals.

The Louisiana Department of Health and Hospitals adopted regulations which allow for the temporary registration of veterinarians during a public health emergency. In response to Hurricane Ike earlier in 2008, the Texas Board of Veterinary Medical Examiners also adopted rules for issuing temporary emergency licenses to veterinarians.

Finally, New York A 9715 establishes an animal response team for use in emergencies and disasters affecting animals in the state.

Introduced

Hawaii, Illinois, Indiana, Louisiana, Maryland, Minnesota, Mississippi and Oklahoma considered but did not approve legislation to adopt the Uniform Emergency Volunteer Health Practitioners Act.

New Jersey introduced a bill to provide civil damages immunity for persons, including veterinarians, who in good faith provide emergency care or treatment without fee to an injured animal during a disaster or accident.

Alabama, Arizona, New Jersey, Rhode Island and Washington introduced legislation to include pets and service animals in their evacuation and sheltering plans.

Farm Practices

Adopted

California voters approved the ballot initiative Prevention of Farm Animal Cruelty Act, also known as Proposition 2, with 63% of the vote. It will prohibit, effective 2015, confinement of farm animals in a manner that does not allow them to turn around freely, lie down, stand up and fully extend their limbs. This represents the first time voters have been asked to eliminate the practice of confining chickens in battery cages. Because there are few veal producers in California and the largest pork producer in the state voluntarily had planned to eliminate small crates, the law will mostly affect the state's 20 million egg-laying hens. Statements from supporters of the initiative indicate that similar initiatives could be headed to other states.

Colorado SB 201 requires that calves raised for veal (after Jan. 1, 2012) and gestation sows (after Jan. 1, 2018, and no earlier than 12 days prior to expected date of farrowing) be able to stand up, lie down and turn around without touching the sides of their enclosure. Exemptions include scientific or agricultural research; veterinary treatment; transportation; rodeo exhibitions, fairs and youth programs; and legally sanctioned slaughter. The approval of this bill led to the withdrawal of a ballot initiative on the subject.

Connecticut HB 5830 replaces existing cattle and swine dealer licenses with broader livestock dealer licenses, enables a licensed and accredited veterinarian to conduct authorized tests for livestock diseases, and authorizes the Commissioner of Agriculture to issue quarantine orders.

Arizona SB 1373 creates the Arizona Poultry Husbandry Council to adopt rules for poultry husbandry and for the production of eggs sold in the state, as well as conducting education and training.

The Delaware Department of Agriculture adopted regulations to re-establish the standards and procedures for the meat, poultry, and egg product inspection programs, and ensure that the state's humane slaughtering of livestock procedures meet federal standards.

Finally, California A 2098 prohibits a slaughterhouse, stockyard or auction from selling meat or products of non-ambulatory animals for consumption.

Introduced

Delaware, New York, Vermont and Washington considered legislation to prohibit intensive confinement of egg-laying hens, while the Arizona Department of Agriculture proposed regulations requiring all caged egg-laying hens in the state to be raised according to the United Egg Producers (UEP) Animal Husbandry Guidelines.

New York would have placed restrictions on the housing of calves raised for veal and gestating sows.

And finally, Hawaii proposed to appropriate funds to the Department of Land and Natural Resources for the control and abatement of the feral pig population, including the purchase of box traps, baits, and corrals.

Court Decision

On July 30, the New Jersey Supreme Court upheld most of the state's regulations on the treatment of livestock as consistent with the meaning of the term "humane," including castration, debeaking of poultry, toe-trimming of turkeys, crating, tethering, and transport to slaughter. The court, however, struck down the Department of Agriculture's exemption for "routine husbandry practices" and directed the agency to clarify exactly who is properly trained to perform procedures to make sure they are sanitary and minimize pain. The court also criticized the practice of tail docking, the amputation of part of a cow's tail. The department will work on clarifying the rules to be in compliance with the court opinion. The case goes back to 2004, when the state adopted the regulations meant to provide for the humane treatment of farm animals. A coalition of organizations filed a civil lawsuit contending the regulations authorized industry practices that are inhumane and provided no benefit to the animals.

Hazardous Waste

Introduced

New Jersey introduced bills which would provide for the suspension or revocation of a health care professional's license, including veterinarians, if the professional is found in violation of the state's medical waste disposal laws.

Horse Welfare

At their annual Fall Forum in Atlanta, Ga. on Dec. 11-13, 2008, the National Council of State Legislatures (NCSL) approved a resolution urging the U.S. Congress to oppose legislation that would restrict the market, transport, processing or export of horses, to recognize the need for humane horse-processing facilities in the United States, and not to interfere with State efforts to establish facilities in the United States. NCSL is a

bipartisan organization that serves the legislators and staffs of the nation's 50 states, its commonwealths and territories, but also lobbies Congress on behalf of state legislatures.

