

VETERINARY MEDICINE BOARD LAWS
AS OF THE 2019 LEGISLATIVE SESSION

TITLE 37, CHAPTER 18
VETERINARY MEDICINE

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CHAPTER 18 VETERINARY MEDICINE

Chapter Cross-References

Rules on veterinary practice to be included in standards for horseracing, 23-4-104.
Professional service corporations, Title 35, ch. 4.

Chapter Administrative Rules

Title 24, chapter 225, ARM Board of Veterinary Medicine.

Chapter Law Review Articles

Toward a More Equitable Approach to Causation in Veterinary Malpractice Actions, De Young, 16 Hastings Women's L.J. 201 (2005).

Veterinarian Liability, Eglin & McGonagle, 35 For the Def. 2 (1993).

The Legal Implications of Covenants Not to Compete in Veterinary Contracts, Grossman & Scoggins, 71 Neb. L. Rev. 826 (1992).

Legislation Without Representation: How Veterinary Medicine Has Slipped Through the Cracks of Tort Reform, Scoggins, 1990 U. Ill. L. Rev. 953 (1990).

The Standard of Care for Veterinarians in Medical Malpractice Claims, King, 58 Tenn. L. Rev. 1 (1990).

Part 1 General

37-18-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Board" means the board of veterinary medicine provided for in 2-15-1742.

(2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

History: En. 66-2201.1 by Sec. 205, Ch. 350, L. 1974; R.C.M. 1947, 66-2201.1; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 2, Ch. 43, L. 1985; amd. Sec. 127, Ch. 483, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18". Amendment effective July 1, 2001.

1985 Amendment: In (1) substituted "board of veterinary medicine" for "board of veterinarians".

1981 Amendment: Substituted "department of commerce" for "department of professional and occupational licensing" in (2); changed internal references to the department and the board.

Administrative Rules

ARM 24.225.301 Definitions.

37-18-102. Veterinary medicine defined. (1) A person is considered practicing veterinary medicine when the person does any of the following:

(a) represents to the public that the person is a veterinarian or is engaged in the practice of veterinary medicine in any of its branches, either directly or indirectly;

(b) uses words, titles, or letters in this connection or on a display or advertisement or under circumstances so as to induce the belief the person using them is engaged in the practice of veterinary medicine. This use is prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine in any of its branches.

(c) diagnoses, prescribes, or administers a drug, medicine, appliance, application, or treatment of whatever nature or performs a surgical operation or manipulation for the prevention, cure, or relief of a pain, deformity, wound, fracture, bodily injury, physical condition, or disease of animals;

(d) instructs, demonstrates, or solicits by a notice, sign, or other indication, with contract either express or implied, or otherwise, with or without the necessary instruments, for the administration of biologics or medicines or animal disease cures for the prevention and treatment of disease of animals and remedies for the treatment of internal parasites in animals;

(e) performs a manual or laboratory procedure on livestock for the diagnosis of pregnancy, sterility, or infertility for remuneration or hire;

(f) performs acupuncture, ova or embryo transfer, or dentistry on animals;

(g) instructs others, except those covered under the provisions of 37-18-104(4), for compensation, in any manner how to perform any acts that constitute the practice of veterinary medicine.

(2) Subsection (1)(e) may not in any way be construed to prohibit the pregnancy testing by any person of the person's own farm animals or by the person's employees regularly employed in the conduct of the person's business or by other persons whose services are rendered gratuitously.

(3) This section may not be construed as modifying, amending, altering, or repealing any part of 37-18-104.

History: (1)En. Sec. 9, Ch. 82, L. 1913; re-en. Sec. 3225, R.C.M. 1921; re-en. Sec. 3225, R.C.M. 1935; amd. Sec. 7, Ch. 90, L. 1955; amd. Sec. 1, Ch. 191, L. 1965; amd. Sec. 211, Ch. 350, L. 1974; amd. Sec. 7, Ch. 135, L. 1975; Sec. 66-2209, R.C.M. 1947; (2)En. Sec. 2, Ch. 191, L. 1965; Sec. 66-2209.1, R.C.M. 1947; (3)En. Sec. 3, Ch. 191, L. 1965; Sec. 66-2209.2, R.C.M. 1947; R.C.M. 1947, 66-2209(1), 66-2209.1, 66-2209.2; amd. Sec. 3, Ch. 43, L. 1985; amd. Sec. 1, Ch. 650, L. 1989; amd. Sec. 1382, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1989 Amendment: In (1)(g) substituted reference to 37-18-104(4) for reference to 37-18-104(3). Amendment effective May 11, 1989.

1985 Amendment: In (1)(f) inserted "or dentistry".

Administrative Rules

ARM 24.225.301 Definitions.

ARM 24.225.513 Continuing education providers.

Title 24, chapter 225, subchapter 7, ARM Embryo transfer.

37-18-103. Repealed. Sec. 7, Ch. 96, L. 1981.

