

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 219

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO STATE BOARDS; TRANSFERRING POWERS AND DUTIES,
PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES FROM THE ANIMAL
SHELTERING BOARD TO THE BOARD OF VETERINARY MEDICINE; CREATING
THE ANIMAL SHELTERING COMMITTEE; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14-2 NMSA 1978 (being Laws 1967,
Chapter 62, Section 2, as amended) is amended to read:

"61-14-2. DEFINITIONS.--As used in the Veterinary
Practice Act:

A. "animal" means any animal other than man;

B. "animal shelter":

(1) means:

(a) a county or municipal facility that
provides shelter to animals on a regular basis, including a

1 small animal impound facility; and

2 (b) a private humane society or a
3 private animal shelter that temporarily houses stray, unwanted
4 or injured animals through administrative or contractual
5 arrangements with a local government agency; and

6 (2) does not include a municipal zoological
7 park;

8 C. "euthanasia" means to produce a humane death of
9 an animal by standards deemed acceptable by the board as set
10 forth in its rules;

11 D. "euthanasia agency" means a facility that
12 provides shelter to animals on a regular basis, including a
13 small animal impound facility, a humane society or a public or
14 private shelter facility that temporarily houses stray,
15 unwanted or injured animals, and that performs euthanasia;

16 [~~B.~~] E. "practice of veterinary medicine" means:

17 (1) the diagnosis, treatment, correction,
18 change, relief or prevention of animal disease, deformity,
19 defect, injury or other physical or mental condition, including
20 the prescription or administration of any drug, medicine,
21 biologic, apparatus, application, anesthetic or other
22 therapeutic or diagnostic substance or technique and the use of
23 any procedure for artificial insemination, testing for
24 pregnancy, diagnosing and treating sterility or infertility or
25 rendering advice with regard to any of these;

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1 (2) the representation, directly or
2 indirectly, publicly or privately, of an ability and
3 willingness to do any act mentioned in Paragraph (1) of this
4 subsection; or

5 (3) the use of any title, words, abbreviation
6 or letters in a manner or under circumstances that induce the
7 belief that the person using them is qualified to do any act
8 mentioned in Paragraph (1) of this subsection;

9 [~~G.~~] F. "veterinarian" means a person having the
10 degree of doctor of veterinary medicine or its equivalent from
11 a veterinary school or a person who has received a medical
12 education in veterinary medicine in a foreign country and has
13 thereafter entered the United States and fulfilled the
14 requirements and standards set forth by the American veterinary
15 medical association and has passed all examinations required by
16 the board prior to being issued any license to practice
17 veterinary medicine in this state;

18 [~~D.~~] G. "licensed veterinarian" means a person
19 licensed to practice veterinary medicine in this state;

20 [~~E.~~] H. "veterinary school" means any veterinary
21 college or any division of a university or college [~~which~~] that
22 is approved for accreditation by the American veterinary
23 medical association;

24 [~~F.~~] I. "board" means the board of veterinary
25 medicine;

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1 ~~[G.]~~ J. "veterinary technician" means a skilled
2 person certified by the board as being qualified by academic
3 and practical training to provide veterinary services under the
4 supervision and direction of the licensed veterinarian who is
5 responsible for the performance of that technician;

6 ~~[H.]~~ K. "committee" means the veterinary technician
7 examining committee;

8 ~~[I.]~~ L. "direct supervision" means the treatment of
9 animals on the direction, order or prescription of a licensed
10 veterinarian who is available on the premises and who has
11 established a valid veterinarian-client-patient relationship;

12 M. "sheltering committee" means the animal
13 sheltering committee;

14 ~~[J.]~~ N. "valid veterinarian-client-patient
15 relationship" means:

16 (1) the veterinarian has assumed
17 responsibility for making medical judgments regarding the
18 health of an animal being treated and the need for and the
19 course of the animal's medical treatment;

20 (2) the client has agreed to follow the
21 instructions of the veterinarian;

22 (3) the veterinarian is sufficiently
23 acquainted with an animal being treated, whether through
24 examination of the animal or timely visits to the animal's
25 habitat for purposes of assessing the condition in which the

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1 animal is kept, to be capable of making a preliminary or
2 general diagnosis of the medical condition of the animal being
3 treated; and

4 (4) the veterinarian is reasonably available
5 for follow-up treatment; and

6 [~~K-~~] O. "veterinary medicine" means veterinary
7 surgery, obstetrics, dentistry and all other branches or
8 specialties of veterinary medicine."

