

State Legislative Update

May/June 2021

This issue of the State Legislative Update includes select summaries of bills and regulations tracked by AVMA Division of State Advocacy in May and June. Thirty-six state legislatures have ended their regular sessions as June came to an end. For more information, please contact Mr. Cody Corcelius, Policy Analyst, AVMA Division of State Advocacy (wcorcelius@avma.org).

Cannabis

Effective October 1, 2021, **Nevada's NV AB 101** will allow a veterinarian to administer a product containing hemp or CBD that contains not more than 0.3% THC, or recommend to the owner the use of such a product to treat a condition. The new law also prohibits the Nevada State Board of Veterinary Medical Examiners from taking disciplinary action against a licensed veterinarian based on the administration or recommendation of such a product.

Pharmaceuticals

Championed by the **Maine Veterinary Medical Association**, **ME LD 799 (SP 71)** delays the requirement that veterinarians must electronically prescribe benzodiazepine and opioid medications until July 1, 2025.

VCPR & Telemedicine

Spearheaded by the **Connecticut Veterinary Medical Association** and effective July 1, 2021, **CT HB 6504** defines the elements needed to have a valid Veterinarian-Client-Patient Relationship, including a physical examination of the animal or being personally acquainted with the keeping and care of the animal by virtue of providing timely and appropriate medical care or treatment to another animal at the same location where the animal is kept. The new law also defines veterinary telemedicine and explicitly prohibits a VCPR from being established solely through veterinary telemedicine. Provisions of the law do allow a veterinarian to maintain the VCPR through veterinary telemedicine once a VCPR is established.

Legislation crafted by the **Michigan Veterinary Medical Association** (**MI HB 4912 as amended**) would require a VCPR to be established by physical examination or timely and medically appropriate visits to the location where the animal is kept. A **Michigan** regulation (**MI R 338.4901 et.al.**) that went into effect in April 15, 2021, set out basic requirements for veterinarians providing telehealth services.

Championed by the **Nevada Veterinary Medical Association** and supported by the AVMA, **NV AB 200** defines both the VCPR and veterinary telemedicine. Establishment of a VCPR in Nevada requires a physical examination or visits to the premise where the animal is kept. While a VCPR may not be established via telemedicine in Nevada, it may be maintained by veterinary telemedicine. This new law goes into effect October 1, 2021.

Backed by the **Oklahoma Veterinary Medical Association**, [OK SB 270](#) modifies the definition of “Telemedicine” to include “telehealth” and to mean “the practice of veterinary medicine including diagnosis, consultation, evaluation, treatment, transfer of medical data or exchange of information by means of a two-way, real-time interactive communication between a client or patient and a veterinarian who has access to and reviews the patient's relevant information prior to the telemedicine visit, has an established VCPR, and conducts all appropriate evaluations and history of the patient consistent with traditional standards of care for the particular patient presentation”. This new law is effective November 1, 2021.

Veterinary technicians

Supported by the **Montana Veterinary Medical Association**, the Big Sky Veterinary Technician Association, the National Association of Veterinary Technicians in America, and the AVMA, a new law in **Montana** ([MT SB 106](#)) establishes licensing and qualifications for veterinary technicians to administer or dispense drugs or appliances and perform procedures so long as supervised and with written permission of a veterinarian. The new law, which is effective January 1, 2023, also adds a member to the Board of Veterinary Medicine to represent licensed veterinary technicians.

Animal Abuse Cruelty			
State	Link	Summary of Proposed Bill or Regulation	Status
Colorado	CO HB 21-1160	Clarifies the standard of care that an animal shelter or pet animal rescue is required to provide each dog and cat held in its custody.	Enacted 5/24/2021
Louisiana	LA SB 144	Creates the crime of unlawful possession, transfer, or manufacture of animal fighting paraphernalia, including unprescribed veterinary medicine and veterinary treatment supplies.	Enacted 6/4/2021
North Carolina	NC HB 803	Would require the Legislative Research Commission to study veterinary malpractice in North Carolina, including examining: <ol style="list-style-type: none"> 1. Current legal barriers in the state to recovery for pet owners from persons who commit negligent or intentional acts leading to the death or injury of the pet; 2. Limitations on damages in the context of pets adopted from an animal shelter or other animal rescue organization offering adoption of animals; 3. The approaches to liability for pet death or permanent injury in other states that recognize the significant role pets play in the health and emotional well-being of many state citizens; and, 4. Effectiveness of current facility and occupational licensing. 	Introduced 5/3/2021

