



State Legislative Update

April 2021

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

ENACTED/FINALIZED

Signed by the Governor of **Iowa** on April 30, 2021, [IA HF 746](#) clarifies that the statute of limitations for recovery from injuries to a person or property by a licensed veterinarian is two years. This legislation was championed by the **Iowa Veterinary Medical Association**.

Enacted on April 20, 2021, **Indiana's** [IN SB 3](#) states that if a veterinarian is required to establish a veterinarian-client-patient relationship to perform a health care service, the veterinarian must ensure that a proper veterinarian-client-patient relationship is established, as defined in the veterinary practice act when providing the service using telehealth. To establish the VCPR, the Indiana veterinary practice act requires an examination of the animal or recently seeing and being personally acquainted with the keeping and care of representative animals and associated husbandry practices by making medically appropriate and timely visits to the premises where the animal is kept.

Effective April 15, 2021, a new regulation in **Michigan** ([MI R 338.4901- 338.4933](#)) would require a veterinarian providing a telehealth service to have sufficient knowledge of the animal patient by having recently examined the animal patient in person or obtained current knowledge of the animal patient through the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, or have conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.

Telemedicine regulations ([13:44-4A.1](#)) proposed by the **New Jersey** State Board of Veterinary Medical Examiners in 2019 became effective March 15, 2021. The regulations would permit the use of telemedicine or telehealth for a veterinarian who is located in New Jersey and provides health care services to any patient located in or out of New Jersey using telemedicine or telehealth, or to a veterinarian located outside of New Jersey and provides health care services to any patient located in New Jersey using telemedicine or telehealth. A [New Jersey law](#) enacted in 2017 required all medical licensing boards to adopt rules and regulations that would facilitate the provision of telemedicine and telehealth services. The law states that an initial in-person visit with the patient as a condition of providing services using telemedicine or telehealth could not be required.

Ballot initiatives

“Protect Animals from Unnecessary Suffering and Exploitation” (PAUSE) or Ballot Initiative 16, proposes changes to **Colorado's** animal cruelty statutes and is an initiative being advanced for

the 2022 Colorado ballot. If passed by Colorado voters in 2022, Ballot Initiative 16 would require that criminal animal cruelty charges be filed against veterinarians for performing common veterinary medical surgeries; make neutering animals a criminal offense, thereby increasing animal suffering, pet overpopulation, and spreading of disease; and criminalize safe and common artificial insemination of dogs, horses, and livestock as “sexual act with an animal” or bestiality. [Click here to read](#) the text of the initiative. The **Colorado Veterinary Medical Association**, as well as several other animal welfare groups, are **opposed** to Ballot Initiative 16 saying “it would have significant, extremely negative impacts on Colorado’s animals, their owners, and the veterinary profession. Every veterinarian takes an oath to protect animal health and welfare, prevent and relieve animal suffering, promote public health, and advance medical knowledge.”

A **ballot initiative**, Ballot Initiative 13, has also been filed with the **Oregon** Secretary of State’s office. The language of the initiative would add breeding domestic, livestock, and equine animals to the definition of sexual assault of an animal.

Continuing education

Several states are considering changes to continuing education requirements as a result of the Covid-19 pandemic. Legislation in **New Jersey** (**NJ S 3624**) would waive any requirement to complete a certain number of continuing education credits in-person to renew a license when the Governor declares a public health emergency. Meanwhile a regulation proposed in **Texas** (**TX 22 TAC 573.65**) would allow continuing education hours to be live or virtual.

A regulation in **Virginia** (**VA 18VAC150-20**) would add a requirement for one hour of continuing education on the subjects of diversity, equity, and inclusion.

Veterinarian-client-patient relationship & telemedicine

The veterinarian-client-patient relationship (VCPR) and telemedicine continues to be an area of focus for state policymakers. A regulation proposed in **Alaska** (**AK 12 AAC 68.010, 12 AAC 68.215, et al.**) would define the requirements needed for a valid VCPR, including language that prohibits a VCPR from being established solely by telephone or other electronic means. The proposal would allow for the VCPR to be maintained by telemedicine during a 12-month period. The **Florida Veterinary Medical Association** opposed legislation (**FL HB 911/ SB 1370**) that would have allowed a VCPR to be established via telemedicine; **FL HB 911** passed the Florida House but died in the Senate when the legislature adjourned this session. In **North Carolina**, **NC 21 NCAC 66** would define “veterinary telemedicine”, “veterinary telemonitoring” and “veterinary teleconsulting.” The regulation would allow a veterinarian to provide veterinary medical services via telemedicine to any patient only after establishing a VCPR and would prohibit a VCPR from being established by any electronic means or telecommunication technologies.