9 SECTION 2. Section 61-14-5 NMSA 1978 (being Laws 1967,
10 Chapter 62, Section 4, as amended) is amended to read:

11 "61-14-5. BOARD--DUTIES.--The board shall:

12 A. examine and determine the qualifications and
13 fitness of applicants for a license to practice veterinary
14 medicine in New Mexico and issue, renew, deny, suspend or
15 revoke licenses;

16 B. regulate artificial insemination and pregnancy
17 diagnosis by establishing standards of practice and issuing
18 permits to persons found qualified;

19 C. establish a schedule of license and permit fees
20 based on the board's financial requirements for the ensuing
21 year;

22 D. conduct investigations necessary to determine
23 violations of the Veterinary Practice Act and discipline
24 persons found in violation;

25 E. employ personnel necessary to carry out its

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1 duties;

2 F. promulgate and enforce [~~regulations~~] rules
3 necessary to establish recognized standards for the practice of
4 veterinary medicine and to carry out the provisions of the
5 Veterinary Practice Act. The board shall make available to
6 interested members of the public copies of the Veterinary
7 Practice Act and all [~~regulations~~] rules promulgated by the
8 board;

9 G. examine applicants for veterinary technician
10 certification purposes. Such examination shall be held at
11 least once a year at the times and places designated by the
12 board;

13 H. establish a five-member veterinary technician
14 examining committee;

15 I. adopt [~~regulations~~] rules establishing
16 continuing education requirements as a condition for license
17 renewal; [~~and~~]

18 J. regulate the operation of veterinary facilities,
19 including:

20 (1) establishing requirements for operation of
21 a veterinary facility in accordance with recognized standards
22 for the practice of veterinary medicine;

23 (2) issuing permits to qualified veterinary
24 facilities; and

25 (3) adopting standards for inspection of

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1 veterinary facilities.

2 For purposes of this subsection, "veterinary facility"
3 means ~~[any]~~ a building, mobile unit, vehicle or other location
4 where services included within the practice of veterinary
5 medicine are provided;

6 K. perform the duties imposed on the board pursuant
7 to the Animal Sheltering Act; and

8 L. establish a five-member sheltering committee."

9 SECTION 3. A new section of the Veterinary Practice Act
10 is enacted to read:

11 "[NEW MATERIAL] ANIMAL SHELTERING COMMITTEE--DUTIES.--The
12 sheltering committee shall:

13 A. develop a voluntary statewide dog and cat spay
14 and neuter program in conjunction with animal shelters and
15 euthanasia agencies;

16 B. develop criteria for individuals, nonprofit
17 organizations, animal shelters and euthanasia agencies to
18 receive assistance for dog and cat sterilization from the
19 animal care and facility fund; and

20 C. recommend to the board the disbursements of
21 money from the animal care and facility fund to qualifying
22 individuals, nonprofit organizations, animal shelters and
23 euthanasia agencies."

24 SECTION 4. Section 61-14-12 NMSA 1978 (being Laws 1967,
25 Chapter 62, Section 8, as amended) is amended to read:

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1 "61-14-12. LICENSE, PERMIT AND REGISTRATION RENEWAL.--

2 A. All licenses, permits and registrations issued
3 pursuant to the Veterinary Practice Act may be renewed by
4 payment of the renewal fee and submission of proof of
5 completion of continuing education requirements as established
6 by regulation of the board. Not later than thirty days prior
7 to expiration, the board shall mail a notice to each licensed
8 veterinarian, registered veterinary technician and holder of an
9 artificial insemination or pregnancy diagnosis permit that the
10 license, registration or permit will expire and provide a
11 renewal application form.

12 B. Except as provided in Subsections C and D of
13 this section, [~~any~~] a person may reinstate an expired license,
14 registration or permit, issued pursuant to the Veterinary
15 Practice Act, within five years of its expiration by making
16 application to the board for renewal and paying the current
17 renewal fee along with all delinquent renewal fees and late
18 fees. After five years have elapsed since the date of
19 expiration, a license, registration or permit may not be
20 renewed and the holder shall apply for a new license,
21 registration or permit and take the required examination.

22 C. A person shall not have [~~his~~] the person's
23 license, issued pursuant to the Veterinary Practice Act,
24 reinstated in New Mexico if, during the time period [~~his~~] in
25 which the person's license [~~to practice in New Mexico was~~]

1 lapsed, [~~his~~] the person's license in another state or
 2 jurisdiction was suspended or revoked for reasons for which the
 3 license would have been subject to suspension or revocation in
 4 New Mexico.