History: En. 66-2213 by Sec. 1, Ch. 135, L. 1975; R.C.M. 1947, 66-2213(2).

37-18-104. Exemptions — rules. (1) This chapter does not apply to:

(a) a veterinarian in the performance of the veterinarian's official duties, either civil or military, in the service of the United States unless the veterinarian is engaged in the practice of veterinary medicine in a private capacity;

(b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in the employ of this state or the United States and engaged in labors in laboratories under the direct supervision of the board of livestock, Montana state university-Bozeman, or the United States;

(c) a veterinarian practicing in another state or country and authorized under the laws of that state or country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that term is defined in board rule;

(d) the employment of a veterinary medical student who has successfully completed 3 years of the professional curriculum in veterinary medicine at a college having educational standards equal to those approved by the American veterinary medical association, if the student is employed by and works under the immediate supervision of a veterinarian licensed and registered under this chapter; or

(e) a person advising with respect to or performing acts that the board defines by rule as accepted livestock management practices.

(2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and swine are not the practice of veterinary medicine within the meaning of this chapter.

(3) Nonsurgical embryo transfers in bovines may be performed under the supervision of a veterinarian licensed and residing in Montana. At a minimum, board rules regarding nonsurgical embryo transfers in bovines must address:

- (a) minimum education requirements;
- (b) minimum requirements of practical experience;
- (c) continuing education requirements;
- (d) limitations on practices and procedures that may be performed by certified individuals;
- (e) the use of specific drugs necessary for safe and proper practice of certified procedures;
- (f) content and administration of the certification test, including written and practical testing;
- (g) application and reexamination procedures; and
- (h) conduct of certified individuals, including rules for suspension, revocation, and denial of certification.

(4) This chapter does not prohibit a person from caring for and treating the person's own farm animals or being assisted in this treatment by the person's full-time employees, as defined in 2-18-601, employed in the conduct of the person's business or by other persons whose services are rendered gratuitously in case of emergency.

(5) This chapter does not prohibit the selling of veterinary remedies and instruments by a registered pharmacist at the pharmacist's regular place of business.

(6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities determined by board rule to be acceptable, when performed under the supervision of the employing veterinarian.

(7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under this subsection include activities determined by board rule to be acceptable but do not include the performance of surgery or the rendering of diagnoses.

(8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia technician from administering, any controlled substance authorized by the board for the purpose of euthanasia pursuant to part 6 of this chapter.

History: En. Sec. 11, Ch. 82, L. 1913; re-en. Sec. 3227, R.C.M. 1921; re-en. Sec. 3227, R.C.M. 1935; amd. Sec. 9, Ch. 90, L. 1955; amd. Sec. 213, Ch. 350, L. 1974; amd. Sec. 8, Ch. 135, L. 1975; R.C.M. 1947, 66-2211; amd. Sec. 4, Ch. 43, L. 1985; amd. Sec. 2, Ch. 650, L. 1989; amd. Sec. 1, Ch. 21, L. 1991; amd. sec. 36, Ch. 308, L. 1995; amd. Sec. 1, Ch. 75, L. 1997; amd. Sec. 8, Ch. 60, L. 2003; amd. Sec. 39, Ch. 126, L. 2005.

Compiler's Comments

Termination Provision Repealed: Section 1, Ch. 153, L. 2007, repealed sec. 11, Ch. 60, L. 2003, which terminated the 2003 amendments to this section January 1, 2008.

2005 Amendment: Chapter 126 deleted former (1)(c) that read: "(c) lawfully qualified veterinarians from other states or a foreign country meeting legally licensed and registered Montana veterinarians in this state in consultation"; in (1)(c) near beginning after "veterinarian" substituted "practicing in another state or country" for "residing on a border of a neighboring state", after "that state" inserted "or country", and at end after "medicine" substituted "whose practice in this state is limited to an occasional case as that term is defined in board rule" for "who is actually called to attend cases in this state but who does not open an office or appoint a place to meet patients or receive calls in this state, if veterinarians licensed and registered in this state are extended a like privilege to engage in the practice of veterinary medicine to the same extent in the neighboring state"; and made minor changes in style. Amendment effective July 1, 2005.

2003 Amendment: Chapter 60 inserted (8) providing that nothing in Title 37, chapter 18, prohibits a certified agency from possessing, or a certified euthanasia technician from administering, any controlled substance authorized by the board for the purpose of euthanasia. Amendment effective January 1, 2004, and terminates January 1, 2008.