As noted above, **Indiana’s** **IN SB 3** was enacted into law; **Michigan’s** **MI R 338.4901- 338.4933** was finalized by the Michigan Department of Licensing and Regulatory Affairs; and **New Jersey’s** **13:44-4A.1** went in to effect in March.

AVMA policy supports the appropriate use of telemedicine but stipulates that a VCPR must be established by in-person examination of the patient or timely visits to the premises where

animals are kept. The AVMA opposes remote consulting, including telemedicine, offered directly to the public when the intent is to diagnose and/or treat a patient in the absence of a VCPR. More information on AVMA’s Telemedicine policy can be found [here](#).

Veterinary technicians

In **Arkansas**, [AR HB 1875](#) would allow individuals, including veterinary technicians, to work and earn a paycheck while also fulfilling licensing requirements. This “Earn and Learn” provision would not apply for any license requiring a bachelor’s degree or higher. A bill in **Minnesota** ([MN HF 2553](#)) would establish a licensure process for veterinary technicians and define direct and remote supervision; the bill would also define “veterinary assistant”. **Nevada’s** [NV SB 336](#) would clarify that administration of vaccinations for zoonotic diseases must be done by veterinary technicians under the direct supervision of a licensed veterinarian and define “veterinary technician in training”. And in **Virginia**, [VA 18VAC150-20](#) would allow an unlicensed veterinary assistant to place an intravenous catheter while [VA 18VAC150-20-115](#) would require an applicant for a veterinary technician to have received a degree in veterinary technology from a college or school accredited by the American Veterinary Medical Association (AVMA) or the Canadian Veterinary Medical Association (CVMA).

Ballot initiatives			
State	Link	Summary of Proposed Bill or Regulation	Status
Colorado	Ballot Initiative 16	Would: 1. Amend the definition of "sexual act with an animal" to include any intrusion of penetration, however, slight, with an object or part of a person’s body into an animal’s anus or genitals; and 2. Make the act of slaughtering livestock before the animal has lived one quarter of their natural lifespan based on species, breed, and type of animal as cruelty to animals.	Filed 2/22/2021
Oregon	Ballot Initiative 13	Would add breeding domestic, livestock, and equine animals to the definition of sexual assault of an animal.	Filed 11/02/2020

Emergency First Responders			
State	Link	Summary of Proposed Bill or Regulation	Status
New York	NY A 7122	Would allow the commissioner of agriculture and markets to enter into agreements with animal welfare organizations to provide care for animals during emergencies and disasters.	Introduced 4/23/2021
North Carolina	NC HB 648	Would allow emergency medical services personnel to provide emergency medical transport or emergency medical services to an injured K-9 police unit animal at the scene of an emergency.	Introduced 4/22/2021
North Carolina	NC HB 679	Would grant civil immunity to an emergency medical services personnel or law enforcement dog handler who voluntarily renders first aid, emergency treatment, rescue assistance, or transportation to a veterinary clinic to a law enforcement dog or search and rescue dog.	Introduced 4/26/2021

Euthanasia			
State	Link	Summary of Proposed Bill or Regulation	Status
Michigan	MI R 338.3501, et.al.	Would: 1. Require managers and employees of animal control shelters, animal protection shelters, and Class B dealers who acquire,	Published 4/15/2021