Court Decisions

On June 16, 2008, the Supreme Court declined an appeal from the owners of a horse-slaughtering plant who challenged an Illinois law prohibiting the killing of horses for human consumption. Cavel International Inc. closed its plant in DeKalb, Ill., in 2007 after a federal appeals court upheld the ban. The plant was the last horse slaughterhouse in the United States. About 40,000 to 60,000 horses were processed there annually, and most of the meat was shipped to be eaten by diners overseas. Two other U.S. plants, both in Texas, also closed in 2007.

In 2008, Texas Attorney General Greg Abbott issued an opinion that transporting horse meat through the state for human consumption elsewhere is illegal. Texas already bans sale or possession of horse meat for human consumption.

Adopted

In Nebraska, LB 764 prohibits a person from intentionally tripping or causing to fall, or lassoing or roping the legs of an equine for the purpose of entertainment, sport, practice or contest.

Rhode Island adopted HB 8425/SB 2566, prohibiting the transferring of equines in a vehicle or trailer containing two or more levels.

In reaction to the closing of the last remaining horse-processing facilities in the U.S., the South Dakota House of Representatives passed Resolution HCR 1007 in support of establishing USDA-inspected horse-processing plants in the state.

The Maine Harness Racing Commission adopted regulations which provide that only a veterinarian may perform shock wave therapy on race horses or possess an instrument used for such therapy. The regulations further provide that no race horse may be treated with shock wave therapy within seven days of racing.

On Aug. 25, Kentucky horse racing regulators approved a sweeping steroid ban for the state's thoroughbred and standardbred races while reducing the penalties for trainers whose horses test positive. Horses will not be allowed to race with any steroid in their system. Three specific steroids could be given for therapeutic purposes if prescribed by a veterinarian, but horses who receive them will be barred from racing without evidence that they have been off the drugs for 60 days. Pennsylvania's phased-in rules and penalties for anabolic steroids in horses also kicked into full effect on Oct. 1.

Introduced

A Pennsylvania bill would have prohibited the slaughter of horses for human consumption, including shipping, transport and sale. On the other hand, Missouri Senate and House resolutions were introduced to urge the U.S. Congress to strongly support the continuation of horse processing in the United States.

Other Missouri legislation was proposed to allow an owner to deliver an aging equine deemed no longer useful to any nonpublic animal shelter or rescue ranch for proper disposal or humane termination of life.

In Illinois, legislation was introduced to allow the sale of horse meat that is clearly stamped, marked and described as horse meat for animal consumption.

Legal Issues

Guardianship

Rhode Island remains the only state to have adopted language indicating that pet owners are considered “guardians.” That law has not been challenged nor interpreted in any significant way since its adoption in 2002. This year has seen little movement to adopt animal guardianship laws at the state level.

At the local level, Ft. Lauderdale, Fla. rejected a proposal to adopt guardianship language in its animal ordinances, although several other local governments, especially in California, have chosen to adopt such language.

The city council of the District of Columbia made several changes to its animal welfare code but took out guardianship language which would have allowed nonprofit organizations to confiscate an animal with minimal justification or input from the owner.

Pet Food

A federal judge approved a \$24 million settlement for owners of dogs and cats who got sick or died after eating pet food contaminated with an industrial chemical. The case began in March 2007, when dogs and cats began mysteriously getting sick, and the common thread was pet food produced under nearly 200 labels, much of it by Menu Foods. The ruling by U.S. District Judge Noel Hillman clears the way for U.S. pet owners to begin receiving compensation in 2009. The settlement compensates owners for several type of measurable expenses, including the cost of the food, medical and burial expenses for their animals, checkups for animals who ate the food but did not get sick, replacing carpets ruined by sick pets, and time the owners took off work to seek treatment for their animals. Non-economic damages such as pain and suffering are not awarded. A Canadian court also approved the settlement separately. For more information on the settlement, see www.petfoodsettlement.com and http://www.sfmslaw.com/user_documents/Notice.pdf.

Introduced

California introduced but did not adopt a bill that would have required that the label of pet food contain the brand owner's phone number and the country of origin of the pet food. Hawaii HB 2529 proposed establishment of state policies on dealing with tainted foods that are processed for consumption by humans and animals.

Pet Trusts

Adopted

Both Arizona HB 2806 and Delaware SB 247 update existing statutes authorizing trusts for the care of animals after the owner's death. Currently, 40 states have some type of law allowing pet trusts.

