

SECOND REGULAR SESSION

# SENATE BILL NO. 883

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR BLACK.

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KRISTINA MARTIN, Secretary

### AN ACT

To repeal sections 340.200, 340.216, 340.220, and 340.222, RSMo, and to enact in lieu thereof five new sections relating to livestock reproductive specialists.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 340.200, 340.216, 340.220, and 2 340.222, RSMo, are repealed and five new sections enacted in 3 lieu thereof, to be known as sections 340.200, 340.216, 340.220, 4 340.222, and 340.295, to read as follows:

340.200. When used in sections 340.200 to 340.330, the 2 following terms mean:

3 (1) "Accredited school of veterinary medicine", any 4 veterinary college or division of a university or college 5 that offers the degree of doctor of veterinary medicine or 6 its equivalent and is accredited by the American Veterinary 7 Medical Association (AVMA);

8 (2) "**Advanced reproductive technologies**", processes by 9 which more offspring of livestock can be propagated to help 10 multiply the success of breeding and marketing programs; 11 these technologies include, but are not limited to, **in vitro** 12 **fertilization (IVF)** and **embryo transfer (ET)**;

13 (3) "Animal", any wild, exotic or domestic, living or 14 dead animal or mammal other than man, including birds, fish 15 and reptiles;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16       **[(3)] (4)** "Animal chiropractic", the examination and  
17 treatment of an animal through vertebral subluxation complex  
18 or spinal, joint, or musculoskeletal manipulation by an  
19 animal chiropractic practitioner. The term "animal  
20 chiropractic" shall not be construed to require supervision  
21 by a licensed veterinarian to practice or to allow the  
22 diagnosing of an animal; the performing of surgery; the  
23 dispensing, prescribing, or administering of medications,  
24 drugs, or biologics; or the performance of any other type of  
25 veterinary medicine when performed by an individual licensed  
26 by the state board of chiropractic examiners;

27       **[(4)] (5)** "Animal chiropractic practitioner":

28       (a) A licensed veterinarian; or  
29       (b) An individual who is licensed by the state board  
30 of chiropractic examiners to engage in the practice of  
31 chiropractic, as defined in section 331.010; who is  
32 certified by the AVCA, IVCA, or other equivalent certifying  
33 body; who has graduated from a certification course in  
34 animal chiropractic with not less than two hundred ten hours  
35 of instruction; and whose practice of animal chiropractic  
36 shall be regulated by the state board of chiropractic  
37 examiners under chapter 331;

38       **[(5)] (6)** "Applicant", an individual who files an  
39 application to be licensed to practice veterinary medicine  
40 or to be registered as a veterinary technician;

41       **[(6)] (7)** "Appointed member of the board", regularly  
42 appointed members of the Missouri veterinary medical board,  
43 not including the state veterinarian who serves on the board  
44 ex officio;

45       **[(7)] (8)** "AVCA", the American Veterinary Chiropractic  
46 Association or its successor organization;

47       **[(8)] (9)** "Board", the Missouri veterinary medical  
48 board;

49       **[(9)] (10)** "Consulting veterinarian", a veterinarian  
50 licensed in another state, country or territory who gives  
51 advice or demonstrates techniques to a licensed Missouri  
52 veterinarian or group of licensed Missouri veterinarians;

53       **[(10)] (11)** "ECFVG certificate", a certificate issued  
54 by the American Veterinary Medical Association Educational  
55 Commission for Foreign Veterinary Graduates or its  
56 successor. The certificate must indicate that the holder of  
57 the certificate has demonstrated knowledge and skill  
58 equivalent to that possessed by a graduate of an accredited  
59 school of veterinary medicine;