1997 Amendment: Chapter 75 in (1)(e), at beginning after "employment", deleted "as assistants to veterinarians licensed and registered under this chapter" and at end substituted "if the students are employed by and work under the immediate supervision of a veterinarian licensed and registered under this chapter" for "and authorized by law to confer degrees"; in (3), at end of first sentence, deleted "by individuals who attest to the board that they possess a combination of 3 years' education, experience, and training in that procedure", deleted first sentence of former (3)(b) that read: "Exemption under subsection (3)(a) remains in effect until testing and certification procedures, as determined by board rule,

are implemented on or before July 1, 1991", and at end, after "rules", inserted "regarding nonsurgical embryo transfers in bovines"; deleted former (3)(b)(ix) that read: "(ix) establishment of an advisory committee. The committee:

(A) must consist of:

- (I) one member of the board who is a veterinarian;
- (II) one member of the Montana state university-Bozeman reproductive physiology department;
- (III) one member representing the Montana stockgrowers association animal health committee;
- (IV) one member representing the Montana woolgrowers association;
- (V) one reproductive specialist with practical experience in embryo transfers; and
- (VI) a veterinarian who is a member of the American college of theriogenologists;

(B) shall make recommendations regarding the testing and certification procedures. The committee may not adopt rules.

(C) in cooperation with the board, shall conduct a study of the practice of bovine pregnancy testing and ovine pregnancy testing with the use of ultrasound equipment. The study must include but is not limited to:

- (I) federal laws governing the practice of pregnancy testing;
- (II) education and experience requirements for the practice of pregnancy testing; and
- (III) pregnancy testing by nonveterinarians.

(D) terminates July 1, 1991"; inserted (6) concerning employee performing functions under supervision of veterinarian; inserted (7) concerning emergency care by employee; and made minor changes in style.

1997 Statement of Intent: The statement of intent attached to Ch. 75, L. 1997, provided: "A statement of intent is required for this bill because 37-18-104(6) and (7) and 37-18-202(1)(c) grant authority to the board of veterinary medicine to adopt rules regarding the limited exemption of certain veterinary support personnel from the practice of veterinary medicine. It is intended that the board be allowed to define by rule the scope of treatments that support personnel may render when working under the supervision of a veterinarian. It is also intended that, in its discretion, the board be allowed to further define situations that constitute emergencies during which support personnel may provide limited care to a veterinarian's animal patients."

Name Change — Directions to Code Commissioner: Pursuant to sec. 36, Ch. 308, L. 1995, in this section the Code Commissioner changed "Montana state university" to "Montana state university-Bozeman".

1991 Amendment: In beginning of (3)(a) inserted "Nonsurgical", after "transfers" inserted "in bovines", and substituted "veterinarian licensed and residing in Montana" for "licensed veterinarian". Amendment effective February 12, 1991.

1989 Amendment: Inserted (1)(f) relating to livestock management practices; inserted (3) regarding performance of embryo transfers and Board rules; and in (4), before "treating", inserted "caring for and", before "employees" inserted "full-time", and after "employees" inserted "as defined in 2-18-601". Amendment effective May 11, 1989.

1989 Statement of Intent: The statement of intent attached to Ch. 650, L. 1989, provided: "A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 [now repealed] grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

- (1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;
- (2) development of standards for continuing education requirements, which may be supplemental to present board rules on the subject;
- (3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked;
- (4) certification of individuals seeking to practice embryo transfers, to be implemented on or before July 1, 1991; and
- (5) formation of an advisory committee to make recommendations regarding the certification of individuals seeking to practice embryo transfers."

Applicability: Section 9, Ch. 650, L. 1989, provided: "The provisions of [this act] clarify existing authority of the board of veterinary medicine to regulate veterinary practices. The provisions of Title 2, chapter 8, part 2 [now repealed], and 5-4-207 [now repealed] do not apply to [this act]."

1985 Amendment: In (1)(e) deleted former last two sentences that read: "However, this employment may not be contracted for or entered into except after written application for approval directed to the board and the written grant of approval by the board. This employment may not be for a period in excess of 6 months from the date of completion of the third year of study".

Case Notes

Employment Contract for Performance of Embryo Transfers by Nonveterinarian Void for Illegal Purpose: Employment contracts entered into in 1980 by an embryonics corporation and two persons who were not veterinarians, for the performance of bovine embryo transfers in Montana, were contracts for the illegal purpose of unauthorized practice of veterinary medicine and were therefore void. Actions arising from alleged breach of the contracts were unenforceable. *Portable Embryonics, Inc. v. J.P. Genetics, Inc.*, 248 M 242, 810 P2d 1197, 48 St. Rep. 415 (1991).

Part 2 Board of Veterinary Medicine

Part Cross-References

Right to know, Art. II, sec. 9, Mont. Const.
Open meetings, Title 2, ch. 3, part 2.
Meeting defined, 2-3-202.
Adoption and publication of rules, Title 2, ch. 4, part 3.
Public records, Title 2, ch. 6.
Prohibition on distribution and sale of mailing lists, 2-6-1017.
Allocation of boards for administrative purposes, 2-15-121.
Quasi-judicial boards, 2-15-124.
Board established, 2-15-1742.
Prosecutorial duties of County Attorney, 7-4-2712.
Duties of County Attorney relating to state matters, 7-4-2716.
Duties of Department, Director, and boards, Title 37, ch. 1, part 1.
Licensing investigation and review — record access, 37-1-135.
Disrupting meeting as disorderly conduct, 45-8-101.