California adopted SB 685, which repeals the provisions regarding domestic or pet animal trusts and provides instead that a trust for the care of a domestic or pet animal is for a lawful noncharitable purpose and terminates when no animal is living on the date of the settlor's death, unless otherwise provided in the trust. The bill requires a court to liberally construe an animal trust to bring it within the bill's provisions, to presume against an interpretation that would render the disposition a mere request or an attempt to honor the animal, and to carry out the general intent of the trust. California's new law ensures that pet owners' wishes are carried out rather than leaving them to the good faith of an honorary trustee. In effect, the law allows a bequest to pets to be formal and enforceable rather than merely an informal moral obligation.

Introduced

Connecticut, Oklahoma and New Jersey introduced, but did not adopt, proposals to authorize pet trusts specifically.

Valuation of Animals

In 2008, no state approved legislation allowing plaintiffs to recover non-economic damages, such as loss of companionship, emotional distress or pain and suffering, in actions alleging veterinary negligence. Illinois and Tennessee remain the only states to authorize non-economic damages in actions involving animals, but only in very limited circumstances. The Illinois statute requires aggravated cruelty, torture or acts of bad faith, while the Tennessee law restricts recovery to situations where an animal's death or fatal injury occurs on the property of its owner or while under the control and supervision of the owner, with a specific exemption for veterinarians.

Introduced

As has been the case in recent legislative sessions, several states have considered and rejected proposals to expand liability and available damages in lawsuits involving pets:

- Colorado HB 1308 (loss of companionship up to \$25,000, provision was stripped from bill that was enacted)
- Massachusetts HB 3865 (emotional distress and loss of companionship for malicious injury or the killing of a pet)
- Massachusetts SB 789 and Missouri HB 2186 (loss of reasonably expected society, companionship, comfort, protection and services, allows recovery of damages by a guardian ad litem or next friend, punitive damages)
- New York A 2610 (expected society, companionship and comfort of a companion animal killed or injured intentionally, recklessly or negligently)
- Rhode Island HB 7935/SB 2312 (pain and suffering, emotional distress, loss of companionship, punitive damages, exemption for veterinarians)
- Washington HB 2945 (expenses incurred to rectify the effect of pain and suffering, a statement that nothing in the section is intended to alter or limit any remedies available for intentional infliction of emotional distress or malicious injury).
- The District of Columbia rewrote several provisions of its animal welfare act but did not include proposed language that would have allowed for the recovery of non-economic damages, including recovery for loss of society, companionship, comfort, protection, affection and services of a companion animal to its owner where a veterinarian is responsible for the death of the animal while engaged in the practice of veterinary medicine.

Pharmacy

Adopted

Florida HB 7049 requires that any person selling veterinary prescription drugs to the public must have a veterinary prescription drug retail establishment permit and prohibits veterinary prescription drug retail establishments from purchasing, selling, trading or possessing human prescription drugs. Each group practice must designate one person to register for the permit.

In Nebraska, LB 1022 adopts the Veterinary Drug Distribution Licensing Act which requires licensure by the Department of Health and Human Services before any person or entity may distribute, sell or offer for sale any veterinary legend drug.

Indiana SB 316 requires a valid veterinarian-client-patient relationship to exist before a licensed veterinarian may dispense or prescribe a prescription product and prohibits

veterinary prescription products from being diverted or transferred to an individual for use on an animal if there is not a current veterinary-client-patient relationship with the original prescribing veterinarian.

In Minnesota, SB 3683 authorizes a veterinarian, or his or her authorized employee, to dispense veterinary prescription drugs, human drugs for extra-label use or an over-the-counter drug for extra-label use by a client without a separate written prescription if there is an existing veterinarian-client-patient relationship.

Several states also passed bills relating to monitoring of prescription drugs. Kansas took a unique approach with SB 491, creating a task force to study whether to require veterinarians to report to a prescription monitoring program.

In Alaska, SB 196 authorizes the Board of Pharmacy to establish and maintain a database for controlled substances dispensed to a person other than an inpatient in a licensed health care facility. Finally, New Jersey S 1604, proposed in 2007 and adopted in 2008, establishes a prescription monitoring program in the Division of Consumer Affairs.

Kentucky agencies issued two regulations in this area. The Office of the Inspector's new rule establishes an electronic system for monitoring Schedule II, III, IV and V controlled substances, with a waiver for dispensers who do not have an automated recordkeeping system. The Kentucky Board of Veterinary Medical Examiners detailed the degree of supervision required for veterinary assistants depending on whether the dispensing veterinarian has a veterinarian-client-patient relationship.