60       **(12) "Embryo transfer" or "ET", a process of  
61 administering specific hormonal treatment with follicle  
62 stimulating hormone to a donor animal to cause multiple  
63 follicles to ovulate, breeding the donor using artificial  
64 insemination, and non-surgically collecting the embryos from  
65 the donor's uterus to transfer into a synchronous recipient  
66 who will serve as a surrogate mother, or freezing the embryo  
67 to be implanted at a later date, and including the  
68 administration of lidocaine by caudal epidural on the donor  
69 and recipient animals;**

70       **[(11)] (13)** "Emergency", when an animal has been  
71 placed in a life-threatening condition and immediate  
72 treatment is necessary to sustain life or where death is  
73 imminent and action is necessary to relieve pain or  
74 suffering;

75       **[(12)] (14)** "Faculty member", full professors,  
76 assistant professors, associate professors, clinical  
77 instructors and residents but does not include interns or  
78 adjunct appointments;

79       **[(13)] (15)** "Foreign veterinary graduate", any person,  
80 including foreign nationals and American citizens, who has  
81 received a professional veterinary medical degree from an  
82 AVMA listed veterinary college located outside the  
83 boundaries of the United States, its territories or Canada,  
84 that is not accredited by the AVMA;

85       **(16) "In vitro fertilization" or "IVF", a process of**  
86 **harvesting unfertilized oocytes directly from the ovaries of**  
87 **a donor animal by needle aspiration, fertilizing the**  
88 **retrieved oocytes, and transferring the fertilized oocytes**  
89 **seven days post fertilization into a recipient animal, or**  
90 **frozen to be implanted at a later date, and including the**  
91 **administration of lidocaine by caudal epidural on the donor**  
92 **and recipient animals;**

93       **[(14)] (17)** "IVCA", the International Veterinary  
94 Chiropractic Association or its successor organization;

95       **[(15)] (18)** "License", any permit, approval,  
96 registration or certificate issued or renewed by the board;

97       **[(16)] (19)** "Licensed veterinarian", an individual who  
98 is validly and currently licensed to practice veterinary  
99 medicine in Missouri as determined by the board in  
100 accordance with the requirements and provisions of sections  
101 340.200 to 340.330;

102       **(20) "Livestock", the same as defined in section**  
103 **277.020, but shall not include ratite birds, including but**  
104 **not limited to ostrich and emu, or aquatic products as**  
105 **defined in section 277.024;**

106       **(21) "Livestock reproductive specialist", an**  
107 **individual who is not a registered veterinary technician or**  
108 **licensed veterinarian but holds at least a master of science**  
109 **in animal sciences or other equivalent degree with**  
110 **coursework in reproductive physiology;**

111       **[(17)] (22)** "Minimum standards", standards as set by  
112 board rule and which establish the minimum requirements for  
113 the practice of veterinary medicine in the state of Missouri  
114 as are consistent with the intent and purpose of sections  
115 340.200 to 340.330;

116       **[(18)] (23)** "Person", any individual, firm,  
117 partnership, association, joint venture, cooperative or  
118 corporation or any other group or combination acting in  
119 concert; whether or not acting as principal, trustee,  
120 fiduciary, receiver, or as any kind of legal or personal  
121 representative or as the successor in interest, assigning  
122 agent, factor, servant, employee, director, officer or any  
123 other representative of such person;

124       **[(19)] (24)** "Practice of veterinary medicine", to  
125 represent directly, indirectly, publicly or privately an  
126 ability and willingness to do any act described in  
127 subdivision (32) of this section;

128       **[(20)] (25)** "Provisional license", a license issued to  
129 a person while that person is engaged in a veterinary  
130 candidacy program;

131       **[(21)] (26)** "Registered veterinary technician", a  
132 person who is formally trained for the specific purpose of  
133 assisting a licensed veterinarian with technical services  
134 under the appropriate level of supervision as is consistent  
135 with the particular delegated animal health care task;

136       **[(22)] (27)** "Supervision":

137       (a) "Immediate supervision", the licensed veterinarian  
138 is in the immediate area and within audible and visual range  
139 of the animal patient and the person treating the patient;