5 D. A person who, during the time period [~~his~~] in
 6 which the person's license [~~to practice in New Mexico was~~],
 7 issued pursuant to the Veterinary Practice Act, lapsed, was
 8 subject to any disciplinary proceedings resulting in action
 9 less than suspension or revocation in another state or
 10 jurisdiction, may, at the discretion of the board, have [~~his~~]
 11 the person's license to practice in New Mexico reinstated on a
 12 probationary status for up to two years. Upon request by the
 13 applicant for reinstatement, the board shall determine under
 14 what circumstances the probationary status shall be continued
 15 or removed or the application for reinstatement denied.

16 E. The board may provide by regulation for waiver
 17 of payment of any renewal fee of a licensed veterinarian during
 18 any period when [~~he~~] the veterinarian is on active duty with
 19 any branch of the armed services of the United States for the
 20 duration of a national emergency."

21 SECTION 5. Section 61-14-14 NMSA 1978 (being Laws 1967,
 22 Chapter 62, Section 10, as amended) is amended to read:

23 "61-14-14. EXEMPTIONS.--Provisions of the Veterinary
 24 Practice Act do not apply to:

25 A. employees of federal or state [~~or local~~]

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1 governments performing official duties;

2 B. regular students in a veterinary school
3 performing duties or actions assigned by an instructor or
4 working under direct supervision of a licensed veterinarian
5 during a school vacation period;

6 C. reciprocal aid of neighbors in performing
7 routine accepted livestock management practices;

8 D. ~~any~~ a veterinarian licensed in ~~any~~ a foreign
9 jurisdiction consulting with a licensed veterinarian;

10 E. ~~any~~ a merchant or manufacturer selling at
11 ~~his~~ the merchant's or manufacturer's regular place of
12 business any medicine, feed, appliance or other product used in
13 the prevention or treatment of animal disease;

14 F. the owner of an animal ~~his~~ and the owner's
15 consignees and their employees while performing routine
16 accepted livestock management practices in the care of animals
17 belonging to the owner;

18 G. a member of the faculty of a veterinary school
19 performing ~~his~~ the member's regular functions or a person
20 lecturing or giving instruction or demonstration at a
21 veterinary school or in connection with a continuing education
22 course or seminar for licensed veterinarians, veterinary
23 technicians or persons holding or training for valid permits
24 for artificial insemination or diagnosing pregnancy;

25 H. a person selling or applying any pesticide,

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1 insecticide or herbicide; or

2 I. a person engaging in bona fide scientific
3 research that reasonably requires experimentation involving
4 animals."

5 SECTION 6. Section 61-14-18 NMSA 1978 (being Laws 1967,
6 Chapter 62, Section 13, as amended) is amended to read:

7 "61-14-18. PRACTICING WITHOUT LICENSE--PENALTY.--

8 A. It is a misdemeanor punishable pursuant to
9 Section 31-19-1 NMSA 1978 for [~~any~~] a person to practice
10 veterinary medicine without complying with the provisions of
11 the Veterinary Practice Act and without being the holder of a
12 license entitling [~~him~~] the person to practice veterinary
13 medicine in New Mexico.

14 B. If the board finds that a person or entity has
15 practiced veterinary medicine without a license, the board may:

16 (1) impose a fine not to exceed five thousand
17 dollars (\$5,000);

18 (2) assess the person or entity for
19 administrative costs, including investigative costs and the
20 cost of conducting a hearing; and

21 (3) impose any other sanction as provided
22 pursuant to board rules."

23 SECTION 7. Section 61-14-20 NMSA 1978 (being Laws 1979,
24 Chapter 76, Section 2, as amended) is amended to read:

25 "61-14-20. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--

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1 The board of veterinary medicine is terminated on July 1,
2 [~~2017~~] 2023 pursuant to the Sunset Act. The board shall
3 continue to operate according to the provisions of Chapter 61,
4 Article 14 and Chapter 77, Article 1B NMSA 1978 until July 1,
5 [~~2018~~] 2024. Effective July 1, [~~2018~~] 2024, Chapter 61,
6 Article 14 and Chapter 77, Article 1B NMSA 1978 [~~is~~] are
7 repealed."