Part Administrative Rules

Title 24, chapter 225, subchapter 1, ARM Organizational rule.
Title 24, chapter 225, subchapter 2, ARM Procedural rules.

37-18-201. Organization — meetings. (1) A board member must receive a certificate of appointment from the governor.

(2) The board shall annually elect from its members a president, vice president, and secretary-treasurer and shall hold at least two regular meetings each year. If a member of the board, without cause, is absent from two consecutive regular meetings, that member's position on the board is vacated.

History: En. Sec. 2, Ch. 82, L. 1913; re-en. Sec. 3218, R.C.M. 1921; re-en. Sec. 3218, R.C.M. 1935; amd. Sec. 2, Ch. 90, L. 1955; amd. Sec. 206, Ch. 350, L. 1974; amd. Sec. 5, Ch. 135, L. 1975; R.C.M. 1947, 66-2202(1), (2); amd. Sec. 26, Ch. 492, L. 2001.

Compiler's Comments

2001 Amendment: Chapter 492 in (2) substituted second sentence regarding absence from meetings for "At a meeting four members of the board constitute a quorum. If a member of the board, without cause, absents himself from two of its regular meetings consecutively, his office is vacant"; and made minor changes in style. Amendment effective October 1, 2001.

37-18-202. Rulemaking. The board may adopt rules necessary to carry out the purposes of this chapter.

History: En. Sec. 2, Ch. 82, L. 1913; re-en. Sec. 3218, R.C.M. 1921; re-en. Sec. 3218, R.C.M. 1935; amd. Sec. 2, Ch. 90, L. 1955; amd. Sec. 206, Ch. 350, L. 1974; amd. Sec. 5, Ch. 135, L. 1975; R.C.M. 1947, 66-2202(3), (4); amd. Sec. 3, Ch. 96, L. 1981; amd. Sec. 3, Ch. 650, L. 1989; amd. Sec. 65, Ch. 429, L. 1995; amd. Sec. 2, Ch. 75, L. 1997; amd. Sec. 58, Ch. 467, L. 2005.

Compiler's Comments

2005 Amendment: Chapter 467 at beginning after "rules" deleted "and orders" and after "necessary" substituted "to carry out the purposes of this chapter" for "for the performance of its duties, including but not limited to:

- (a) prescribing of forms for application for examination and license;
- (b) preparation of examinations; and
- (c) clarifying the use of support personnel and the provision of emergency services.

(2) The department shall, subject to 37-1-101, supervise the examination of applicants for license to practice veterinary medicine, obtain the services of professional examination agencies instead of its own preparation of examinations, and grant and revoke licenses"; and made minor changes in style. Amendment effective July 1, 2005.

1997 Amendment: Chapter 75 inserted (1)(c) concerning support personnel and emergency services.

1997 Statement of Intent: The statement of intent attached to Ch. 75, L. 1997, provided: "A statement of intent is required for this bill because 37-18-104(6) and (7) and 37-18-202(1)(c) grant authority to the board of veterinary medicine to adopt rules regarding the limited exemption of certain veterinary support personnel from the practice of veterinary medicine. It is intended that the board be allowed to define by rule the scope of treatments that support personnel may render when working under the supervision of a veterinarian. It is also intended that, in its discretion, the board be allowed to further define situations that constitute emergencies during which support personnel may provide limited care to a veterinarian's animal patients."

1995 Amendment: Chapter 429 deleted (1)(a) authorizing Board to adopt rules for development of continuing professional education requirements and exceptions from requirements; deleted (3) that read: "(3) The department may employ attorneys, subject to the approval of the attorney general, to assist county attorneys in prosecutions brought under this chapter in the respective district courts of the state or to assist the attorney general in representing the board before the supreme court"; and made minor changes in style.

Severability: Section 131, Ch. 429, L. 1995, was a severability clause.

Saving Clause: Section 132, Ch. 429, L. 1995, was a saving clause.

Applicability: Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

1989 Amendment: In introductory clause of (1), after "duties", inserted "including but not limited to"; inserted (1)(a) regarding continuing education; and made minor changes in phraseology, form, and punctuation. Amendment effective May 11, 1989.

1989 Statement of Intent: The statement of intent attached to Ch. 650, L. 1989, provided: "A statement of intent is required for this bill because 37-18-104, 37-18-202, and 37-18-311 [now repealed] grant to the board of veterinary medicine the authority to adopt rules to implement the provisions of the bill. At a minimum, it is intended that the rules address:

- (1) a definition of accepted livestock management practices in order to determine whether a person who advises on the subject is exempt from Title 37, chapter 18;
- (2) development of standards for continuing education requirements, which may be supplemental to present board rules on the subject;
- (3) a definition of unprofessional conduct to be used in determining whether a license may be refused, suspended, or revoked;
- (4) certification of individuals seeking to practice embryo transfers, to be implemented on or before July 1, 1991; and
- (5) formation of an advisory committee to make recommendations regarding the certification of individuals seeking to practice embryo transfers."