Animal Disease Vaccination			
State	Link	Summary of Proposed Bill or Regulation	Status
Arizona	AZ R9-6-502	Would change the confinement of a rabies exposed animal from 180 to 120 days in a veterinary animal hospital or animal control facility at the owner's expense.	Published 5/14/2021
Delaware	DE HB 4	<ol style="list-style-type: none"> 1. Requires veterinarians to report a suspected or confirmed case of rabies to the department of agriculture within 12 hours; 2. Requires those administering rabies vaccinations to be licensed veterinarians; 	Enacted 6/4/2021

		<ol style="list-style-type: none"> 3. Requires the licensed veterinarian administering the vaccine to complete a certificate specifying accurately the manufacturer’s specifications of the duration of immunity of the rabies vaccination used and the date the animal needs to be revaccinated in accordance with the specific criteria of the Compendium or as mandated by Delaware state law; and, 4. Prohibits licensed veterinarians from vaccinating a native wild animal, mammal, hybrid, exotic mammal, or exotic mammal hybrid or another animal with a rabies vaccine not intended for use in that animal. 	
Maine	<u>ME LD 103 (HP 69)</u>	<ol style="list-style-type: none"> 1. Provides that an owner or keeper of a dog over 3 months of age must have the dog vaccinated; and, 2. Allows the Commissioner of Agriculture, Conservation and Forestry to employ any person considered necessary to assist in any response to a natural or man-made disaster affecting animals both in the State and outside the State. 	Enacted 6/8/2021
Nevada	<u>NV SB 112</u>	Excludes viruses, serums, toxins and analogous products for use in the treatment of domestic animals from regulation under Nevada law governing drugs and medicines.	Enacted 5/27/2021

Animal Shelters

State	Link	Summary of Proposed Bill or Regulation	Status
Louisiana	<u>LA SB 58</u>	Expands the ways to permanently identify impounded animals from just branding to also include microchipping, tattoos, or other approved measures.	Enacted 6/11/2021
Louisiana	<u>LA HB 177</u>	<p>Authorizes a student in a veterinary school to perform:</p> <ol style="list-style-type: none"> 1. Duties or actions assigned by his instructors, or work under the direct supervision of a licensed veterinarian during a school vacation period; and, 2. Sterilizations on dogs or cats being sold or released through adoption by an animal shelter or animal control agency in the state. 	Enacted 6/11/2021
New Jersey	<u>NJ A 5715</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Establish requirements for the disclosure of information concerning the health and condition of a domestic companion animal that is adopted from an animal rescue organization facility; and, 2. Require the registration of animal rescue organizations and their facilities with the Department of Health (which is voluntary under current law). 	Introduced 5/17/2021
Texas	<u>TX HB 604</u>	Requires a shelter, animal rescue organization or releasing agency to scan an animal for a microchip.	Enacted 5/26/2021
Virginia	<u>VA SB 891</u>	<p>Requires:</p> <ol style="list-style-type: none"> 1. The Commissioner to employ and direct at least two licensed veterinary technicians (to be known as the State Animal Welfare Inspector) to conduct two annual inspections of each regulated facility; and, 2. Regulations governing the keeping of dogs, cats, and rabbits by any commercial dog breeder, dealer, pet shop, or private animal shelter; and the keeping of companion animals by zoos not accredited by the Association of Zoos and Aquariums. These regulations would not apply to agricultural animals or to any research facility. 	Enacted 5/21/2021

Appropriations			
State	Link	Summary of Proposed Bill or Regulation	Status
Iowa	IA HF 868	Appropriates \$300,000 to the Rural Veterinarian Loan Repayment Program.	Enacted 6/8/2021

Companion Animals			
State	Link	Summary of Proposed Bill or Regulation	Status
Michigan	MI SB 582	Would prohibit the conducting of research, training, or certain activities on dogs in a manner that causes pain and distress by an individual employed, contracted, or otherwise directed by a public body.	Introduced 6/30/2021
Michigan	MI SB 549	Would: <ol style="list-style-type: none"> 1. Require a person that operates a pet cemetery to disclose to the pet owner disposal options available, making this disclosure on a form that must be signed by the pet owner; 2. Allow a veterinarian to execute the disposal form acting on written or verbal request of the pet owner; and, 3. Not require the form if the pet owner cannot be found. 	Introduced 6/17/2021
New York	NY S 6652	Would require the Commissioner of Agriculture and Markets to develop and maintain a searchable database of lost and found domestic animals.	Introduced 5/11/2021