8 SECTION 8. Section 77-1B-2 NMSA 1978 (being Laws 2007,
9 Chapter 60, Section 2, as amended) is amended to read:

10 "77-1B-2. DEFINITIONS.--As used in the Animal Sheltering
11 Act:

12 A. "animal" means any animal, except humans, not
13 defined as "livestock" in Subsection [~~H~~] K of this section;

14 B. "animal shelter":

15 (1) means:

16 (a) a county or municipal facility that
17 provides shelter to animals on a regular basis, including a
18 [~~dog pound~~] small animal impound facility; and

19 (b) a private humane society or a
20 private animal shelter that temporarily houses stray, unwanted
21 or injured animals through administrative or contractual
22 arrangements with a local government agency; and

23 (2) does not include a municipal zoological
24 park;

25 C. "board" means the [~~animal sheltering~~] board of

1 veterinary medicine;

2 ~~[D. "department" means the regulation and licensing~~
3 ~~department;~~

4 ~~E.]~~ D. "disposition" means adoption of an animal;
5 return of an animal to the owner; release of an animal to a
6 rescue organization; release of an animal to another animal
7 shelter or to a rehabilitator licensed by the department of
8 game and fish or the United States fish and wildlife service;
9 or euthanasia of an animal;

10 ~~[F.]~~ E. "emergency field euthanasia" means the
11 process defined by rule of the board to cause the death of an
12 animal in an emergency situation when safe and humane transport
13 of the animal is not possible;

14 ~~[G.]~~ F. "euthanasia" means to produce a humane
15 death of an animal by standards deemed acceptable by the board
16 as set forth in its rules;

17 ~~[H.]~~ G. "euthanasia agency" means a facility that
18 provides shelter to animals on a regular basis, including a
19 ~~[dog pound]~~ small animal impound facility, a humane society or
20 a public or private shelter facility that temporarily houses
21 stray, unwanted or injured animals, and that performs
22 euthanasia;

23 ~~[I.]~~ H. "euthanasia drugs" means non-narcotic
24 Schedule II or Schedule III substances and chemicals as set
25 forth in the Controlled Substances Act that are used for the

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1 purposes of euthanasia and pre-euthanasia of animals;

2 [J-] I. "euthanasia instructor" means a
3 veterinarian or a euthanasia technician certified by the board
4 to instruct other individuals in euthanasia techniques;

5 [K-] J. "euthanasia technician" means a person
6 licensed by the board to euthanize animals for a euthanasia
7 agency;

8 [L-] K. "livestock" means all domestic or
9 domesticated animals that are used or raised on a farm or ranch
10 and exotic animals in captivity and includes horses, asses,
11 mules, cattle, sheep, goats, swine, bison, poultry, ostriches,
12 emus, rheas, camelids and farmed cervidae but does not include
13 canine or feline animals;

14 [M-] L. "rescue organization" means an organization
15 that rescues animals and is not involved in the breeding of
16 animals;

17 [N-] M. "supervising veterinarian" means a person
18 who is a veterinarian, who holds both a valid New Mexico
19 controlled substance license and a valid federal drug
20 enforcement agency license and who approves the drug protocols
21 and the procurement and administration of all pharmaceuticals;
22 and

23 [O-] N. "veterinarian" means a person who is
24 licensed as a doctor of veterinary medicine by the board [~~of~~
25 ~~veterinary medicine~~] pursuant to the Veterinary Practice Act."

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1 SECTION 9. Section 77-1B-3 NMSA 1978 (being Laws 2007,
2 Chapter 60, Section 3, as amended) is amended to read:

3 "77-1B-3. ANIMAL SHELTERING [~~BOARD~~] COMMITTEE
4 ~~CREATED--MEMBERS--QUALIFICATIONS--TERMS--VACANCIES--DUTIES--~~
5 ~~REMOVAL--~~APPLICATION OF UNIFORM LICENSING ACT.--

6 A. The "animal sheltering [~~board~~] committee" is
7 created. The [~~board~~] animal sheltering committee shall consist
8 of [~~nine~~] five members as follows:

9 (1) one euthanasia agency employee with
10 training and education in euthanasia;

11 (2) one veterinarian who has provided paid or
12 unpaid services to an animal shelter;

13 (3) one representative from a nonprofit animal
14 advocacy group;

15 (4) one member of the public; and

16 (5) a manager or director of a New Mexico
17 facility that provides shelter to animals on a regular basis;
18 provided that the manager or director selected is trained in
19 animal shelter standards

20 ~~[(6) one representative of the New Mexico~~
21 ~~association of counties;~~

22 ~~(7) one representative of the New Mexico~~
23 ~~municipal league;~~

24 ~~(8) one member of a rescue organization; and~~

25 ~~(9) one member of the domestic pet breeder~~

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1 community].