1981 Amendment: Deleted former subsection (2), relating to issuance of veterinary technicians' licenses.

Administrative Rules

Title 24, chapter 225, ARM Board of Veterinary Medicine.

37-18-203. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 3, Ch. 82, L. 1913; re-en. Sec. 3219, R.C.M. 1921; re-en. Sec. 3219, R.C.M. 1935; amd. Sec. 3, Ch. 90, L. 1955; amd. Sec. 126, Ch. 147, L. 1963; amd. Sec. 27, Ch. 177, L. 1965; amd. Sec. 26, Ch. 93, L. 1969; amd. Sec. 207, Ch. 350, L. 1974; amd. Sec. 38, Ch. 439, L. 1975; amd. Sec. 3, Ch. 531, L. 1977; R.C.M. 1947, 66-2203(1), (2); amd. Sec. 22, Ch. 474, L. 1981.

Part 3 Licensing — Veterinary Medicine

Part Cross-References

Licensing to follow contested case procedure, 2-4-631.
Duty of Department to administer and grade examinations, 37-1-101.
Standardized forms, 37-1-104.
Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.
Licensing boards to establish fees commensurate with costs, 37-1-134.
Licensing investigation and review — record access, 37-1-135.
Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.
Licensure of criminal offenders, Title 37, ch. 1, part 2.
Nondiscrimination in licensing, 49-3-204.

37-18-301. License required. A person may not practice veterinary medicine or veterinary surgery in this state unless licensed and registered as required by this chapter, nor may a person practice veterinary medicine or surgery whose authority to practice is suspended or revoked by the board.

History: En. Sec. 9, Ch. 82, L. 1913; re-en. Sec. 3225, R.C.M. 1921; re-en. Sec. 3225, R.C.M. 1935; amd. Sec. 7, Ch. 90, L. 1955; amd. Sec. 1, Ch. 191, L. 1965; amd. Sec. 211, Ch. 350, L. 1974; amd. Sec. 7, Ch. 135, L. 1975; R.C.M. 1947, 66-2209(2).

Administrative Rules

ARM 24.225.425 Nonroutine applications.

37-18-302. Application — qualification. A person desiring to begin the practice of veterinary medicine or veterinary surgery in this state or who desires to hold out to the public that the person is a practitioner of veterinary medicine or veterinary surgery, except as provided in 37-18-104, shall apply to the department for a license to do so. The application must be on a form furnished by the department, must be accompanied by satisfactory evidence of the good moral character of the applicant, and must contain evidence of the applicant's having received a degree from a legally authorized veterinary medical school having educational standards equal to those approved by the American veterinary medical association. On application, a certified transcript of the applicant must be submitted to the department for inspection and verification. The certified transcript remains the property of the department.

History: En. Sec. 4, Ch. 82, L. 1913; amd. Sec. 1, Ch. 150, L. 1919; re-en. Sec. 3220, R.C.M. 1921; re-en. Sec. 3220, R.C.M. 1935; amd. Sec. 4, Ch. 90, L. 1955; amd. Sec. 127, Ch. 147, L. 1963; amd. Sec. 7, Ch. 168, L. 1971; amd. Sec. 208, Ch. 350, L. 1974; R.C.M. 1947, 66-2204(part); amd. Sec. 1, Ch. 431, L. 1979; amd. Sec. 5, Ch. 341, L. 1981; amd. Sec. 2, Ch. 21, L. 1991; amd. Sec. 12, Ch. 230, L. 1999; amd. Sec. 33, Ch. 109, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 109 deleted former last sentence that read: "A person applying for a license to practice shall pay to the department a nonrefundable fee commensurate with the costs of the examinations and set by the board". Amendment effective October 1, 2009.

Saving Clause: Section 53, Ch. 109, L. 2009, was a saving clause.

Severability: Section 54, Ch. 109, L. 2009, was a severability clause.

1999 Amendment: Chapter 230 in third sentence substituted "certified transcript" for "photostatic copy of the diploma"; in fourth sentence substituted "certified transcript" for "photostatic copy"; and made minor changes in style. Amendment effective October 1, 1999.

1991 Amendment: In last sentence, after "set", deleted "annually". Amendment effective February 12, 1991.

1981 Amendment: Substituted "person" for "citizen of the United States" at the beginning of the section.

Citizenship Qualification — Preamble: The preamble to Ch. 341, L. 1981, provided: "WHEREAS, the Legislative Audit Committee in its sunset reviews determined that a few professions and occupations require citizenship as a qualification for licensure; and

WHEREAS, a number of courts, including the United States Supreme Court, have found citizenship qualifications for licensure unconstitutional.

THEREFORE, it is the intent of this act to delete citizenship requirements as a qualification for licensure by those boards presently having a citizenship requirement."