Education			
State	Link	Summary of Proposed Bill or Regulation	Status
New Jersey	NJ S 347	Establishes the “New Jersey One Health Task Force” in the Department of Health to develop a strategic plan to promote interdisciplinary communication and collaboration between physicians, veterinarians, and other scientific professionals and State agencies, with the goal of promoting the health and well-being of the State’s residents, animals, and environment.	Enacted 6/24/2021
Texas	TX HB 1259	Directs the Texas Animal Health Commission to administer the Rural Veterinarian Incentive Program in accordance with rules adopted by the Rural Veterinarian Incentive Program Committee.	Enacted 6/9/2021
Vermont	VT H 420	<ol style="list-style-type: none"> 1. Changes the Vermont Large Animal Veterinarian Educational Loan Repayment Fund to the Vermont Food Animal Veterinarian Educational Loan Repayment Fund; and, 2. Provides discretion to the Secretary of Agriculture, Food and Markets to award annual student loan repayment awards to licensed, qualified veterinarians who are significantly dedicated to treating food animals in the State. 	Enacted 5/21/2021

Emergency First Responders			
State	Link	Summary of Proposed Bill or Regulation	Status
California	CA SB 132	Would: <ol style="list-style-type: none"> 1. Require the University of California, Davis, School of Veterinary Medicine to develop the <i>California Veterinary Emergency Team</i> to assist in the support and training of a network of government agencies, nongovernmental organizations, and individuals to assist in the evacuation and care of household and domestic animals and livestock in emergencies statewide (including disaster preparedness, response, recovery, and mitigation); and, 2. Require the program to conduct or support research on best practices for the evacuation and care of the animals in disasters. 	Introduced 1/8/2021 Amended 6/29/2021
Florida	FL SB 388	Authorizes licensed life support services to transport injured police canines and authorizes a paramedic or an emergency medical	Enacted 6/18/2021

		technician to provide emergency medical care to injured police canines.	
Oregon	OR SB 103	Transfers animal emergency operations planning from the state Office of Emergency Management to the state Department of Agriculture.	Enacted 6/11/2021
Oregon	OR HB 2650	Allows EMS providers to transport or treat an injured K-9 officer.	Enacted 6/10/2021
Pennsylvania	PA SB 628	Would: 1. Criminalize a person causing serious bodily injury or death to a police animal while as a principal or an accomplice in the perpetuation of a felony as a second-degree felony; and, 2. Allow emergency service providers to transport and provide emergency medical care to a police animal injured in the line of duty if a person does not require care.	Introduced 5/11/2021

Equine

State	Link	Summary of Proposed Bill or Regulation	Status
Louisiana	LA SB 103	1. Establishes the Louisiana Equine Promotion and Research Program to enhance research, education, promotion, facilities, tourism, events, and equine-related activities throughout Louisiana; and, 2. Creates the Louisiana Equine Promotion and Research Advisory Board within the Department of Agriculture and Forestry to contract scientific research and other activities for the program.	Enacted 6/11/2021
Texas	TX HB 3132	Permits a student of an equine dental provider certification program to perform equine dentistry under the direct supervision of an active veterinarian in good standing.	Enacted 6/4/2021

Liability

State	Link	Summary of Proposed Bill or Regulation	Status
Hawaii	HI HB 1086	1. Grants immunity from civil liability for veterinarians when providing emergency care to an animal in the absence of gross negligence; 2. Allows a veterinarian to provide necessary and prompt care and treatment to an animal patient without establishing a veterinarian-client-patient relationship if conditions do not allow the establishment of the relationship in a timely manner; and, 3. Requires a veterinarian to report events of animal injury, death, or abuse to law enforcement where there is reasonable cause to believe that it relates to dog fighting or animal abuse and provides veterinarians immunity for civil liability for making the reports.	Enacted 6/28/2021
North Carolina	NC HB 851	Would amend the definition of "Dangerous Dog" by removing the automatic inclusion of dogs involved in dogfighting.	Introduced 5/4/2021
Texas	TX HB 365	Provides limited liability for certain activities involving equine and farm animals (horse, pony, mule, donkey, hinny, bovine, sheep, goat, pig, hog, ratite, ostrich, rhea, emu, chick or other fowl), including health management activities, assisting in medical treatment, vaccinating, transporting, and education of students.	Enacted 6/4/2021
Texas	TX HB 2850	1. Provides immunity from civil liability to a veterinarian, licensed veterinary technician, or certified veterinary assistant who in good faith and as a volunteer provides veterinary care or treatment to an animal in an accident or emergency; and, 2. Allows a veterinarian to share factual information in response to false information shared by a client or animal owner in a public forum so long as the veterinarian does not share personally	Enacted 6/15/2021

		identifiable information other than the full name of the client or owner.	
Texas	TX HB 3442	Requires the State Board of Veterinary Medical Examiners to provide a copy of a complaint to the subject of the complaint.	Enacted 6/8/2021