140       (b) "Direct supervision", the licensed veterinarian is  
141 on the premises where the animal is being treated and is  
142 quickly and easily available and the animal has been

143 examined by a licensed veterinarian at such times as  
144 acceptable veterinary medical practice requires consistent  
145 with the particular delegated animal health care task;

146 (c) "Indirect supervision", the licensed veterinarian  
147 need not be on the premises but has given either written or  
148 oral instructions for the treatment of the animal patient or  
149 treatment protocol has been established and the animal has  
150 been examined by a licensed veterinarian at such times as  
151 acceptable veterinary medical practice requires consistent  
152 with the particular delegated health care task; provided  
153 that the patient is not in a surgical plane of anesthesia  
154 and the licensed veterinarian is available for consultation  
155 on at least a daily basis;

156 [(23)] (28) "Supervisor", a licensed veterinarian  
157 employing or utilizing the services of a registered  
158 veterinary technician, veterinary intern, temporary  
159 provisional licensee, veterinary medical student,  
160 unregistered assistant or any other individual working under  
161 that veterinarian's supervision;

162 [(24)] (29) "Temporary license", any temporary  
163 permission to practice veterinary medicine issued by the  
164 board pursuant to section 340.248;

165 [(25)] (30) "Unregistered assistant", any individual  
166 who is not a registered veterinary technician or licensed  
167 veterinarian and is employed by a licensed veterinarian;

168 [(26)] (31) "Veterinarian", "doctor of veterinary  
169 medicine", "DVM", "VMD", or equivalent title, a person who  
170 has received a doctor's degree in veterinary medicine from  
171 an accredited school of veterinary medicine or holds a ECFVG  
172 certificate issued by the AVMA;

173 [(27)] (32) "Veterinarian-client-patient  
174 relationship", the veterinarian has assumed the

175 responsibility for making medical judgments regarding the  
176 health of the animal and the need for medical treatment, and  
177 the client, owner or owner's agent has agreed to follow the  
178 instructions of the veterinarian. There is sufficient  
179 knowledge of the animal by the veterinarian to initiate at  
180 least a general or preliminary diagnosis of the medical  
181 condition of the animal. Veterinarian-client-patient  
182 relationship means that the veterinarian has recently seen  
183 and is personally acquainted with the keeping and care of  
184 the animal by virtue of an examination or by medically  
185 appropriate and timely visits to the premises where the  
186 animal is kept. The practicing veterinarian is readily  
187 available for follow-up care in case of adverse reactions or  
188 failure of the prescribed course of therapy;

189 **[(28)] (33)** "Veterinary candidacy program", a program  
190 by which a person who has received a doctor of veterinary  
191 medicine or equivalent degree from an accredited school of  
192 veterinary medicine can obtain the practical experience  
193 required for licensing in Missouri pursuant to sections  
194 340.200 to 340.330;

195 **[(29)] (34)** "Veterinary facility", any place or unit  
196 from which the practice of veterinary medicine is conducted,  
197 including but not limited to the following:

198 (a) "Veterinary or animal hospital or clinic", a  
199 facility that meets or exceeds all physical requirements and  
200 minimum standards as established by board rule for  
201 veterinary facilities; provides quality examination,  
202 diagnostic and health maintenance services for medical and  
203 surgical treatment of animals and is equipped to provide  
204 housing and nursing care for animals during illness or  
205 convalescence;

206 (b) "Specialty practice or clinic", a facility that  
207 provides complete specialty service by a licensed  
208 veterinarian who has advanced training in a specialty and is  
209 a diplomate of an approved specialty board. A specialty  
210 practice or clinic shall meet all minimum standards which  
211 are applicable to a specialty as established by board rule;