		<p>store, and administer tranquilizing or euthanizing drugs to receive additional training; and</p> <ol style="list-style-type: none"> Require that the training be approved by the state veterinarian who has determined that the training must comply with the American Veterinary Medical Association's guidelines for euthanasia of animals. 	
New York	NY SB 6209	<p>Would require the veterinarian performing the humane euthanasia of a companion animal to explain to the companion animal owner, in a truthful and easy to understand manner:</p> <ol style="list-style-type: none"> The various methods which can be utilized to humanely euthanize the companion animal; The benefits, risks and negative impacts upon the animal of each method; The alternative method of humane euthanasia to be utilized if the preferred method cannot be humanely utilized, and the negative impacts and risks of the alternative method; and Fully answer any questions the companion animal owner has. 	Introduced 4/15/2021
Ohio	OH SB 164	<p>Would:</p> <ol style="list-style-type: none"> Prohibit any animal shelter from recklessly destroying a domestic animal by the use of a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant; and Allow an animal shelter to destroy a domestic animal by the use of a carbon monoxide gas chamber, carbon dioxide gas chamber, or any other nonanesthetic inhalant if the state veterinary medical licensing board, in consultation with the state board of pharmacy, declares that there is a shortage of approved lethal injection substances. 	Introduced 4/15/2021

Liability

State	Link	Summary of Proposed Bill or Regulation	Status
Iowa	IA HF 746	Clarifies that the statute of limitations for recovery from injuries to a person or property by a licensed veterinarian is two years.	Enacted 4/30/2021

Licensure

State	Link	Summary of Proposed Bill or Regulation	Status
New Jersey	NJ S 3624	Would waive any requirement to complete a certain number of continuing education credits in-person in order to renew a license, certificate of registration, certification, or any other credential, when the Governor declares a public health emergency.	Introduced 4/19/2021
North Carolina	NC SB 545	<p>Would require an occupational licensing board or a State agency licensing board to issue a license, certification, or registration to any applicant who establishes residence in this state, and satisfies all stated conditions, including:</p> <ol style="list-style-type: none"> The applicant is currently licensed, certified, or registered in at least one other jurisdiction in the discipline applied for in this state at the same or substantially equivalent practice level; The applicant has been licensed, certified, or registered by another jurisdiction for at least one year; The applicant is in good standing in all jurisdictions in which the applicant holds a license, certification, or registration; and The applicant does not have any active or pending disciplinary actions from an occupational licensing board or agency in another jurisdiction, and, if applicable, the occupational licensing board or State agency has completed verification. 	Introduced 4/5/2021

Michigan	MI HB 4726	Would grant temporary licenses [90 days] to engage in the practice of veterinary medicine or the practice as a veterinary technician during certain emergencies or to respond to large-scale animal cruelty cases.	Introduced 4/28/2021
Texas	TX 22 TAC 573.65	Would allow licensees the flexibility to earn continuing education hours in whatever format they prefer, whether that be live or virtual.	Published 4/16/2021
Virginia	VA 18VAC150-20	Would add a requirement for one hour of continuing education on the subjects of diversity, equity, and inclusion.	Published 4/12/2021

Scope of Practice

State	Link	Summary of Proposed Bill or Regulation	Status
North Carolina	NC SB 651	Would: <ol style="list-style-type: none"> 1. Define veterinary consulting as any person, whose expertise the veterinarian believes would benefit the veterinarian's patient, provides advice by any means of communication to a veterinarian at the veterinarian's direction or request; 2. Specify that veterinary consulting does not constitute the practice of veterinary medicine by that act alone; and 3. Eliminate the term veterinary student preceptee. 	Introduced 4/6/2021
Ohio	OH 4734-12-01	Would require animal chiropractors to be registered with the Chiropractic Board.	Proposed 4/6/2021

Small Business

State	Link	Summary of Proposed Bill or Regulation	Status
Arkansas	AR SB 665	Would shorten not-to-compete agreements from two years to one year.	Introduced 4/9/2021