2 B. No more than two [board] animal sheltering
3 committee members shall be appointed from any one county within
4 the state. [~~Appointments shall be made in such manner that the~~
5 ~~terms of no more than three board members expire on July 1 of~~
6 ~~each year.~~

7 C. ~~The board is administratively attached to the~~
8 ~~department.~~

9 ~~D.]~~ C. With respect to licenses issued pursuant to
10 the Animal Sheltering Act, the board and its operations are
11 governed by the Uniform Licensing Act. If the provisions of
12 the Uniform Licensing Act conflict with the provisions of the
13 Animal Sheltering Act, the provisions of the Animal Sheltering
14 Act shall prevail.

15 ~~E.]~~ D. The [~~governor~~] board shall appoint [~~board~~]
16 members to the animal sheltering committee for terms of four
17 years, except in the first year of the [~~enactment of the~~]
18 animal sheltering [~~Act~~] committee, when [~~board~~] members shall
19 be appointed for staggered terms. Of the first appointments,
20 [~~three board~~] two members shall be appointed for four-year
21 terms, [~~two board members~~] one member shall be appointed for a
22 three-year [~~terms, two board members~~] term, one member shall be
23 appointed for a two-year [~~terms~~] term and [~~two board members~~]
24 one member shall be appointed for a one-year [~~terms~~] term.

25 Subsequent appointments shall be made to fill vacancies created

1 in unexpired terms, but only until the term ends or for a full
 2 four-year term when the term of [~~a board~~] an animal sheltering
 3 committee member expires. [~~Board~~] Animal sheltering committee
 4 members shall hold office until their successors are duly
 5 qualified and appointed. Vacancies shall be filled by
 6 appointment by the [~~governor~~] board for the unexpired term
 7 within sixty days of the vacancy to maintain the required
 8 composition of the [~~board~~] animal sheltering committee.

9 [~~F.~~] E. Members of the [~~board~~] animal sheltering
 10 committee shall be reimbursed for per diem and mileage as
 11 provided in the Per Diem and Mileage Act and shall receive no
 12 other compensation, perquisite or allowance. [~~but shall be~~
 13 ~~permitted to attend at least one conference or seminar per year~~
 14 ~~relevant to their board positions as the board's budget will~~
 15 ~~allow.~~

16 [~~G.~~] F. A simple majority of the appointed board
 17 members constitutes a quorum.

18 [~~H.~~ ~~The board shall hold at least one regular~~
 19 ~~meeting each year and may meet at such other times as it deems~~
 20 ~~necessary.~~

21 [~~I.~~ ~~A board member shall not serve more than two~~
 22 ~~full or partial terms, consecutive or otherwise.~~

23 [~~J.~~ ~~A board member failing to attend three duly~~
 24 ~~noticed meetings, regular or special, within a twelve-month~~
 25 ~~period, without an excuse acceptable to the board, may be~~

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1 ~~removed as a board member.~~

2 ~~K. The board shall elect a chair and other officers~~
3 ~~as it deems necessary to administer its duties.~~

4 ~~L. The department shall hire employees to execute~~
5 ~~the daily operations of the board.]"~~

6 SECTION 10. Section 77-1B-4 NMSA 1978 (being Laws 2007,
7 Chapter 60, Section 4, as amended) is amended to read:

8 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--
9 ADMINISTRATION.--

10 A. The "animal care and facility fund" is created
11 in the state treasury. All fees collected pursuant to the
12 Animal Sheltering Act shall be deposited in the fund.

13 B. The animal care and facility fund shall consist
14 of money collected by the board pursuant to the Animal
15 Sheltering Act; income from investment of the fund; and money
16 appropriated to the fund or accruing to it through fees or
17 administrative penalties, cooperative research agreements,
18 income, gifts, grants, donations, bequests, sales of
19 promotional items, handbooks or educational materials or any
20 other source. Money in the fund shall not be transferred to
21 another fund or encumbered or expended except for expenditures
22 authorized pursuant to the Animal Sheltering Act.

23 C. Money in the fund is appropriated by the
24 legislature to the [~~department~~] board to be used to help animal
25 shelters and communities defray the cost of implementing the

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1 board's initiatives conducted pursuant to the Animal Sheltering
 2 Act. The fund shall be administered by the ~~[department]~~ board
 3 to carry out the purposes of the Animal Sheltering Act.