212 (c) "Central hospital", a facility that meets all  
213 requirements of a veterinary or animal hospital or clinic as  
214 defined in paragraph (a) of this subdivision and other  
215 requirements as established by board rule, and which  
216 provides specialized care, including but not limited to  
217 twenty-four-hour nursing care and specialty consultation on  
218 permanent or on-call basis. A central hospital shall be  
219 utilized primarily on referral from area veterinary  
220 hospitals or clinics;

221 (d) "Satellite, outpatient or mobile small animal  
222 clinic", a supportive facility owned by or associated with  
223 and has ready access to a full-service veterinary hospital  
224 or clinic or a central hospital providing all mandatory  
225 services and meeting all physical requirements and minimum  
226 standards as established by sections 340.200 to 340.330 or  
227 by board rule;

228 (e) "Large animal mobile clinic", a facility that  
229 provides examination, diagnostic and preventive medicine and  
230 minor surgical services for large animals not requiring  
231 confinement or hospitalization;

232 (f) "Emergency clinic", a facility established to  
233 receive patients and to treat illnesses and injuries of an  
234 emergency nature;

235 **[(30)] (35)** "Veterinary candidate", a person who has  
236 received a doctor of veterinary medicine or equivalent  
237 degree from an accredited school or college of veterinary

238 medicine and who is working under the supervision of a board-  
239 approved licensed veterinarian;

240 **[(31)] (36)** "Veterinary intern", a person who has  
241 received a doctor of veterinary medicine or equivalent  
242 degree from an accredited school or college of veterinary  
243 medicine and who is participating in additional clinical  
244 training in veterinary medicine to prepare for AVMA-  
245 recognized certification or specialization;

246 **[(32)] (37)** "Veterinary medicine", the science of  
247 diagnosing, treating, changing, alleviating, rectifying,  
248 curing or preventing any animal disease, deformity, defect,  
249 injury or other physical or mental condition, including, but  
250 not limited to, the prescription or administration of any  
251 drug, medicine, biologic, apparatus, application, anesthesia  
252 or other therapeutic or diagnostic substance or technique on  
253 any animal, including, but not limited to, acupuncture,  
254 dentistry, animal psychology, animal chiropractic,  
255 theriogenology, surgery, both general and cosmetic surgery,  
256 any manual, mechanical, biological or chemical procedure for  
257 testing for pregnancy or for correcting sterility or  
258 infertility or to render service or recommendations with  
259 regard to any of the procedures in this subdivision;

260 **[(33)] (38)** "Veterinary student preceptor", a person  
261 who is pursuing a veterinary degree in an accredited school  
262 of veterinary medicine which has a preceptor program and who  
263 has completed the academic requirements of such program.

340.216. 1. It is unlawful for any person not  
2 licensed as a veterinarian under the provisions of sections  
3 340.200 to 340.330 to practice veterinary medicine or to do  
4 any act which requires knowledge of veterinary medicine for  
5 valuable consideration, or for any person not so licensed to  
6 hold himself or herself out to the public as a practitioner

7 of veterinary medicine by advertisement, the use of any  
8 title or abbreviation with the person's name, or otherwise;  
9 except that nothing in sections 340.200 to 340.330 shall be  
10 construed as prohibiting:

11 (1) Any person from gratuitously providing emergency  
12 treatment, aid or assistance to animals where a licensed  
13 veterinarian is not available within a reasonable length of  
14 time if the person does not represent himself or herself to  
15 be a veterinarian or use any title or degree appertaining to  
16 the practice thereof;

17 (2) Acts of a person who is a student in good standing  
18 in a school or college of veterinary medicine or while  
19 working as a student preceptor, in performing duties or  
20 functions assigned by the student's instructors, or while  
21 working under the appropriate level of supervision of a  
22 licensed veterinarian as is consistent with the particular  
23 delegated animal health care task as established by board  
24 rule, and acts performed by a student in a school or college  
25 of veterinary medicine recognized by the board and performed  
26 as part of the education and training curriculum of the  
27 school under the supervision of the faculty. The  
28 unsupervised or unauthorized practice of veterinary  
29 medicine, even though on the premises of a school or college  
30 of veterinary medicine, is prohibited;