In Oklahoma, the Board of Veterinary Medical Examiners adopted regulations requiring a wholesaler or distributor selling, supplying or dispensing veterinary prescription drugs to notify the board annually of pertinent information for each sales representative and/or veterinarian doing business in Oklahoma that is employed by or under contract with the wholesaler or distributor.

The District of Columbia Department of Health approved comprehensive revisions of its pharmacy regulations which include requiring registration of nonresident pharmacies that dispense or distribute prescription drugs or medical devices.

The Texas Board of Pharmacy adopted guidelines for pharmacists to reuse prescription vials in certain situations, and allow physicians, dentists, veterinarians and podiatrists to issue telephonic prescriptions for controlled substances that are to be filled in Texas pharmacies.

The Arizona Board of Pharmacy adopted regulations to establish a computerized central database tracking system to track the prescribing, dispensing and consumption of Schedule II, III, and IV controlled substances.

The Massachusetts Department of Public Health amended its regulations to improve the quality of data and the utilization of the Prescription Monitoring Program by: 1) requiring

pharmacies to obtain positive customer identification before dispensing Schedule II drugs; 2) requiring pharmacies to report to the Department additional information about Schedule II prescriptions; and by 3) authorizing the Department to share information about potential abuse and diversion of Schedule II drugs with practitioners and pharmacies.

The Nevada Board of Pharmacy adopted regulations which allow a pharmacist or pharmacy to compound a drug for veterinary use that has been withdrawn or removed from the market because the drug was found to be unsafe or ineffective for humans, if the drug remains available for veterinary use.

The New York Department of Health adopted emergency regulations requiring the use of an official form for all prescriptions, and has required pharmacies to submit prescription information indicating whether a controlled substance was dispensed as a new prescription or a refill. The proposed amendments also require pharmacies and practitioners who dispense controlled substances to patients to submit information on the method of payment for the dispensed substance.

Finally, the Virginia Board of Pharmacy has issued new rules establishing a pedigree program for prescription drugs. The regulations provide for certain exceptions for authorized distributors, office-based health care practitioners and emergency medical reasons.

Introduced

Both Minnesota and Mississippi proposed bills relating to electronic reporting systems for veterinary prescription drugs. In Minnesota, a bill was introduced that would have exempted veterinarians from the Prescription Electronic Reporting System. Mississippi introduced a bill that would have required a pharmacy or other retailer to maintain a written or electronic log or receipt of transactions involving the sale of ephedrine, pseudoephedrine or phenylpropanolamine and to enter any such transaction into the real-time electronic log.

The Delaware Department of State proposed amendments to regulate and monitor controlled-substance use and abuse through a program of registration, inspection, investigation and education.

The Louisiana Department of Health and Hospitals introduced regulations requiring that a prescription for a controlled substance only be dispensed by a pharmacist, with an exception for a veterinarian personally dispensing such prescriptions to his or her own patients.

Scope of Practice/ Complementary and Alternative Medicine

Adopted

This continues to be an active area, with Colorado, Indiana, Iowa, Minnesota, Nebraska and Virginia adopting legislation in 2008 related to non-veterinarians performing on animals, including animal massage, chiropractic care and equine dentistry.

The Iowa Board of Veterinary Medicine defined veterinary medicine to include veterinary dentistry, animal chiropractic, acupuncture and physical therapy practiced on animals.

Similarly, Indiana's major practice act revision, SB 316, amends the definition of practice of veterinary medicine to include performing complementary or alternative therapy on an animal, but exempts members in good standing of another licensed or regulated profession within Indiana who (1) provide assistance requested by a licensed veterinarian, (2) act with the consent of the client, (3) act within a veterinarian-client-patient relationship, and (4) act under the direct or indirect supervision of a licensed veterinarian.

Likewise, Nebraska LB 928 states that any person who holds a valid credential in a regulated health-care profession or occupation may perform collaborative animal health-care tasks on an animal under the care and immediate supervision of a veterinarian.

After detailed negotiations, the Minnesota legislature enacted SB 3683, which allows licensed chiropractors to practice animal chiropractic care if they are registered, the animal is referred by a veterinarian and a separate space is used to treat animals.

In Colorado, HB 1042 creates an exception to the practice of veterinary medicine for a certified person performing massage on animals as long as he or she does not prescribe drugs, perform surgery or diagnose medical conditions.

