

**ANIMAL CHIROPRACTIC AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill allows a licensed chiropractor to treat an animal without a referral from a licensed veterinarian.

**Highlighted Provisions:**

This bill:

- ▶ removes the requirement that a veterinarian refer an animal to a licensed chiropractor before the chiropractor can treat the animal;
- ▶ removes the requirement that a licensed chiropractor take a course for treating animals before treating an animal, instead requiring a licensed chiropractor to obtain a certification for animal chiropractic; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-28-307**, as last amended by Laws of Utah 2019, Chapter 177

**58-73-102**, as last amended by Laws of Utah 2006, Chapter 109



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

29 Section 1. Section **58-28-307** is amended to read:

30 **58-28-307. Exemptions from chapter.**

31 In addition to the exemptions from licensure in Section **58-1-307** this chapter does not  
32 apply to:

33 (1) [~~any person~~] an individual who practices veterinary medicine, surgery, or dentistry  
34 upon any animal owned by [~~him~~] the individual, and the employee of that [~~person~~] individual  
35 when the practice is upon an animal owned by [~~his~~] the employee's employer, and incidental to  
36 [~~his~~] employment, except:

37 (a) this exemption does not apply to [~~any person, or his~~] an individual, or the  
38 individual's employee, when the ownership of an animal was acquired for the purpose of  
39 circumventing this chapter; and

40 (b) this exemption does not apply to the administration, dispensing, or prescribing of a  
41 prescription drug, or nonprescription drug intended for off label use, unless the administration,  
42 dispensing, or prescribing of the drug is obtained through an existing veterinarian-patient  
43 relationship;

44 (2) [~~any person~~] an individual who as a student at a veterinary college approved by the  
45 board engages in the practice of veterinary medicine, surgery, and dentistry as part of [~~his~~] the  
46 individual's academic training and under the direct supervision and control of a licensed  
47 veterinarian, if that practice is during the last two years of the college course of instruction and  
48 does not exceed an 18-month duration;

49 (3) a veterinarian who is an officer or employee of the government of the United  
50 States, or the state, or its political subdivisions, and technicians under [~~his~~] the veterinarian's  
51 supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that  
52 government;

53 (4) [~~any person~~] an individual while engaged in the vaccination of poultry, pullorum  
54 testing, typhoid testing of poultry, and related poultry disease control activity;

55 (5) [~~any person~~] an individual who is engaged in bona fide and legitimate medical,  
56 dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine,  
57 surgery, or dentistry is directly related to, and a necessary part of, that research;

58 (6) [~~veterinarians~~] a veterinarian licensed under the laws of another state rendering

59 professional services in association with licensed veterinarians of this state for a period not to  
60 exceed 90 days;

61 (7) [~~registered pharmacists~~] a registered pharmacist of this state engaged in the sale of  
62 veterinary supplies, instruments, and medicines, if the sale is at [~~his~~] the registered pharmacist's  
63 regular place of business;

64 (8) [~~any person~~] an individual in this state engaged in the sale of veterinary supplies,  
65 instruments, and medicines, except prescription drugs which must be sold in compliance with  
66 state and federal regulations, if the supplies, instruments, and medicines are sold in original  
67 packages bearing adequate identification and directions for application and administration and  
68 the sale is made in the regular course of, and at the regular place of business;

69 (9) [~~any person~~] an individual rendering emergency first aid to animals in those areas  
70 where a licensed veterinarian is not available, and if suspicious reportable diseases are reported  
71 immediately to the state veterinarian;

72 (10) [~~any person~~] an individual performing or teaching nonsurgical bovine artificial  
73 insemination;

74 (11) [~~any person~~] an individual affiliated with an institution of higher education who  
75 teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an  
76 institution of higher education who performs nonsurgical bovine embryo transfer, but only if  
77 any prescription drug used in the procedure is prescribed and administered under the direction  
78 of a veterinarian licensed to practice in Utah;

79 (12) (a) [~~upon written referral by a licensed veterinarian,~~] the practice of animal  
80 chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician  
81 Practice Act, who has [~~completed an animal chiropractic course approved~~] been certified by the  
82 American Veterinary Chiropractic Association [~~or the division~~] for performing chiropractic on  
83 an animal;

84 (b) upon written referral by a licensed veterinarian, the practice of animal physical  
85 therapy by a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, who  
86 has completed at least 100 hours of animal physical therapy training, including quadruped  
87 anatomy and hands-on training, approved by the division;

88 (c) upon written referral by a licensed veterinarian, the practice of animal massage  
89 therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act,

90 who has completed at least 60 hours of animal massage therapy training, including quadruped  
91 anatomy and hands-on training, approved by the division; and

92 (d) upon written referral by a licensed veterinarian, the practice of acupuncture by an  
93 acupuncturist licensed under Chapter 72, Acupuncture Licensing Act, who has completed a  
94 course of study on animal acupuncture approved by the division;

95 (13) unlicensed assistive personnel performing duties appropriately delegated to the  
96 unlicensed assistive personnel in accordance with Section 58-28-502;

97 (14) an animal shelter employee who is:

98 (a) (i) acting under the indirect supervision of a licensed veterinarian; and

99 (ii) performing animal euthanasia in the course and scope of employment; and

100 (b) acting under the indirect supervision of a veterinarian who is under contract with  
101 the animal shelter, administering a rabies vaccine to a shelter animal in accordance with the  
102 Compendium of Animal Rabies Prevention and Control;

103 (15) an individual providing appropriate training for animals; however, this exception  
104 does not include diagnosing any medical condition, or prescribing or dispensing any  
105 prescription drugs or therapeutics; and

106 (16) an individual who performs teeth floating if the individual:

107 (a) has a valid certification from the International Association of Equine Dentistry, or  
108 an equivalent certification designated by division rule made in collaboration with the board, to  
109 perform teeth floating; and

110 (b) administers or uses a sedative drug only if the individual is under the direct  
111 supervision of a veterinarian in accordance with Subsection 58-28-502(2)(a)(iv).

112 Section 2. Section 58-73-102 is amended to read:

113 **58-73-102. Definitions.**

114 (1) "Adjustment of the articulation of the spinal column" means performance by a  
115 chiropractic physician by the use of passive movements directed toward the goal of restoring  
116 joints to their proper physiological relationship of motion and related function, releasing  
117 adhesions, or stimulating joint receptors using one or more of the following techniques:

118 (a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a  
119 nature that the patient cannot prevent the motion, commencing where the motion encounters  
120 the elastic barrier of resistance and ends at the limit of anatomical integrity;

121 (b) instrument adjusting, utilizing instruments specifically designed to deliver sudden,  
122 high velocity, short amplitude thrust;

123 (c) light force adjusting utilizing sustained joint traction or applied directional pressure,  
124 or both, which may be combined with passive motion to restore joint mobility; and

125 (d) long distance lever adjusting utilizing forces delivered at some distance from the  
126 dysfunctional site and aimed at transmission through connected structures to accomplish joint  
127 mobility.

128 (2) "Board" means the Chiropractic Physician Licensing Board created in Section  
129 [58-73-201](#).

130 (3) "Chiropractic assistant" means ~~[a person]~~ an individual who performs activities  
131 related to the practice of chiropractic under the supervision of a licensed chiropractic physician  
132 in accordance with division rule established in collaboration with the board.

133 (4) "Chiropractic physician" means ~~[a person]~~ an individual who has been licensed  
134 under this chapter to practice chiropractic.

135 (5) "Diagnosis of the articulation of the spinal column" means to examine the  
136 articulations of the spinal column of another human to determine the source, nature, kind, or  
137 extent of a disease, vertebral ~~[subluxation]~~ subluxation, or other physical condition, and to make  
138 a determination of the source, nature, kind, or extent of a disease or other physical condition.

139 (6) "Elastic barrier" means the point at which the patient cannot move a joint by his  
140 own means and through which movement is obtained or caused by a practitioner's skillful  
141 treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high  
142 velocity, short amplitude so the patient cannot prevent the motion.

143 (7) "Incisive surgery" means any procedure having the power or quality of cutting of a  
144 patient for the purpose of treating disease, injury, or deformity, and includes the use of laser.

145 (8) ~~[(a)]~~ "Manipulate the articulation of the spinal column" means use by a practitioner  
146 of a skillful treatment using the practitioner's hands in a manipulation of a joint as follows:

147 (a) by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the  
148 motion~~[-Movement]~~;

149 (b) the movement of the joint is by force beyond its active limit of motion~~[-]~~;

150 ~~[(b)]~~ (c) ~~[This]~~ the manipulation commences where mobilization ends and specifically  
151 begins when the elastic barrier of resistance is encountered and ends at the limit of anatomical

152 integrity[-]; and

153 ~~[(e)]~~ (d) ~~[Manipulation as described in this definition]~~ the manipulation is directed to  
154 the goal of restoring joints to their proper physiological relationship of motion and related  
155 function, releasing adhesions, or stimulating joint receptors.

156 (9) "Practice of chiropractic" means a practice of a branch of the healing arts:

157 (a) the purpose of which is to restore or maintain human health, in which patient care  
158 or first aid, hygienic, nutritional, or rehabilitative procedures are administered;

159 (b) which places emphasis upon specific vertebral adjustment, manipulation, and  
160 treatment of the articulation and adjacent tissues of the spinal column, musculoskeletal  
161 structure of the body, and nervous system;

162 (c) that involves examining, diagnosing, treating, correcting, or prescribing treatment  
163 for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or the  
164 attempt to do so, in accordance with Section [58-73-601](#);

165 (d) that involves diagnosing, prescribing treatment, or making a determination of  
166 treatment necessity for another person's condition by means of:

167 (i) a physical examination of the person; or

168 (ii) a determination based upon or derived from information supplied directly or  
169 indirectly by a third person; and

170 (e) that includes the practice described in this Subsection (9) on an animal ~~[to the~~  
171 ~~extent permitted by]~~ subject to:

172 (i) Subsection [58-28-307](#)(12);

173 (ii) the provisions of this chapter; and

174 (iii) division rule.

175 (10) "Therapeutically position the articulation of the spinal column" means to adjust or  
176 manipulate the articulation of the spinal column.