

Senate Bill 410

By: Senators Kirkpatrick of the 32nd, Walker III of the 20th, Robertson of the 29th, Payne of the 54th, Anavitarte of the 31st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 3 of Chapter 50 of Title 43 of the Official Code of Georgia
2 Annotated, relating to licensing of veterinarians and veterinary technicians generally, so as
3 to provide for temporary licenses for out-of-state veterinarians; to provide for exceptions; to
4 provide for definitions; to exempt certain sterilization services performed by out-of-state
5 veterinarians from licensing requirements; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 2 of Article 3 of Chapter 50 of Title 43 of the Official Code of Georgia Annotated,
10 relating to licensing of veterinarians and veterinary technicians generally, is amended by
11 adding a new Code section to read as follows:

12 "43-50-42.1.

13 (a) As used in this Code section, the term:

14 (1) 'Shelter medicine' means veterinary practices used to manage the health of
15 populations of animals handled by municipal animal shelters and private animal welfare
16 or adoption agencies.

17 (2) 'Sterilization services' means procedures that meet or exceed veterinary medical
18 standards of care in providing sterilization of dogs, cats, and pet rabbits.

19 (b)(1) No later than December 31, 2024, the board shall adopt rules and regulations
20 implementing a process by which the holder of an active veterinary license or veterinary
21 technician license from another state, in good standing in such state, may qualify for a
22 one-time, six-month temporary license, license by endorsement, or a combination thereof,
23 for practice in government or nonprofit shelter medicine, nonprofit sterilization clinics,
24 or nonprofit mobile sterilization programs registered with this state. Such process shall
25 include the issuance of a license to an applicant based upon such applicant:

26 (A) Holding a license from another state for which the training, experience, and testing
27 substantially meet or exceed the requirements of this state to obtain a license; and

28 (B) Obtaining a specialty, certification, training, or other experience while employed
29 in another state which substantially meets or exceeds the requirement to obtain a license
30 in this state.

31 (2) The board shall conduct periodic reviews of its rules and regulations adopted
32 pursuant to paragraph (1) of this subsection.

33 (c) The holder of an active veterinary license or veterinary technician license from another
34 state who is employed by a nonprofit or for-profit entity not registered in this state, and
35 who provides mobile sterilization services in Georgia under such entity, is ineligible for a
36 temporary license provided for in subsection (b) of this Code section."

37 **SECTION 2.**

38 Said part is further amended by revising Code Section 43-50-44, relating to exemptions from
39 article, as follows:

40 "43-50-44.

41 This article shall not be construed to prohibit:

- 42 (1)(A) An employee of the federal, state, or local government or any contractual
43 partner thereof from performing his or her duties relating to animals owned by, on loan
44 to, or under the control of such employer or the control of stray animals; or
45 (B) Any employee of a public or private college or university from performing his or
46 her duties relating to animals owned by or on loan to such employer;
- 47 (2)(A) A person who is a regular student in a veterinary school or school of veterinary
48 technology performing duties or actions assigned by his or her instructors or working
49 under the supervision of a licensed veterinarian;
- 50 (B) A member of the faculty, a resident, an intern, or a graduate student of an
51 accredited college or school of veterinary medicine or school of veterinary technology
52 performing his or her regular clinical or nonclinical functions or a person lecturing or
53 giving instructions or demonstrations at an accredited college or school of veterinary
54 medicine or school of veterinary technology in connection with a continuing education
55 course or seminar; or
- 56 (C) A graduate of a foreign college or school of veterinary medicine who is in the
57 process of obtaining the ECFVG or PAVE certificate or substantial equivalent
58 performing duties or actions under the direct supervision of a licensed veterinarian;
- 59 (3) Any person, compensated or otherwise, from performing current acceptable livestock
60 and food animal management practices, including, but not limited to, castration of food
61 animals, dehorning without the use of prescription drugs or surgical closure of wounds,
62 hoof trimming or shoeing, docking, ear notching, removing needle teeth, testing for
63 pregnancy, implantation of over-the-counter growth implants, implantation of
64 over-the-counter identification devices, artificial insemination, the use of federally
65 approved over-the-counter products, veterinary approved products, branding, collecting
66 of fluids for genetic identification and classification, semen and embryo collection and
67 storage, and the use of ultrasound for collection of production data and similar
68 nondiagnostic purposes;

- 69 (4) Any person assisting with a nonsurgical fetal delivery in a food animal, provided that
70 no fee is charged;
- 71 (5) The actions of a veterinarian who is currently licensed in another state, province of
72 Canada, or a United States territory in consulting with a licensed veterinarian but who:
- 73 (A) Does not open ~~an~~ a veterinary office or appoint a place to do veterinary business
74 within this state;
- 75 (B) Does not print or use letterhead or business cards reflecting in-state addresses;
- 76 (C) Does not establish answering services or advertise the existence of a veterinary
77 practice address within this state;
- 78 (D) Does not practice veterinary medicine as a consultant rendering services directly
79 to the public without the direction of a licensed veterinarian more than two days per
80 calendar year;
- 81 (E) Is providing services for an organization conducting a public event lasting less than
82 ten days that utilizes animals in need of veterinary examinations, treatments, or
83 oversight to promote the safety and health of the public, the event, and the animal
84 participants; provided, however, that a veterinarian licensed in another state who
85 practices veterinary medicine on animals belonging to residents of this state by
86 communicating directly with such owners and independent of the attending veterinary
87 licensee is not exempt from this state's licensing requirements; and
- 88 (F) Does not offer through electronic means remote services within this state, except
89 for consulting, as otherwise permitted in this chapter;
- 90 (6)(A) Any merchant or manufacturer selling, at his or her regular place of business,
91 medicines, feed, appliances, or other products used in the prevention or treatment of
92 animal diseases. This shall not be construed to authorize the sale of medication
93 requiring a prescription from a veterinarian, but shall only include the right to sell those
94 medications which are classified as proprietary and which are commonly known as
95 over-the-counter medicines; and