31 (3) Personnel employed by the United States Department  
32 of Agriculture or the Missouri department of agriculture  
33 from engaging in animal disease, parasite control or  
34 eradication programs, or other functions specifically  
35 required and authorized to be performed by unlicensed  
36 federal or state officials under any lawful act or statute,  
37 except that this exemption shall not apply to such persons

38 not actively engaged in performing or fulfilling their  
39 official duties and responsibilities;

40 (4) Any merchant or manufacturer from selling drugs,  
41 medicine, appliances or other products used in the  
42 prevention or treatment of animal diseases if such drug,  
43 medicine, appliance or other product is not marked by the  
44 appropriate federal label. Such merchants or manufacturers  
45 shall not, either directly or indirectly, attempt to  
46 diagnose a symptom or disease in order to advise treatment,  
47 use of drugs, medicine, appliances or other products;

48 (5) The owner of any animal or animals and the owner's  
49 full-time employees from caring for and treating any animals  
50 belonging to such owner, with or without the advice and  
51 consultation of a licensed veterinarian, provided that the  
52 ownership of the animal or animals is not transferred, or  
53 employment changed, to avoid the provisions of sections  
54 340.200 to 340.330; however, only a licensed veterinarian  
55 may immunize or treat an animal for diseases which are  
56 communicable to humans and which are of public health  
57 significance, except as otherwise provided for by board rule;

58 (6) **Any person qualified as a livestock reproductive  
59 specialist, acting under indirect supervision of a licensed  
60 veterinarian, while performing advanced reproductive  
61 technologies on livestock;**

62 (7) Any graduate of any accredited school of  
63 veterinary medicine while engaged in a veterinary candidacy  
64 program or foreign graduate from a nonaccredited school or  
65 college of veterinary medicine while engaged in a veterinary  
66 candidacy program or clinical evaluation program, and while  
67 under the appropriate level of supervision of a licensed  
68 veterinarian performing acts which are consistent with the  
69 particular delegated animal health care task;

70       **[(7)] (8)** State agencies, accredited schools,  
71 institutions, foundations, business corporations or  
72 associations, physicians licensed to practice medicine and  
73 surgery in all its branches, graduate doctors of veterinary  
74 medicine, or persons under the direct supervision thereof  
75 from conducting experiments and scientific research on  
76 animals in the development of pharmaceuticals, biologicals,  
77 serums, or methods of treatment, or techniques for the  
78 diagnosis or treatment of human ailments, or when engaged in  
79 the study and development of methods and techniques directly  
80 or indirectly applicable to the problems of the practice of  
81 veterinary medicine;

82       **[(8)] (9)** Any veterinary technician, duly registered  
83 by, and in good standing with, the board from administering  
84 medication, appliances or other products for the treatment  
85 of animals while under the appropriate level of supervision  
86 as is consistent with the delegated animal health care task;

87       **[(9)] (10)** A consulting veterinarian while working in  
88 a consulting capacity in Missouri while under the immediate  
89 supervision of a veterinarian licensed and in good standing  
90 under sections 340.200 to 340.330; and

91       **[(10)] (11)** Any animal chiropractic practitioner from  
92 engaging in the practice of animal chiropractic if the  
93 animal chiropractic practitioner has received a referral of  
94 the animal from a licensed veterinarian with a current  
95 veterinarian-client-patient relationship, as defined in  
96 section 340.200. The referring veterinarian may limit the  
97 number of visits or length of treatment at the time of  
98 referral or after consultation with the animal chiropractic  
99 practitioner.

100       2. Nothing in sections 340.200 to 340.330 shall be  
101 construed as limiting the board's authority to provide other

102 exemptions or exceptions to the requirements of licensing as  
103 the board may find necessary or appropriate under its  
104 rulemaking authority.