Veterinarian-Client-Patient Relationship | Telemedicine

State	Link	Summary of Proposed Bill or Regulation	Status
Alaska	AK 12 AAC 68.010, 12 AAC 68.215, et al.	Would: <ol style="list-style-type: none"> 1. Define requirements for a veterinarian-client-patient relationship, which would prohibit a VCPR from being established solely by telephone or other electronic means; 2. Amend the requirements for the prescription drug monitoring program (PDMP), including registration and delegates, outline the compliance requirements for use of the PDMP; 3. Establish a new definition for "veterinary facility" or "veterinary medical facility;" and 4. Allow for methods for electronic disposal of records in addition to other methods allowed (tearing, shredding, and burning). 	Published 4/22/2021
Florida	FL HB 911 FL SB 1370	Would: <ol style="list-style-type: none"> 1. Allow a VCPR to be established in person, by telephone, or by other means consistent with the individual veterinarian's professional judgment; 2. Not require a physical examination for the veterinarian to assume responsibility for making medical judgments or providing treatment; And 3. Permit an employee, agent, or contractor of an animal control authority acting under the indirect supervision of a veterinarian to vaccinate impounded animals that would be transferred, rescued, fostered, adopted, or reclaimed by the owner. 	Sine-Die Failed 4/30/2021

Indiana	IN SB 3	Requires that if a veterinarian is required to establish a veterinarian-client-patient relationship to perform a health care service, the veterinarian must ensure that a proper veterinarian-client-patient relationship is established, as defined in the veterinary practice act, when providing the service using telehealth.	Enacted 4/20/2021
New Jersey	13:44-4A.1	Healthcare providers, including veterinarians, engaging in telemedicine and telehealth must hold a license issued by the Board of Veterinary Medical Examiners if they are: <ol style="list-style-type: none"> 1. Located in New Jersey and provide health care services to any patient located in or out of New Jersey by means of telemedicine or telehealth; or 2. Located outside of New Jersey and provides health care services to any patient located in New Jersey by means of telemedicine or telehealth. 	Effective 03/15/2021
North Carolina	NC 21 NCAC 66	Would: <ol style="list-style-type: none"> 1. Define “veterinary telemedicine”, “veterinary telemonitoring” and “veterinary teleconsulting”; 2. Allow a veterinarian to provide veterinary medical services via telemedicine to any patient only after establishing a Veterinarian-Client-Patient-Relationship (VCPR); and 3. Prohibit a VCPR from being established by any electronic means or telecommunication technologies. 	Published 4/15/2021
Michigan	MI R 338.4901-338.4933	Requires a veterinarian providing a telehealth service to have sufficient knowledge of the animal patient by having recently examined the animal patient in person or obtained current knowledge of the animal patient through the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically, or having conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.	Effective 4/15/2021

Veterinary Technicians | Veterinary Assistants

State	Link	Summary of Proposed Bill or Regulation	Status
Arkansas	AR HB 1875	Would allow individuals, such as veterinary technicians, to work and earn a paycheck while also fulfilling licensing requirements. “Earn and Learn” would not be applicable for any license requiring a bachelor’s degree or higher.	Introduced 4/6/2021
Minnesota	MN HF 2553	Would: <ol style="list-style-type: none"> 1. Establish veterinary technician licensure, including defining direct and remote supervision; and 2. Define “veterinary assistant” as an employee of a veterinarian who is not a technician but is able to administer medicine, render auxiliary services, or provide supporting assistance under the direct supervision of a licensed veterinarian or licensed veterinary technician. 	Introduced 4/20/2021
Nevada	NV SB 336	Would: <ol style="list-style-type: none"> 1. Define the term “veterinary technician in training,” “animal chiropractic” and “animal physical therapy” and require registration with the Board of Veterinary Medicine; 2. Make referring an animal under treatment to another practice affiliated with or owned in any percentage by the referring veterinarian or the facility in which they practice grounds for disciplinary action unless the referring veterinarian first informs the owner of the animal of the affiliation; 	Introduced 3/22/2021

		<p>3. Specify that vaccinations for zoonotic diseases must be administered by a <u>veterinary technician</u> (instead of a 'person') under the direct supervision of a licensed veterinarian as well as a veterinarian; and</p> <p>4. Require a finding of malpractice or negligence to now be reported to the Board not later than 60 days, instead of within 90 days, after the finding is made.</p>	
Virginia	<u>VA 18VAC150-20.</u>	Would allow an unlicensed veterinary assistant to place an intravenous catheter.	Published 4/12/2021
Virginia	<u>VA 18VAC150-20-115.</u>	Would require an applicant for veterinary technician in the Commonwealth of Virginia to have received a degree in veterinary technology from a college or school accredited by the American Veterinary Medical Association (AVMA) or the Canadian Veterinary Medical Association (CVMA).	Published 4/12/2021