Livestock

State	Link	Summary of Proposed Bill or Regulation	Status
New Jersey	NJ A 5927	Would allow veterinary facilities for livestock or equine animals to be located and operated on preserved farmland if they solely engage in veterinary medicine for livestock or equine animals and the veterinary facility does not interfere significantly with the use of the land for agricultural or horticultural production.	Introduced 6/24/2021
New York	NY A 7533	Would expand the definition of livestock to include purpose-bred animals raised for research, service animals, honey bees, working dogs or any working animals in service on a farm.	Introduced 5/13/2021

Pharmaceuticals | Prescription Drug Monitoring Program

State	Link	Summary of Proposed Bill or Regulation	Status
Maine	ME LD 4 (SP 11)	Requires the Maine Board of Pharmacy, in consultation with the Maine Board of Veterinary Medicine, to adopt rules establishing the terms and conditions for compounding for veterinarian office use, including: <ol style="list-style-type: none"> 1. Requirements and specifications of minimum professional and technical equipment, environments, supplies and procedures and quality assurance requirements; 2. Labeling requirements; 3. Limits on the supply for administration to the veterinarian's patient and the supply for dispensing to the veterinarian's client; 4. Record-keeping requirements; and, 5. Procedures for notifications regarding defective drug products and adverse events. 	Enacted 6/21/2021
Maine	ME LD 8 (SP 15)	Requires drug manufacturers to operate a drug take-back stewardship program to collect and dispose of certain drugs, including veterinary drugs.	Enacted 6/8/2021
Maine	ME LD 799 (SP 71)	Delays requirement that veterinarians must electronically prescribe a benzodiazepine or opioid medication until to July 1, 2025.	Enacted 5/25/2021
New Mexico	NM 16.19.30 NMAC	Would allow pharmacies to distribute compounded controlled substances for veterinary office use if: <ol style="list-style-type: none"> 1. The preparation is not readily available from an outsourcing facility; 2. Ordering and distribution occur in compliance with applicable state and federal law; 3. The pharmacy is registered with the DEA as a manufacturer; and, 4. Product bears a statement "For administration only. Not for dispensing or resale." 	Published 6/22/2021
Nevada	NV AB 101	<ol style="list-style-type: none"> 1. Allows a veterinarian to administer a product containing hemp or CBD which contains not more than 0.3% THC or recommend to the owner the use of such a product to treat a condition of the animal; and, 2. Prohibits the Nevada State Board of Veterinary Medical Examiners from taking disciplinary action against a licensed veterinarian or the facility in which a licensed veterinarian engages in the practice of veterinary medicine based on the administration or recommendation of such a product. 	Enacted 5/28/2021

New York	NY S 6838	Would remove the veterinary exemption for mandatory electronic prescribing.	Introduced 5/19/2021
----------	---------------------------	---	-------------------------

Scope of Practice

State	Link	Summary of Proposed Bill or Regulation	Status
Idaho	ID H 404	Would allow for indirect supervision of a chiropractic allied health professional (who is licensed by the American Veterinary Chiropractic Association and is in good standing with the State Board of Chiropractic Physicians and any other board that oversees chiropractic medicine) to perform treatment or an examination without written or oral instructions by a supervising veterinarian prior to treatment by the professional.	Introduced 5/5/2021

Small Business

State	Link	Summary of Proposed Bill or Regulation	Status
Oregon	OR 875-011-0010	<ol style="list-style-type: none"> Clarifies that permission for surgery radiographs and diagnostics must be documented in the permanent record; Clarifies that any exams that are declined must be documented in the permanent record; Clarifies that requested patient records must be provided within 3 business days of request; and, Amends “unprofessional conduct” to include allowing unlicensed practice. 	Effective 5/1/2021
Oregon	OR 875-015-0030	Would clarify that a client accepting or declining any diagnostics, tests, or other recommended treatments, must be noted in the medical record.	Published 5/4/2021