In Virginia, HB 725 authorizes persons to perform tasks related to the practice of equine dentistry under the direct and immediate supervision of a licensed veterinarian or registered equine dental technician during completion of training and experience necessary for registration for up to 12 months. The new law also authorizes a veterinary technician to plane or level equine teeth for routine dental maintenance under the immediate and direct supervision of a veterinarian. However, the veterinary technician must have graduated from an AVMA-accredited program and successfully completed coursework in equine dentistry, or can document training comparable to that of an equine dental technician.

Finally, a new Oklahoma law elevating the illegal practice of veterinary medicine, human medicine or dentistry from a misdemeanor to a felony is expected to lead to more prosecutions.

Introduced

California introduced a bill that would have made it unlawful for a city or county to prohibit a healing arts licensee from engaging in any act or performing any procedure that

falls within the professionally recognized scope of practice of that licensee. The bill is a product of the ordinance of West Hollywood banning declawing, a veterinary procedure. The legislation was vetoed by the governor due to the state budget deficit but is expected to be reintroduced in the future.

Kentucky would have changed the definition of “indirect supervision” to mean that the veterinarian give either written or oral instructions for treatment of the animal and be readily available by telephone or other form of communication. The bill would also have allowed persons authorized by owners of animals to treat the owner’s animals, including administering drugs, castrating and dehorning.

Both Louisiana and Nebraska introduced bills that would have allowed the practice of physical therapy on animals by non-veterinarians, with referral or medical clearance by a licensed veterinarian.

New Hampshire’s Board of Veterinary Medicine proposed amendments which would provide that if sedation is required during an equine floating procedure, the sedation must be administered by a New Hampshire licensed veterinarian who remains responsible for the animal while it is under sedation.

In Texas, the Board of Veterinary Medical Examiners proposed regulations which define invasive dentistry or invasive dental procedures to include exposing of the dental pulp or the performance of extractions of teeth.

A measure considered in Alaska called for excluding from the practice of veterinary medicine farriery and other practices commonly performed on farm or domestic animals by owners and their employees.

Court Cases

Last year, the Texas Board of Veterinary Medical Examiners sent a letter to non-veterinarians practicing equine teeth floating advising them to stop their practice. The Texas chapter of the Institute for Justice filed a lawsuit on behalf of Texas floaters and ranch owners over what it called an anti-competitive regulation. The lawsuit is pending currently, and legislation will likely be introduced in 2009 to allow teeth floaters to continue practicing in Texas.

A Minnesota state district court ruled that the veterinary licensing board has authority to regulate equine teeth floating as rationally related to protecting the health, safety and welfare of the public. The court found that the regulations enacted by the board did not excessively burden entry into the industry because they offer several avenues for non-veterinarians to lawfully perform teeth floating.

Veterinary Education

Adopted

Three states adopted bills and regulations relating to the licensure of foreign graduates of veterinary medical programs. In Minnesota, SB 3683 recognizes PAVE certification. In Vermont, HB 870 provides that applicants for licensure who are not graduates of schools accredited by the AVMA or Canadian Veterinary Medical Association must possess a certificate issued by the ECFVG. In Texas, the Board of Veterinary Medical Examiners adopted regulations which require that the foreign graduate of a non-accredited college of veterinary medicine complete the requirements set out by board-recognized foreign graduate programs.

Reversing earlier cutbacks, New Jersey A 2800/S 2009 appropriated \$211,000 to the State Board of Veterinary Medical Examiners and \$687,000 in grants to the Veterinary Medicine Education Program. The new funding is targeted to newly admitted students attending a school of veterinary medicine in a reserved space for New Jersey residents through contractual agreements who are required upon graduation to practice veterinary medicine in New Jersey for a period of one year for each year of contract funding.

The Louisiana Department of Health and Hospitals re-adopted an emergency rule, establishing the requirements for a qualified student at LSU-SVM to perform limited duties in a support capacity, at approved shelters on animals only, under the direct supervision of faculty veterinarians licensed with the veterinary medical board.

The Arizona Veterinary Medical Examining Board amended continuing education provisions to clarify the ways credit may be obtained and add renewal requirements.

Introduced

The Washington Department of Health proposed regulations which would add the PAVE program as an option for specialty licensure.

Loan Repayment

Adopted

States continue to adopt laws which establish loan repayment, scholarship and incentive programs in an effort to address the shortage of large/food-animal veterinarians.

- In April 2008, Nebraska passed legislation which will provide up to four veterinarians a year the chance to enter into a contract with the Department of Agriculture to provide full-time veterinary medicine services as a food-supply animal veterinarian or in a rural mixed animal veterinary practice for four years, for up to a total of \$80,000.
- New Hampshire HB 173 establishes the Large Animal Veterinarian Net Tuition Repayment Program and a fund for the promotion, acquisition and retention of large animal veterinarians in those areas of the state where there is a need.