Administrative Rules

ARM 24.225.401 Fee schedule.

ARM 24.225.410 Recordkeeping standards.

ARM 24.225.503 Examination application requirements.

ARM 24.225.504 Examination for licensure.

ARM 24.225.507 Licensure endorsement of out-of-state applicants.

37-18-303. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 4, Ch. 82, L. 1913; amd. Sec. 1, Ch. 150, L. 1919; re-en. Sec. 3220, R.C.M. 1921; re-en. Sec. 3220, R.C.M. 1935; amd. Sec. 4, Ch. 90, L. 1955; amd. Sec. 127, Ch. 147, L. 1963; amd. Sec. 7, Ch. 168, L. 1971; amd. Sec. 208, Ch. 350, L. 1974; R.C.M. 1947, 66-2204(part); amd. Sec. 2, Ch. 431, L. 1979; amd. Sec. 4, Ch. 96, L. 1981; amd. Sec. 3, Ch. 21, L. 1991; amd. Sec. 66, Ch. 429, L. 1995; amd. Sec. 13, Ch. 230, L. 1999.

37-18-304. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 8, Ch. 82, L. 1913; re-en. Sec. 3224, R.C.M. 1921; re-en. Sec. 3224, R.C.M. 1935; amd. Sec. 6, Ch. 90, L. 1955; amd. Sec. 210, Ch. 350, L. 1974; R.C.M. 1947, 66-2208(2).

37-18-305. License — issuance and contents. (1) The board shall, at the conclusion of a regular examination or after investigation, if in its judgment the applicant is qualified, authorize the department to issue a license to practice veterinary medicine.

(2) Every license granted must be issued under seal and must be signed by the president and secretary-treasurer of the board and must state that the licensee has given satisfactory evidence of fitness as to age, character, veterinary medical education, and other matters required by law and that after full examination, the licensee has been found qualified to practice.

History: En. Sec. 7, Ch. 82, L. 1913; re-en. Sec. 3223, R.C.M. 1921; re-en. Sec. 3223, R.C.M. 1935; amd. Sec. 5, Ch. 90, L. 1955; amd. Sec. 209, Ch. 350, L. 1974; amd. Sec. 6, Ch. 135, L. 1975; R.C.M. 1947, 66-2207(1), (2); amd. Sec. 67, Ch. 429, L. 1995.

Compiler's Comments

1995 Amendment: Chapter 429 in (1), after "investigation", deleted "under the reciprocity arrangements of 37-18-304"; in (2), after "examination", deleted "or investigation under reciprocity arrangements"; and made minor changes in style.

Severability: Section 131, Ch. 429, L. 1995, was a severability clause.

Saving Clause: Section 132, Ch. 429, L. 1995, was a saving clause.

Applicability: Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

37-18-306. Display of license and certificate. A person may not practice veterinary medicine in this state without possessing and displaying prominently in the person's principal office a current and valid license issued under this part.

History: En. Sec. 8, Ch. 82, L. 1913; re-en. Sec. 3224, R.C.M. 1921; re-en. Sec. 3224, R.C.M. 1935; amd. Sec. 6, Ch. 90, L. 1955; amd. Sec. 210, Ch. 350, L. 1974; R.C.M. 1947, 66-2208(1); amd. Sec. 18, Ch. 502, L. 2007.

Compiler's Comments

2007 Amendment: Chapter 502 near middle after "office" deleted "a license and" and after "valid" substituted "license" for "certificate of registration"; and made minor changes in style. Amendment effective October 1, 2007.

Saving Clause: Section 52, Ch. 502, L. 2007, was a saving clause.

37-18-307. Repealed. Sec. 127, Ch. 467, L. 2005.

History: En. Sec. 7, Ch. 82, L. 1913; re-en. Sec. 3223, R.C.M. 1921; re-en. Sec. 3223, R.C.M. 1935; amd. Sec. 5, Ch. 90, L. 1955; amd. Sec. 209, Ch. 350, L. 1974; amd. Sec. 6, Ch. 135, L. 1975; R.C.M. 1947, 66-2207(3) thru (5); amd. Sec. 44, Ch. 345, L. 1981; amd. Sec. 5, Ch. 43, L. 1985; amd. Sec. 4, Ch. 650, L. 1989; amd. Sec. 68, Ch. 429, L. 1995; amd. Sec. 23, Ch. 492, L. 1997; amd. Sec. 26, Ch. 271, L. 2003.

37-18-308. Deposit of money. Money received under this chapter shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6).

History: En. Sec. 3, Ch. 82, L. 1913; re-en. Sec. 3219, R.C.M. 1921; re-en. Sec. 3219, R.C.M. 1935; amd. Sec. 3, Ch. 90, L. 1955; amd. Sec. 126, Ch. 147, L. 1963; amd. Sec. 27, Ch. 177, L. 1965; amd. Sec. 26, Ch. 93, L. 1969; amd. Sec. 207, Ch. 350, L. 1974; amd. Sec. 38, Ch. 439, L. 1975; amd. Sec. 3, Ch. 531, L. 1977; R.C.M. 1947, 66-2203(3); amd. Sec. 1, Ch. 277, L. 1983.