State Programs | Board of Veterinary Medicine

State	Link	Summary of Proposed Bill or Regulation	Status
Nevada	NV SB 65	Requires the Agriculture Director to appoint a State Veterinarian who is a graduate of a veterinary school approved by the AVMA with at least 3 years’ experience in regulating and controlling diseases in livestock and an Administrator to manage activities relating to animal industries.	Enacted 5/20/2021
Texas	TX SB 713	Extends the sunset provision for the State Board of Veterinary Medical Examiners from 2021 to 2029.	Enacted 6/19/2021

Taxes: Credits | Exemptions | Sale & Use

State	Link	Summary of Proposed Bill or Regulation	Status
Texas	TX SB 197	Stipulates that nonprofit animal shelters are exempt from sales and use tax on fees collected for the adoption of an animal.	Enacted 6/4/2021

Veterinarian-Client-Patient Relationship | Telemedicine

State	Link	Summary of Proposed Bill or Regulation	Status
Connecticut	CT HB 6504	<ol style="list-style-type: none"> Defines VCPR and veterinary telemedicine; Requires a physical examination or being personally acquainted with the keeping and care of the animal by virtue of providing timely and appropriate medical care or treatment to another animal at the same location where the animal is kept to establish the VCPR; Explicitly prohibits a VCPR from being established solely through veterinary telemedicine; and, Allows maintenance of the VCPR by veterinary telemedicine. 	Enacted 6/28/2021

Michigan	<u>Substitute for MI HB 4912</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Define a VCPR and require that it can only be established by physically examining the patient or by medically appropriate and timely professional visits to the location where the animal is kept; and, 2. Define “complementary, alternative, and integrative therapy” and include the term in the definition of the practice of veterinary medicine. 	<p>Introduced 5/25/2021</p> <p>Amended 6/16/2021</p>
Nevada	<u>NV AB 200</u>	<ol style="list-style-type: none"> 1. Defines VCPR and veterinary telemedicine; 2. Requires a physical examination or visits to the premise where the animal is kept establishing the VCPR; and, 3. Allows a VCPR to be maintained by telemedicine. 	<p>Enacted 5/28/2021</p>
Oklahoma	<u>OK SB 270</u>	<ol style="list-style-type: none"> 1. Modifies the definition of "Telemedicine" to include "telehealth" and mean “the practice of veterinary medicine including diagnosis, consultation, evaluation, treatment, transfer of medical data or exchange of information by means of a two-way, real-time interactive communication between a client or patient and a veterinarian with access to and reviewing the patient's relevant information prior to the telemedicine visit. Telemedicine or telehealth shall not include consultations provided by telephone audio-only communication. A veterinarian using telehealth technologies shall take appropriate steps to establish the veterinarian-client-patient relationship and conduct all appropriate evaluations and history of the patient consistent with traditional standards of care for the particular patient presentation. A veterinarian shall be licensed, or under the jurisdiction of, the veterinary board of the jurisdiction where the patient is located. The practice of medicine occurs where the patient is located at the time telehealth technologies are used.”; and, 2. Pertaining to teeth floating, changes reference from "equine dental technician" to “nonveterinary equine dental care provider” and removes the requirement to have signed and notarized affidavits from three state residents stating the individual is known by the community as a nonveterinary equine dental care provider. 	<p>Enacted 5/28/2021</p>

Veterinary Technicians | Veterinary Assistants

State	Link	Summary of Proposed Bill or Regulation	Status
Montana	<u>MT SB 106</u>	<ol style="list-style-type: none"> 1. Establishes license and qualifications for veterinary technicians and adds a member to the Board of Veterinary Medicine to represent licensed veterinary technicians; and, 2. Allows a licensed veterinary technician under written authorization and direction of a licensed veterinarian to administer or dispense drugs, medicines, or appliances and perform procedures as provided by rule. 	<p>Enacted 4/30/2021</p>

Wildlife | Zoo Animals

State	Link	Summary of Proposed Bill or Regulation	Status
North Carolina	<u>NC HB 811</u>	<p>Would:</p> <ol style="list-style-type: none"> 1. Prohibit any person from possessing, selling, transferring, or breeding a dangerous wild animal; and, 2. Provide an exemption to institutions accredited or certified by the Zoological Association of America. 	<p>Introduced 5/4/2021</p>