- Oklahoma SB 70 establishes the Large Animal Veterinarian Incentive Act allowing the Veterinary Center to enter into program agreements with up to three first-year veterinary students or currently practicing large-animal veterinarians with qualifying school loans, to provide student assistance, provided that the students engage in the full-time practice of veterinary medicine in any community in Oklahoma which has a population not exceeding 25,000 for a period of at least 12 continuous months for each separate year a student receives assistance under the program.
- Washington SB 6187 provides for conditional scholarships to graduates of Washington State University College of Veterinary Medicine to focus on food-animal health services.
- Wyoming HB 74 authorizes agreements with licensed veterinarians to provide food-animal health care in the state. The bill provides that the veterinarian be reimbursed up to 100% of the amount of outstanding educational loans he or she has acquired as a direct result of undergraduate or postgraduate educational training directly related to providing food-animal veterinary services.

In Ohio, the Veterinary Medical Licensing Board funded its first grants for the veterinary education loan repayment program, and is seeking additional sources of revenue for this program.

The Missouri Department of Agriculture and Wyoming Livestock Board adopted rules to implement their state's large-animal veterinary loan programs.

Introduced

Legislatures in Connecticut, Illinois, Kentucky, New York, South Dakota and Tennessee considered but did not adopt legislation or regulations to establish veterinary education loan repayment and grant assistance programs. These proposals are expected to be reconsidered in 2009.

Veterinary Practice

Consent/Medical Records

Adopted

The Missouri Department of Insurance adopted regulations that require all radiographs to be maintained for a minimum of five years from the date the radiograph was taken.

In Indiana, SB 316 provides that a client is entitled to a copy or summary of veterinary medical records. The bill requires records to be kept and maintained by the veterinarian for at least three years after the last encounter with the animal.

In Virginia, HB 537 requires a local government treasurer to destroy any rabies vaccination certificate or other similar record transmitted by a veterinarian after all necessary reportable information has been extracted and an animal license is issued.

The New Jersey Department of Law and Public Safety adopted regulations to require a veterinarian to keep records confidential, with some exceptions.

Colorado HB 1308 allows a veterinarian to issue a written waiver, with an owner's consent, exempting an animal from rabies vaccination due to the animal's medical condition, along with immunity for issuing such waivers.

In Utah, SB 113 provides that the names, personal addresses and phone numbers of animal researchers at state colleges and universities are classified as protected documents.

Finally, under new regulations issued by the Texas Board of Veterinary Medical Examiners, a veterinarian who issues a rabies vaccination certificate or the veterinary practice where the certificate was issued, must retain a readily retrievable copy of the certificate. In addition, the board adopted amendments to regulations which allow a licensed veterinarian to use an electronic signature on rabies certificates, as well as delegate the use of that signature pad to a non-licensed employee under his or her direct supervision.

Introduced

The New Hampshire Board of Veterinary Medicine proposed amendments to require records to be kept by veterinarians who work for entities other than a veterinary hospital such as, but not limited to, a humane society, shelter or breeder. The amendments would also require computerized records to be locked down every 24 hours so they cannot be altered.

The Texas Board of Veterinary Medical Examiners proposed regulations amending the record keeping rules to provide that patient records must include (1) client phone number, (2) diagnostic images, (3) differential diagnosis and/or treatment, and (4) identification of the patient including name, species, breed, age, sex and description. The amendments would provide that any amendments, supplementation, change or correction in a patient record not made contemporaneously with the act or observation shall be noted by indicating the time and date of such a change or correction and providing a clear indication that a change has been made. The amendments would also increase the time period from 3 to 5 years for patient record retention.

The Virginia Board of Veterinary Medicine proposed amendments to its record-keeping regulations to require the inclusion of (1) the presenting complaint and reason for contact, (2) physical examination findings, if appropriate, (3) tests performed and results, (4) procedures performed or treatment given and results, and (5) drugs (and their dosages) administered, dispensed or prescribed.

The Wisconsin Veterinary Examining Board's proposed regulations defining the failure to inform a client prior to treatment of diagnostic and treatment options as "unprofessional conduct" were not adopted.

Death of Veterinary Practice Owner

Adopted

Idaho passed HB 446 to allow a personal representative, executor or sole surviving heir of a licensed veterinarian to continue to operate the veterinary medical practice of the deceased for a period of not more than three years following the death. During this period, there must be a substantial showing that good-faith efforts are being made to sell the practice and all the decisions pertaining to the diagnosis, cure and treatment of the patients are made by an actively licensed veterinarian.