340.220. It is considered the practice of veterinary  
2 medicine to use any invasive procedure to remove any embryo  
3 **or oocyte** from an animal for the purpose of transplanting  
4 such embryo **or fertilized oocyte** into another female animal  
5 or for the purpose of cryopreserving such embryo, or to  
6 implant such embryo into an animal. It is not considered  
7 the practice of veterinary medicine for:

8 (1) A person or that person's full-time employees to  
9 remove an embryo from the person's own animal for the  
10 purpose of transplanting or cryopreserving such embryo or to  
11 implant an embryo into the person's own animal; however,  
12 ownership of the animal shall not be transferred or the  
13 employment of any person changed for the purpose of  
14 circumventing sections 340.200 to 340.330; **or**

15 (2) **A livestock reproductive specialist trained in**  
16 **advanced reproductive technologies to remove an embryo or**  
17 **oocyte from livestock for the purpose of transplanting such**  
18 **embryo into another female livestock animal or for the**  
19 **purpose of cryopreserving such embryo, or to implant such**  
20 **embryo into a livestock animal while under indirect**  
21 **supervision of a licensed veterinarian.**

340.222. 1. A supervisor, as defined in subdivision  
2 **[(23)] (28)** of section 340.200, is individually and  
3 separately responsible and liable for the performance of the  
4 acts delegated to and the omissions of the veterinary  
5 technician, veterinary medical candidate, temporary  
6 licensee, veterinary medical preceptor, **livestock**  
7 **reproductive specialist**, unregistered assistant or any other  
8 individual working under his or her supervision.

9       2. Nothing in this section shall be construed to  
10 relieve veterinary technicians, veterinary medical  
11 candidates, provisional licensees, temporary licensees,  
12 veterinary medical preceptees, **livestock reproductive**  
13 **specialist**, or unregistered assistants of any responsibility  
14 or liability for any of their own acts or omissions.

340.295. 1. **A person holding a doctorate from an**  
2 **accredited college or university with emphasis on animal**  
3 **reproductive physiology, or a master of science degree from**  
4 **an accredited college or university with emphasis on animal**  
5 **reproductive physiology, and who holds membership in a**  
6 **nationally recognized organization that acknowledges persons**  
7 **performing embryo transfer or in vitro fertilization, such**  
8 **as the American Embryo Transfer Association, may provide**  
9 **advanced reproductive technologies to livestock under**  
10 **indirect supervision of a licensed veterinarian.**

11       2. A person with the educational attainment identified  
12 in subsection 1 of this section, who is not a member of a  
13 nationally recognized organization that acknowledges persons  
14 performing embryo transfer or in vitro fertilization, may  
15 qualify as a livestock reproductive specialist by  
16 examination, and upon successful certification examination  
17 under subsection 3 of this section, may provide advanced  
18 reproductive technologies to livestock under indirect  
19 supervision of a licensed veterinarian.

20       3. (1) There is established a committee, appointed  
21 and overseen by the board, to be known as the "Certification  
22 Examination Committee" to be comprised of three members, as  
23 follows: a veterinarian designated by the dean of  
24 University of Missouri College of Veterinary Medicine; an  
25 animal scientist with a doctorate with an emphasis on animal  
26 reproductive physiology designated by the dean of the

27 University of Missouri College of Agriculture, Food and  
28 Natural Resources; and an animal embryologist designated by  
29 the American Embryo Transfer Association. A term of  
30 appointment of each member shall be for four years and shall  
31 not exceed two terms.

32 (2) The certification examination and continuing  
33 education of livestock reproductive specialists under this  
34 section shall be approved by the committee under this  
35 subsection, including, but not limited to, proof of at least  
36 eight hours of continuing education from courses and study  
37 approved by the committee shall be required for annual  
38 certification renewal as a livestock reproduction specialist.

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