Compiler's Comments

1983 Amendment: Substituted reference to state special revenue fund for reference to earmarked revenue fund.

37-18-309 and 37-18-310 reserved.

37-18-311. Repealed. Sec. 128, Ch. 429, L. 1995.

History: En. Sec. 10, Ch. 82, L. 1913; re-en. Sec. 3226, R.C.M. 1921; re-en. Sec. 3226, R.C.M. 1935; amd. Sec. 8, Ch. 90, L. 1955; amd. Sec. 212, Ch. 350, L. 1974; amd. Sec. 18, Ch. 101, L. 1977; R.C.M. 1947, 66-2210; amd. Sec. 5, Ch. 650, L. 1989.

37-18-312 reserved.

37-18-313. Municipal license fee prohibited. A license fee or license tax may not be imposed upon a person who practices veterinary medicine, as a condition to the practice of the profession, by any municipality or other political subdivision of the state, including a local government with self-governing powers.

History: En. Sec. 7, Ch. 650, L. 1989; amd. Sec. 1383, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

Effective Date: Section 10, Ch. 650, L. 1989, provided that this section is effective May 11, 1989.

Cross-References

General county licensing authority, Title 7, ch. 21, part 21.

Municipal licensing authority, Title 7, ch. 21, part 41.

Licensing — Veterinary Technology (Repealed)

37-18-401. Repealed. Sec. 7, Ch. 96, L. 1981.

History: En. 66-2213 by Sec. 1, Ch. 135, L. 1975; R.C.M. 1947, 66-2213(3); amd. Sec. 3, Ch. 431, L. 1979.

37-18-402. Repealed. Sec. 7, Ch. 96, L. 1981.

History: En. 66-2213 by Sec. 1, Ch. 135, L. 1975; R.C.M. 1947, 66-2213(4), (6).

37-18-403. Repealed. Sec. 7, Ch. 96, L. 1981.

History: En. 66-2213 by Sec. 1, Ch. 135, L. 1975; R.C.M. 1947, 66-2213(5); amd. Sec. 45, Ch. 345, L. 1981.

37-18-404. Repealed. Sec. 7, Ch. 96, L. 1981.

History: En. 66-2213 by Sec. 1, Ch. 135, L. 1975; R.C.M. 1947, 66-2213(7).

37-18-405. Repealed. Sec. 7, Ch. 96, L. 1981.

History: En. 66-2213 by Sec. 1, Ch. 135, L. 1975; R.C.M. 1947, 66-2213(8), (9); amd. Sec. 46, Ch. 345, L. 1981.

37-18-406 through 37-18-410 reserved.

37-18-411. Repealed. Sec. 7, Ch. 96, L. 1981.

History: En. 66-2214 by Sec. 2, Ch. 135, L. 1975; amd. Sec. 20, Ch. 101, L. 1977; R.C.M. 1947, 66-2214.

Part 5 Remedies for Violation

Part Cross-References

Prosecutorial duties of County Attorney, 7-4-2712.

Duties of County Attorney relating to state matters, 7-4-2716.

37-18-501. Penalty. A person practicing veterinary medicine within this state, as defined in this chapter, without first having obtained a license to practice and being registered as required by this chapter or after the person's license to practice has been suspended or revoked or contrary to the provisions of this chapter in any manner is guilty of a misdemeanor for each violation of the provisions of this chapter or for each act relating to the practice of veterinary medicine in this state. Upon conviction, the person shall be punished by a fine of not less than \$200 or more than \$500 or by imprisonment in the county jail for not less than 30 days or more than 6 months, or both. A person convicted a second time for any violation of this chapter shall be punished by both fine and imprisonment. The district court has jurisdiction of all prosecutions brought under this section.

History: En. Sec. 12, Ch. 82, L. 1913; re-en. Sec. 3228, R.C.M. 1921; re-en. Sec. 3228, R.C.M. 1935; amd. Sec. 10, Ch. 90, L. 1955; amd. Sec. 19, Ch. 101, L. 1977; R.C.M. 1947, 66-2212; amd. Sec. 5, Ch. 96, L. 1981; amd. Sec. 1384, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1981 Amendment: Deleted "or veterinary technology" after "veterinary medicine" in two places.

37-18-502. Injunction. The board or any person may bring an action in the district court to enjoin a person who is not licensed from engaging in the practice of veterinary medicine unless otherwise exempted under 37-18-104(4). If the court finds that the defendant is violating or threatening to violate any provision of Title 37, chapter 18, it shall enter an order restraining the defendant from the violation, without regard to any criminal provisions of Title 37, chapter 18.

