

VETERINARY TELEHEALTH AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: _____

LONG TITLE

General Description:

This bill authorizes veterinary telehealth services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes veterinary telehealth services if providing the service or treatment through telehealth services would meet the standards of the veterinarian profession;
- ▶ limits when a veterinarian may prescribe a controlled substance through telehealth services; and
- ▶ repeals the prohibition on establishing a veterinarian-client-patient relationship solely through electronic or telephonic means.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-28-102, as last amended by Laws of Utah 2020, Chapter 435

58-28-502, as last amended by Laws of Utah 2023, Chapter 329

58-28-604, as enacted by Laws of Utah 2006, Chapter 109



28 ENACTS:

29 [58-28-607](#), Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **58-28-102** is amended to read:

33 **58-28-102. Definitions.**

34 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

35 (1) "Abandonment" means to forsake entirely or to refuse to provide care and support
36 for an animal placed in the custody of a licensed veterinarian.

37 (2) "Administer" means:

38 (a) the direct application by a person of a prescription drug or device by injection,
39 inhalation, ingestion, or by any other means, to the body of an animal that is a patient or is a
40 research subject; or

41 (b) a veterinarian providing to the owner or caretaker of an animal a prescription drug
42 for application by injection, inhalation, ingestion, or any other means to the body of the animal
43 by the owner or caretaker in accordance with the veterinarian's written directions.

44 (3) "Animal" means any animal other than a human.

45 (4) "AVMA" means American Veterinary Medical Association.

46 (5) "Board" means the Veterinary Board established in Section [58-28-201](#).

47 (6) "Client" means the patient's owner, the owner's agent, or other person responsible
48 for the patient.

49 (7) "Direct supervision" means a veterinarian licensed under this chapter is present and
50 available for face-to-face contact with the patient and person being supervised, at the time the
51 patient is receiving veterinary care.

52 (8) "Extra-label use" means actual use or intended use of a drug in an animal in a
53 manner that is not in accordance with approved labeling.

54 (9) "Immediate supervision" means the veterinarian licensed under this chapter is
55 present with the individual being supervised, while the individual is performing the delegated
56 tasks.

57 (10) "Indirect supervision" means a veterinarian licensed under this chapter:

58 (a) has given either written or verbal instructions for veterinary care of a patient to the

59 person being supervised; and

60 (b) is available to the person being supervised by telephone or other electronic means
61 of communication during the period of time in which the veterinary care is given to the patient.

62 (11) "Practice of veterinary medicine, surgery, and dentistry" means to:

63 (a) diagnose, prognose, or treat any disease, defect, deformity, wound, injury, or
64 physical condition of any animal;

65 (b) administer, prescribe or dispense any drug, medicine, treatment, method, or
66 practice, perform any operation or manipulation, apply any apparatus or appliance for the cure,
67 relief, or correction of any animal disease, deformity, defect, wound, or injury, or otherwise
68 practice any veterinary medicine, dentistry, or surgery on any animal;

69 (c) represent by verbal or written claim, sign, word, title, letterhead, card, or any other
70 manner that one is a licensed veterinarian or qualified to practice veterinary medicine, surgery,
71 or dentistry;

72 (d) hold oneself out as able to practice veterinary medicine, surgery, or dentistry;

73 (e) solicit, sell, or furnish any parenterally administered animal disease cures,
74 preventions, or treatments, with or without the necessary instruments for the administration of
75 them, or any and all worm and other internal parasitic remedies, upon any agreement, express
76 or implied, to administer these cures, preventions, treatments, or remedies; or

77 (f) assume or use the title or designation, "veterinary," "veterinarian," "animal doctor,"
78 "animal surgeon," or any other title, designation, words, letters, abbreviations, sign, card, or
79 device tending to indicate that such person is qualified to practice veterinary medicine, surgery,
80 or dentistry.

81 (12) "Practice of veterinary technology" means to perform tasks that are:

82 (a) related to the care and treatment of animals;

83 (b) delegated by a veterinarian licensed under this chapter;

84 (c) performed under the direct or indirect supervision of a veterinarian licensed under
85 this chapter; and

86 (d) permitted by administrative rule and performed in accordance with the standards of
87 the profession.

88 (13) (a) "State certification" means a designation granted by the division on behalf of
89 the state to an individual who has met the requirements for state certification as a veterinary

90 technician related to the practice of veterinary technology.

91 (b) "State certification" does not grant a state certified veterinary technician the
92 exclusive right to practice veterinary technology.

93 (14) "State certified" means, when used in conjunction with the occupation of
94 veterinary technician, a title that:

95 (a) may be used by a person who has met state certification requirements related to the
96 occupation of veterinary technician as described in this chapter; and

97 (b) may not be used by a person who has not met the state certification requirements
98 related to the occupation of veterinary technician as described in this chapter.

99 (15) (a) "Teeth floating" means the removal of enamel points and the smoothing,
100 contouring, and leveling of dental arcades and incisors of equine and other farm animals.

101 (b) "Teeth floating" does not include a dental procedure on a canine or feline.

102 (16) "Telehealth services" means the transmission of animal health-related services or
103 information through the use of electronic communication or information technology.

104 [~~16~~] (17) "Unlawful conduct" is defined in Sections [58-1-501](#) and [58-28-501](#).

105 [~~17~~] (18) "Unlicensed assistive personnel":

106 (a) means any unlicensed person, regardless of title, to whom tasks are delegated by a
107 veterinarian licensed under this chapter as permitted by administrative rule and in accordance
108 with the standards of the profession; and

109 (b) includes:

110 (i) a veterinary assistant, if working under immediate supervision;

111 (ii) a state certified veterinary technician;

112 (iii) a veterinary technician who:

113 (A) has graduated from a program of veterinary technology accredited by the AVMA
114 that is at least a two-year program; and

115 (B) is working under direct supervision; and

116 (iv) a veterinary technologist who:

117 (A) has graduated from a four-year program of veterinary technology accredited by the
118 AVMA; and

119 (B) is working under indirect supervision.