- 96 (B) Subparagraph (A) of this paragraph shall not be construed to authorize the sale of
97 antimicrobial feed additives without an order from a veterinarian under the guidance
98 of the veterinary feed directive in compliance with 21 C.F.R. 558.6;
- 99 (7)(A) The owner of an animal or the owner's bona fide employees caring for and
100 treating the animal belonging to such owner;
- 101 (B) The owner's friend or relative caring for or treating the animal belonging to such
102 owner, provided that no fee is charged and the friend or relative does not solicit,
103 advertise, or regularly engage in providing such care or treatment or administer or
104 dispense prescription drugs without a valid prescription; or
- 105 (C) The owner of an animal and any of the owner's bona fide employees caring for and
106 treating the animal belonging to such owner, except where the ownership of the animal
107 was transferred for purposes of circumventing the provisions of this ~~chapter~~ article.
108 Persons ~~must~~ shall comply with all laws, rules, and regulations relative to the use of
109 medicines and biologics; provided, however, that such owner and any of such owner's
110 bona fide employees caring for and treating such animal shall not practice veterinary
111 medicine except as otherwise permitted under this Code section;
- 112 (8)(A) The owner, operator, or employee of a licensed kennel, animal rescue
113 organization, animal shelter, or stable or of a pet-sitting service providing food, shelter,
114 or supervision of an animal or administering prescription drugs pursuant to prescription
115 of a licensed veterinarian or over-the-counter medicine to an animal;
- 116 (B) Any person acting under the direct or indirect supervision of a licensed veterinarian
117 to provide care to animals that are the property of an animal shelter when ~~at least~~ the
118 following ~~three~~ conditions are met:
- 119 (i) The person is an employee of an animal shelter or a local government who has
120 control over the governance of the animal shelter;
- 121 (ii) The person is performing these tasks in compliance with a written protocol
122 developed in consultation with a licensed veterinarian; and

- 123 (iii) The person has received proper training; provided, however, that such persons
124 shall not diagnose, prescribe, dispense, or perform surgery;
- 125 (9) Any person selling or applying any pesticide, insecticide, or herbicide, as permitted
126 by law;
- 127 (10) Any person engaging in scientific research involving animals conducted in
128 accordance with federal, state, and local laws and regulations;
- 129 (11) Any licensed veterinary technician, veterinary technologist, or other employee of
130 a licensed veterinarian from performing lawful duties under the direction and supervision
131 of such veterinarian who shall be responsible for the performance of the employee;
- 132 (12) The owner of an animal, the owner's employee, or a member of a nationally
133 recognized organization that acknowledges persons performing embryo transfer or
134 artificial breeding and that is approved by the board from:
- 135 (A) The nonsurgical removal of an embryo from an animal for the purpose of
136 transplanting such embryo into another female animal, cryopreserving such embryo, or
137 implanting such embryo in an animal, provided that the use of prescription medications
138 in such animals is maintained under the direction of a licensed veterinarian with a valid
139 veterinarian-client-patient relationship; or
- 140 (B) The testing and evaluation of semen;
- 141 (13) Any other licensed or registered ~~health care~~ healthcare provider utilizing his or her
142 special skills, or any person whose expertise, in the opinion of the licensed veterinarian
143 ~~licensed in this state~~, would benefit the animal, so long as the treatment of the animal is
144 under the direction of a licensed veterinarian with a valid veterinarian-client-patient
145 relationship;
- 146 (14) A person performing soft tissue animal massage or other forms of soft tissue animal
147 manipulation;
- 148 (15) A person performing aquaculture or raniculture management practices;
- 149 (16) A person implanting electronic identification devices in small companion animals;

- 150 (17) An employee or contractual partner of a zoological park or aquarium accredited by
151 the ~~American Zoo and Aquarium~~ Association of Zoos and Aquariums or other
152 substantially equivalent nationally recognized accrediting agency as determined by the
153 board from performing his or her duties that are approved by a licensed veterinarian and
154 relate to animals owned by or on loan to such zoological park or aquarium;
- 155 (18) Any person lawfully engaged in the art or profession of farriery for the care of
156 hooves and feet of equines and livestock;
- 157 (19) Any veterinarian licensed by a state and serving as a volunteer health practitioner
158 as such term is defined in Code Section 38-3-161 from providing service after a state of
159 emergency has been declared pursuant to Code Section 38-3-51 or other applicable law
160 or laws; ~~or~~
- 161 (20) Any veterinarian licensed by a state from practicing veterinary medicine in a
162 temporary capacity at one of this state's institutions of higher learning. Such veterinarian
163 shall be paid for his or her services solely from state, federal, or institutional funds. Such
164 veterinarian shall practice solely at the institution of higher learning, or in an educational
165 or research program outside the institution associated with the institution, for no more
166 than six months in order to qualify for practice under this Code section. Any violation
167 of state or federal laws, rules, or regulations by such veterinarian shall be reported to the
168 applicable licensing board by the institution of higher learning."

169

SECTION 3.

170 All laws and parts of laws in conflict with this Act are repealed.