History: En. 66-2215 by Sec. 3, Ch. 135, L. 1975; R.C.M. 1947, 66-2215; amd. Sec. 6, Ch. 96, L. 1981; amd. Sec. 6, Ch. 650, L. 1989; amd. Sec. 1385, Ch. 56, L. 2009.

Compiler's Comments

2009 Amendment: Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

1989 Amendment: Substituted reference to 37-18-104(4) for reference to 37-18-104(3). Amendment effective May 11, 1989.

1981 Amendment: Deleted "or veterinary technology" after "veterinary medicine".

Cross-References

Issuance of injunctions on nonjudicial days, 3-1-302, 3-5-302.

Contempts, Title 3, ch. 1, part 5.

Affidavits, Title 26, ch. 1, part 10.

Injunctions, Title 27, ch. 19.

Disciplinary authority of boards — injunctions, 37-1-136.

Part 6

Euthanasia Technicians and Agencies — Certification

Part Compiler's Comments

Termination Provision Repealed: Section 1, Ch. 153, L. 2007, repealed sec. 11, Ch. 60, L. 2003, which terminated this part January 1, 2008.

Effective Date: Section 10, Ch. 60, L. 2003, provided: "[This act] is effective January 1, 2004."

Termination: Section 11, Ch. 60, L. 2003, provided: "[This act] terminates January 1, 2008."

37-18-601. Purpose. The purpose of this part is to provide the most humane disposition possible of unwanted, stray, abandoned, discarded, or dangerous animals by providing for the certification of agencies and euthanasia technicians.

History: En. Sec. 1, Ch. 60, L. 2003.

37-18-602. Definitions. As used in this part, the following definitions apply:

(1) "Certified agency" means a law enforcement agency, a public or private animal control agency, or a humane society organized for the prevention of cruelty to animals that has certification from the board to possess controlled substances approved for the purpose of euthanasia.

(2) "Certified euthanasia technician" means an employee of a certified agency or a person who is working under the supervision of a licensed veterinarian and who has been certified by the board to administer a controlled substance approved by the board for the purpose of euthanasia.

(3) "Controlled substance" means any substance designated as a dangerous drug pursuant to Title 50, chapter 32, parts 1 and 2.

(4) "Euthanasia" means the act or practice of ending the life of an animal in order to end suffering or for some other humane purpose.

(5) "Person" means an individual, corporation, partnership, government or governmental subdivision or agency, trust, or other legal entity.

History: En. Sec. 2, Ch. 60, L. 2003.

37-18-603. Powers of board — euthanasia certification. The board may:

- (1) establish qualifications and prescribe the application format for certification as a certified agency or as a certified euthanasia technician and review each application for compliance with certification requirements;
- (2) examine and determine the qualifications and fitness of applicants to operate as a certified agency or as a certified euthanasia technician;
- (3) issue, renew, reinstate, deny, suspend, require voluntary surrender of, or revoke any certifications or temporary permits or impose other forms of discipline and enter into consent agreements and negotiated settlements with certified agencies or certified euthanasia technicians consistent with the provisions of this chapter and rules adopted pursuant to Title 37, chapter 1, and this chapter;
- (4) establish a schedule of fees for certifying agencies and euthanasia technicians, ensuring that the fees are commensurate with the costs of the certification program;
- (5) establish a list of controlled substances approved for the purpose of euthanasia;
- (6) adopt other rules that the board or department considers necessary for the implementation of this part; and
- (7) inspect any certified agency's controlled substance storage, inventory, administration procedures, and recordkeeping.

History: En. Sec. 3, Ch. 60, L. 2003.

Administrative Rules

ARM 24.225.401 Fee schedule.

Title 24, chapter 225, subchapter 9, ARM Euthanasia technicians and agencies.

37-18-604. Certified agency — duties. (1) A person may not possess controlled substances for the purpose of euthanasia without first becoming a licensed veterinarian or a certified agency under rules adopted by the board.

(2) Certified agencies shall apply for registration with the applicable state or federal agency to possess controlled substances approved by the board for purposes of euthanasia.

(3) Certified agencies shall comply with all state and federal laws regarding the storage, care, and administration of controlled substances. Failure to comply with these laws may result in the immediate revocation of the certification in addition to any other civil or criminal penalties provided under any other statute.

History: En. Sec. 4, Ch. 60, L. 2003.

37-18-605. Certified euthanasia technician. (1) A person may not administer controlled substances for euthanasia purposes unless the person is a licensed veterinarian, a certified euthanasia technician, or support personnel as defined by rules adopted by the board.

(2) A certified euthanasia technician may use controlled substances only for euthanasia purposes unless the certified euthanasia technician is under the direct supervision of a licensed veterinarian.

History: En. Sec. 5, Ch. 60, L. 2003.

37-18-606. Disposition of fees. Any fees collected under this part must be deposited in a state special revenue account to offset costs incurred by the board or department in carrying out this part.

History: En. Sec. 6, Ch. 60, L. 2003.