Under new Missouri Department of Insurance regulations, after the death of a licensed owner of an individually owned veterinary practice, a trustee may continue to own and maintain the practice for a period of one year in order to convey or liquidate the practice, provided that a Missouri licensed veterinarian is in charge.

Licensure Issues

Adopted

In Maryland, the Department of Agriculture adopted regulations clarifying requirements for licensing and certifying veterinarians who are licensed in another state or in a foreign jurisdiction.

The Ohio Veterinary Medical Licensing Board will be requiring criminal background checks prior to licensure for veterinarians and registered veterinary technicians.

The Utah Department of Commerce adopted amendments to the Veterinary Practice Act rules, including license application requirements relating to transcripts, foreign education and required training through experience. The amendments also create a continuing professional education requirement as a condition for renewal or reinstatement of licenses and establishes the criteria for compliance. Finally, the rules eliminate certain exemptions from licensure and change unprofessional conduct and minimum standards of practice.

Finally, the Oregon Veterinary Medical Examining Board adopted regulations which would accept Canadian veterinary experience for license eligibility.

Introduced

California legislation was proposed to require the Veterinary Medical Board to annually report and make publicly available the number of disciplinary actions that are taken in each priority category.

Kansas proposed legislation removing authority for the Kansas Board of Veterinary Examiners to conduct its own administrative hearings. The Board would have been forced to hire Department of Administration hearing officers for hearings, conferences and routine motions, likely increasing the Board's operating costs.

A New York bill would have eliminated the requirement of U.S. citizenship or permanent residency to qualify for licensure as a veterinarian and animal health technician. Incidentally, a recent court decision found this requirement to be unconstitutional because it violates the 14th Amendment's equal protection clause as well as the Supremacy Clause of the Constitution.

New Hampshire's Board of Veterinary Medicine proposed amendments to clarify procedures for applying for a veterinary license. The proposed amendments would require applicants applying for reciprocity to prove that he or she has been licensed in another jurisdiction for at least 5 years and has practiced clinical veterinary medicine for at least 1,000 hours during each of 3 of the previous 5 calendar years with a minimum of 3,000 practice hours.

Mandatory Reporting

Adopted

Both Maine and Virginia adopted laws which establish mandatory reporting for animal and child abuse. In Maine, HB 1545 requires that veterinarians acting in their professional capacity, who have reasonable cause to suspect that an animal is the subject of aggravated cruelty, must report the suspected violation. In Virginia, SB 637 requires animal control officers to report child abuse.

Both Indiana (SB 316) and Utah (SB 297) adopted bills which provide immunity for veterinarians who report animal cruelty in good faith.

The Rhode Island Department of Health adopted regulations which require reporting by veterinarians who have knowledge of a veterinary diagnosis that has the potential to cause illness in humans.

Introduced

New Jersey introduced a bill that would have required veterinary professionals to report that an animal has been subjected to animal cruelty, if there is reasonable cause to believe this, with immunity for reporting. Similarly, Utah introduced a bill that would have given a veterinarian immunity from civil liability for reporting, in good faith, an incident of cruelty to an animal.

The Ohio Department of Health proposed regulations that would require licensed doctors of veterinary medicine who examine, treat, own, harbor or care for any mammal suspected of being rabid, to report the case to the health commissioner of the relevant district 24 hours after the symptoms or behaviors are observed or known.

Student Permits

Adopted

Alaska HB 297 directs the Board of Veterinary Examiners to establish educational and training requirements for issuing student permits.

Taxation

Adopted

In Delaware, HB 515 eliminates the veterinarian services tax credit. Veterinarians participating in the Animal Population and Control Program and Spay/Neuter Fund will now be entitled to monthly reimbursements for services rendered, thereby eliminating the need for the tax credit.

California AB 2291 allows taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the Low Cost/Free Spay-Neuter Fund.

The Illinois Department of Revenue adopted regulations clarifying the types of tax liabilities that may be incurred by veterinarians, including liability under the Service Occupation Tax, the Use Tax Act and the Retailers' Occupation Tax Act. This ends the uncertainty surrounding veterinarians' tax liability in Illinois, which led to a concerted effort by the Illinois State VMA to work with the agency to provide appropriate guidelines.

Introduced

Bills in California, Delaware, New York and West Virginia would have provided tax credits for participation in state spay/neuter programs. New York and Virginia also introduced bills offering tax credits for individuals who adopt animals from a pound or shelter.

An Iowa bill would have allowed taxpayers filing individual income tax returns to designate \$1 or more on their return to be paid to the spaying and neutering of dogs and cats fund.