120 [~~18~~] (19) "Unprofessional conduct" is as defined in Sections [58-1-501](#) and [58-28-502](#)

121 and may be further defined by rule.

122 ~~[(19)]~~ (20) "Veterinarian-client-patient relationship" means:

123 (a) a veterinarian licensed under this chapter has assumed responsibility for making
124 clinical judgements regarding the health of an animal and the need for medical treatment of an
125 animal, and the client has agreed to follow the veterinarian's instructions;

126 (b) the veterinarian has sufficient knowledge of the animal to initiate at least a general
127 or preliminary diagnosis of the medical condition of the animal, including knowledge of the
128 keeping and care of the animal ~~[as a result of recent personal examination of the animal or by~~
129 ~~medically appropriate visits to the premises where the animal is housed]; and~~

130 (c) the veterinarian has arranged for emergency coverage for follow-up evaluation in
131 the event of adverse reaction or the failure of the treatment regimen.

132 Section 2. Section **58-28-502** is amended to read:

133 **58-28-502. Unprofessional conduct.**

134 (1) "Unprofessional conduct" includes, in addition to the definitions in Section
135 [58-1-501](#):

136 (a) applying unsanitary methods or procedures in the treatment of any animal, contrary
137 to rules adopted by the board and approved by the division;

138 (b) procuring any fee or recompense on the assurance that a manifestly incurable
139 diseased condition of the body of an animal can be permanently cured;

140 (c) selling any biologics containing living or dead organisms or products or such
141 organisms, except in a manner which will prevent indiscriminate use of such biologics;

142 (d) swearing falsely in any testimony or affidavit, relating to, or in the course of, the
143 practice of veterinary medicine, surgery, or dentistry;

144 (e) willful failure to report any dangerous, infectious, or contagious disease, as required
145 by law;

146 (f) willful failure to report the results of any medical tests, as required by law, or rule
147 adopted pursuant to law;

148 (g) violating Chapter 37, Utah Controlled Substances Act;

149 (h) delegating tasks to unlicensed assistive personnel in violation of standards of the
150 profession and in violation of Subsection (2); ~~[and]~~

151 (i) making any unsubstantiated claim of superiority in training or skill as a veterinarian

152 in the performance of professional services[-]; and

153 (j) providing a service or treatment described in Section 58-28-607 in a manner that
154 does not meet the standards of the profession.

155 (2) (a) "Unprofessional conduct" does not include the following:

156 (i) delegating to a veterinary technologist, while under the indirect supervision of a
157 veterinarian licensed under this chapter, patient care and treatment that requires a technical
158 understanding of veterinary medicine if written or oral instructions are provided to the
159 technologist by the veterinarian;

160 (ii) delegating to a state certified veterinary technician, while under the direct or
161 indirect supervision of a veterinarian licensed under this chapter, patient care and treatment that
162 requires a technical understanding of veterinary medicine if the veterinarian provides written or
163 oral instructions to the state certified veterinary technician;

164 (iii) delegating to a veterinary technician, while under the direct supervision of a
165 veterinarian licensed under this chapter, patient care and treatment that requires a technical
166 understanding of veterinary medicine if written or oral instructions are provided to the
167 technician by the veterinarian;

168 (iv) delegating to a veterinary assistant, under the immediate supervision of a licensed
169 veterinarian, tasks that are consistent with the standards and ethics of the profession;

170 (v) delegating to an individual described in Subsection 58-28-307(16), under the direct
171 supervision of a licensed veterinarian, the administration of a sedative drug for teeth floating;
172 or

173 (vi) discussing the effects of the following on an animal with the owner of an animal:

174 (A) a cannabinoid or industrial hemp product, as those terms are defined in Section
175 4-41-102; or

176 (B) THC or medical cannabis, as those terms are defined in Section 26B-4-201.

177 (b) The delegation of tasks permitted under Subsections (2)(a)(i) through (v) does not
178 include:

179 (i) diagnosing;

180 (ii) prognosing;

181 (iii) surgery; or

182 (iv) prescribing drugs, medicines, or appliances.

183 (3) Notwithstanding any provision of this section, a veterinarian licensed under this
184 chapter is not prohibited from engaging in a discussion described in Subsection (2)(a)(vi).

185 Section 3. Section **58-28-604** is amended to read:

186 **58-28-604. Veterinarian-client-patient relationship.**

187 [(+) A licensee under this chapter may only practice under a veterinarian-client-patient
188 relationship as defined in Section [58-28-102](#).

189 [~~(2) A veterinarian-client-patient relationship may not be established solely by
190 telephone or other electronic means.~~]

191 Section 4. Section **58-28-607** is enacted to read:

192 **58-28-607. Veterinary telehealth services -- Limitation on prescribing controlled**
193 **substances through telehealth services.**

194 (1) Subject to Subsection (2), an individual licensed under Section [58-28-301](#), may
195 engage in the practice of veterinary medicine, surgery, and dentistry. through telehealth
196 services if the service or treatment provided through telehealth services meets the standards of
197 the profession.

198 (2) An individual licensed under Section [58-28-301](#) may not prescribe a controlled
199 substance using telehealth services unless an animal:

200 (a) is in an emergency situation; and

201 (b) the prescribed dosage is limited to an amount necessary to facilitate the animal
202 obtaining appropriate care.

203 Section 5. **Effective date.**

204 This bill takes effect on May 1, 2024.