4 D. The "statewide spay and neuter subaccount" is
 5 established in the animal care and facility fund. Money in the
 6 subaccount shall only be used to carry out the board's dog and
 7 cat sterilization assistance program. Money collected pursuant
 8 to Section ~~[1 of this 2015 act]~~ 7-2-30.9 NMSA 1978 and Section
 9 66-3-424.3 NMSA 1978 shall be deposited in the subaccount.

10 E. A disbursement from the fund shall be made only
 11 upon a warrant drawn by the secretary of finance and
 12 administration pursuant to a voucher signed by the
 13 ~~[superintendent of regulation and licensing or the~~
 14 ~~superintendent's designee]~~ executive director of the board or
 15 the director's designee with the approval of the majority of
 16 the board with consideration of the recommendation of a
 17 majority of the animal sheltering committee.

18 F. Unexpended and unencumbered balances in the fund
 19 at the end of a fiscal year shall not revert to the general
 20 fund."

21 SECTION 11. Section 77-1B-5 NMSA 1978 (being Laws 2007,
 22 Chapter 60, Section 5, as amended) is amended to read:

23 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

24 ~~[A. provide board recommended standards regarding~~
 25 ~~the infrastructure for all animal shelters;~~

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1 ~~B. provide board recommended operating standards~~
2 ~~for all animal shelters;]~~

3 A. adopt infrastructure and operating standards and
4 shall enforce those standards with consideration of the
5 recommendations by the animal sheltering committee;

6 B. provide for inspections of animal shelters and
7 euthanasia agencies;

8 C. provide for oversight, including oversight of
9 licensing requirements, regulations and discipline, of
10 veterinarians employed by local government animal shelters;

11 ~~[G.] D. adopt methods and procedures acceptable for~~
12 ~~conducting emergency field euthanasia;~~

13 ~~[D.] E. adopt, promulgate and revise rules~~
14 ~~necessary to carry out the provisions of the Animal Sheltering~~
15 ~~Act;~~

16 ~~[E.] F. have authority to issue licenses and~~
17 ~~certificates pursuant to the Animal Sheltering Act;~~

18 ~~[F.] G. establish the types of licenses and~~
19 ~~certificates that may be issued pursuant to the Animal~~
20 ~~Sheltering Act and establish criteria for issuing the licenses~~
21 ~~and certificates;~~

22 ~~[G.] H. prescribe standards and approve curricula~~
23 ~~for educational programs that will be used to train and prepare~~
24 ~~persons for licensure or certification pursuant to the Animal~~
25 ~~Sheltering Act;~~

1 ~~[H.]~~ I. implement continuing education requirements
2 for licensees and certificate holders pursuant to the Animal
3 Sheltering Act;

4 ~~[I.]~~ J. conduct administrative hearings upon
5 charges relating to violations of provisions of the Animal
6 Sheltering Act or rules adopted pursuant to that act in
7 accordance with the Uniform Licensing Act;

8 ~~[J.]~~ K. provide for all examinations and for
9 issuance and renewal of licenses and certificates;

10 ~~[K.]~~ L. establish fees not to exceed one hundred
11 fifty dollars (\$150) for licenses and certificates pursuant to
12 the Animal Sheltering Act;

13 ~~[L.]~~ M. establish committees as the board deems
14 necessary to effect the provisions of the Animal Sheltering
15 Act;

16 ~~[M.]~~ N. apply for injunctive relief to enforce the
17 provisions of the Animal Sheltering Act;

18 ~~[N.]~~ O. conduct national criminal background checks
19 on applicants seeking licensure or certification under the
20 Animal Sheltering Act;

21 ~~[O.]~~ P. keep a record of all proceedings;

22 ~~[P.]~~ Q. make an annual report to the legislature
23 [~~and to the governor~~];

24 ~~[Q.]~~ R. provide for the inspection of animal
25 shelters and euthanasia agencies;

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1 ~~[R.]~~ S. develop mechanisms to address complaints of
2 misconduct at animal shelters and euthanasia agencies and
3 noncompliance with the provisions of the Animal Sheltering Act
4 or rules adopted pursuant to that act;

5 ~~[S.]~~ T. develop mechanisms to address complaints of
6 licensee and certificate holder misconduct and noncompliance;

7 ~~[T. develop a voluntary statewide dog and cat spay
8 and neuter program in conjunction with animal shelters and
9 euthanasia agencies;~~

10 ~~U. develop criteria for individuals, groups, animal
11 shelters and euthanasia agencies to receive assistance for dog
12 and cat sterilization from the animal care and facility fund;~~

13 ~~V. disburse money from the animal care and facility
14 fund to qualifying individuals, groups, animal shelters and
15 euthanasia agencies;~~

16 ~~W. provide board recommended]~~ U. adopt standards
17 for maintaining records concerning health care and disposition
18 of animals; and

19 ~~[X.]~~ V. refer to the published national [~~animal
20 control]~~ association of shelter veterinarians standards in
21 determining its regulations for animal shelters and euthanasia
22 agencies."