The Florida Department of Revenue proposed a new regulation stating that professional services provided by veterinarians, charges for hospitalization of animals and charges for boarding and grooming services would not be subject to tax, but that items consumed in providing those services would be taxable.

Oklahoma considered legislation proposing tax deductions for veterinarians whose practices consist of at least 51% work with large animals. A Virginia bill would have provided tax credits for veterinarians who perform any medical procedure at no cost on animals that have been held in public pounds or in not-for-profit shelters. Virginia also introduced a bill that would have provided a tax credit to veterinarians who perform spaying, neutering, euthanasia or other routine or emergency services or procedures at no cost on animals that have been in a pound or shelter operated by a nonprofit entity.

Late in the year, California Governor Arnold Schwarzenegger unveiled a budget proposal that would tax veterinary services in the state for the first time. The California VMA is strongly opposing the proposed tax.

Unauthorized Practice

Adopted

Indiana SB 316 provides that a person who knowingly practices veterinary medicine without a license or special permit or supplies false information on an application for a license as a veterinarian commits a Class A misdemeanor.

In Oklahoma, HB 2732 establishes that the unlicensed practice and attempted practice of veterinary medicine, and the aiding and abetting of another person in the unlicensed practice of veterinary medicine, is a felony.

Veterinary Assistants

Adopted

New Hampshire adopted SB 318, establishing a commission to study the creation of an animal care worker classification to perform the basic care of animals under the direct or indirect supervision of a veterinarian.

In Kentucky, the Board of Veterinary Medical Examiners' new regulations state that if a dispensing veterinarian does not have a veterinarian-client-patient relationship, a veterinary assistant may assist in the delivery of a veterinary drug, legend drug, or veterinary prescription drug only under the direct supervision of the licensed veterinarian by who the assistant is employed. If there is a veterinarian-client-patient relationship, the veterinary assistant may assist in the delivery of such drugs under the indirect supervision of the veterinarian.

Also, under new rules issued by the Oklahoma Board of Veterinary Medical Examiners, unregistered veterinary assistants may no longer administer vaccines, even under direct supervision.

Finally, in Oregon the Veterinary Medical Examining Board adopted regulations restricting individuals not certified as veterinary technicians from placing an endotracheal tube for purposes of anesthesia.

Introduced

The California Department of Regulatory Agencies proposed a regulation that would have allowed unregistered assistants with certain experience to take the state RVT examination in 2009 without any educational requirement, bypassing six established routes to eligibility, all of which require an educational component. This proposal was not adopted.

Veterinary Technicians

Adopted

Several states adopted bills this year which regulate what procedures may be performed by veterinary technicians and the level of required supervision.

In Indiana, SB 316 allows veterinary technicians to perform routine food-animal management practices under direct or indirect supervision if a valid veterinarian-client-patient relationship exists, and prohibits veterinary technicians and veterinary assistants from receiving a fee or compensation for veterinary services other than salary or compensation paid by the establishment where the individual is employed.

The Nevada Board of Veterinary Medical Examiners adopted regulations specifying which procedures may be performed by veterinary technicians and euthanasia technicians, including the administration of certain vaccines and the implantation of identification microchips. The regulations also allow a veterinary technician to perform certain dental extractions under the immediate supervision of a veterinarian.

The Oklahoma Board of Veterinary Medical Examiners expanded the exclusive scope of practice for registered veterinary technicians to include the performance of vaccinations and dental scaling and polishing, on the order of a licensed veterinarian without his or her continuing physical presence.

In South Dakota, HB 1112 provides that veterinary technicians must be registered and work under the direction or supervision of the licensed veterinarian or veterinarians by whom the technician is employed.

Virginia HB 725 now allows a veterinary technician to plane or level equine teeth for routine dental maintenance under the immediate and direct supervision of a licensed veterinarian, provided the licensed veterinary technician has graduated from an AVMA-accredited program with successful completion of coursework in equine dentistry or can document training comparable to that of an equine dental technician.

New Washington Department of Health regulations allow veterinary technicians to be referred to as “licensed” rather than “registered.”

The West Virginia Board of Veterinary Medicine adopted regulations establishing the procedures by which veterinary technicians may be registered and regulated.

In Missouri, the Department of Insurance, Financial Institutions, and Professional Registration amended its veterinary technician continuing education requirements to allow completion of audio or video recordings, electronic, computer or interactive materials on scientific subjects.

Introduced

The Oregon Veterinary Medical Examining Board introduced regulations which would allow certified veterinary technicians to implant microchips.

Finally, in Washington, the Department of Health proposed regulations authorizing veterinary technicians to suture prepared wounds.