23 SECTION 12. Section 77-1B-9 NMSA 1978 (being Laws 2007,
24 Chapter 60, Section 9, as amended) is amended to read:

25 "77-1B-9. VIOLATIONS.--

- 1 A. Unless otherwise provided in the Animal
2 Sheltering Act, it is a violation of that act for a person to:
- 3 (1) perform euthanasia for a euthanasia agency
4 or an animal shelter in this state without possessing a valid
5 license pursuant to the Animal Sheltering Act;
- 6 (2) solicit, advertise or offer to perform an
7 act for which licensure or certification is required pursuant
8 to the Animal Sheltering Act, unless the person holds a license
9 or certification;
- 10 (3) refuse to comply with a cease and desist
11 order issued by the board;
- 12 (4) refuse or fail to comply with the
13 provisions of the Animal Sheltering Act;
- 14 (5) make a material misstatement in an
15 application for licensure or certification;
- 16 (6) intentionally make a material misstatement
17 to the [~~department~~] board during an official investigation;
- 18 (7) impersonate an official or inspector;
- 19 (8) refuse or fail to comply with rules
20 adopted by the board or with a lawful order issued by the
21 board;
- 22 (9) aid or abet another in violating
23 provisions of the Animal Sheltering Act, or a rule adopted by
24 the board;
- 25 (10) alter or falsify a certificate of

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1 inspection, license or certification issued by the board;

2 (11) fail to carry out the duties of a
3 euthanasia technician in a professional manner;

4 (12) abuse the use of a chemical substance or
5 be guilty of habitual or excessive use of intoxicants or drugs;

6 (13) sell or give chemical substances used in
7 euthanasia procedures to an unlicensed person; and

8 (14) assist an unlicensed or unauthorized
9 person in euthanizing animals, except during a board-approved
10 course in euthanasia.

11 B. It is a violation of the Animal Sheltering Act
12 for a euthanasia agency or an animal shelter to:

13 (1) refuse to permit entry or inspection of
14 its facilities by the board or its designees;

15 (2) sell, offer for sale, barter, exchange or
16 otherwise transfer animals that are prohibited by the
17 department of game and fish, the United States department of
18 agriculture or any other regulatory agency to be kept unless
19 the sale, offer for sale, bartering, exchanging or transferring
20 of the animal is to a facility employing permitted
21 rehabilitators or an individual that is a permitted
22 rehabilitator pursuant to the rules adopted by the department
23 of game and fish or another agency that has authority over
24 people who are permitted to receive and provide care for such
25 animals;

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1 (3) allow a license or certificate issued
 2 pursuant to the Animal Sheltering Act to be used by an
 3 unlicensed or uncertified person; or

4 (4) make a misrepresentation or false promise
 5 through advertisements, employees, agents or other mechanisms
 6 in connection with the euthanasia of an animal.

7 C. It is a violation of the Animal Sheltering Act
 8 for an employee or official of the board [~~or a person in the~~
 9 ~~department~~] or the animal sheltering committee to disclose or
 10 use for that person's own advantage information derived from
 11 reports or records submitted to the [~~department or the~~] board
 12 pursuant to that act."

13 SECTION 13. Section 77-1B-11 NMSA 1978 (being Laws 2007,
 14 Chapter 60, Section 11, as amended) is amended to read:

15 "77-1B-11. DISCIPLINARY ACTIONS--EUTHANASIA TECHNICIANS,
 16 EUTHANASIA AGENCIES AND EUTHANASIA INSTRUCTORS--HEARINGS--
 17 PENALTIES.--

18 A. With the respect to licenses pursuant to the
 19 Animal Sheltering Act, the provisions of the Uniform Licensing
 20 Act apply to all disciplinary procedures and hearings of the
 21 board.

22 B. The board may:

23 (1) deny, suspend, revoke, reprimand, place on
 24 probation or take other action against a license or certificate
 25 held or applied for pursuant to the Animal Sheltering Act,

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1 including imposing an administrative penalty, upon a finding by
2 the board that the licensee, certificate holder or applicant
3 has performed acts in violation of the Animal Sheltering Act or
4 a rule adopted pursuant to that act; and

5 (2) impose an administrative penalty on a
6 person who makes a false representation as being a licensed
7 euthanasia technician, a certified euthanasia instructor or a
8 licensed euthanasia agency.

9 C. The board may issue letters of admonition or
10 deny, suspend, refuse to renew, restrict or revoke a license or
11 certification authorized pursuant to the Animal Sheltering Act
12 if the applicant or licensee:

13 (1) has refused or failed to comply with a
14 provision of the Animal Sheltering Act, a rule adopted pursuant
15 to that act or an order of the board;

16 (2) is guilty of cruelty to animals pursuant
17 to a statute of this state or another state;

18 (3) has had an equivalent license or
19 certificate denied, revoked or suspended by an authority;

20 (4) has refused to provide the board with
21 reasonable, complete and accurate information regarding the
22 care or euthanasia of animals when requested by the board; or

23 (5) has falsified information requested by the
24 board or the board's designee.

25 D. In a proceeding held pursuant to this section,

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underscoring material = new
~~[bracketed material] = delete~~

1 the board may accept as prima facie evidence of grounds for
2 disciplinary action any disciplinary action taken against a
3 licensee from another jurisdiction, if the violation that
4 prompted the disciplinary action in that jurisdiction would be
5 grounds for disciplinary action pursuant to this section.

6 E. Disciplinary proceedings may be instituted by
7 the board or by a complaint to the board.

8 F. The board shall not initiate a disciplinary
9 action more than two years after the date that it receives a
10 complaint or that it begins an investigation without a filed
11 complaint.

12 G. The board may administer oaths, take statements
13 and compel disclosure by the witnesses of all facts known to
14 them relative to matters under investigation.

15 H. The board may impose an administrative penalty
16 in an amount not to exceed five hundred dollars (\$500) on a
17 holder of a license or certificate for violations of the Animal
18 Sheltering Act.

19 I. A person or euthanasia agency whose license or
20 certificate is suspended or revoked by the board pursuant to
21 the provisions of this section may, at the discretion of the
22 board, obtain a license or certificate at any time without
23 examination upon written application to the board showing cause
24 to justify reinstatement or renewal of the license or
25 certificate.

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1 J. The board shall adopt other rules pertaining to
2 hearings, appeals and rehearings as it deems necessary.

3 K. The board shall not be required to certify a
4 record to the court of appeals of a decision of the board until
5 the proper fee has been paid to the board for a copy and
6 certification of the record.

7 L. A person engaging in acts without a license or
8 certificate issued by the board is guilty of a misdemeanor.

9 M. A person who practices, offers to practice,
10 attempts to practice as, or makes any representation as being,
11 a euthanasia technician, a euthanasia instructor or a licensed
12 euthanasia agency without holding a license or certificate
13 issued by the board shall, in addition to any other penalty
14 provided in this section or any other law, pay an
15 administrative penalty to the board in an amount not to exceed
16 five hundred dollars (\$500) for each offense."

17 SECTION 14. TEMPORARY PROVISION--EXISTING MEMBERS OF
18 ANIMAL SHELTERING BOARD--SERVICE ON THE INITIAL ANIMAL
19 SHELTERING COMMITTEE.--Animal sheltering board members serving
20 as of the effective date of this act shall continue to serve on
21 the animal sheltering committee for a period of at least one
22 year.

23 SECTION 15. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,
24 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On July 1, 2018:

25 A. all personnel, appropriations, money, records,

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1 equipment, supplies and other property of the animal sheltering
2 board shall be transferred to the board of veterinary medicine;

3 B. all contracts of the animal sheltering board
4 shall be binding and effective on the board of veterinary
5 medicine; and

6 C. all references in law to the animal sheltering
7 board shall be deemed to be references to the board of
8 veterinary medicine.

9 SECTION 16. REPEAL.--Section 77-1B-12 NMSA 1978 (being
10 Laws 2007, Chapter 60, Section 12, as amended) is repealed.

11 SECTION 17. EFFECTIVE DATE.--

12 A. The effective date of the provisions of Sections
13 1 through 6 and 8 through 16 of this act is July 1, 2018.

14 B. The effective date of the provisions of Section
15 7 of this act is July 1, 2017.

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underscored material = new
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