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HOUSE BILL 222

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Al Park

AN ACT

RELATING TO GOVERNMENT REORGANIZATION; CREATING THE VETERINARY
MEDICINE AND ANIMAL SHELTERING BOARD; TRANSFERRING THE POWERS
AND DUTIES OF THE BOARD OF VETERINARY MEDICINE AND THE ANIMAL
SHELTERING BOARD TO THE VETERINARY MEDICINE AND ANIMAL
SHELTERING BOARD; RECONCILING MULTIPLE AMENDMENTS TO THE SAME
SECTION OF LAW IN LAWS 2009.

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:

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1 (a) a county or municipal facility that
2 provides shelter to animals on a regular basis, including a dog
3 pound; and

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

8 (2) does not include a municipal zoological
9 park;

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

13 D. "euthanasia agency" means a facility that
14 provides shelter to animals on a regular basis, including a dog
15 pound, a humane society or a public or private shelter facility
16 that temporarily houses stray, unwanted or injured animals, and
17 that performs euthanasia;

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

19 (1) the diagnosis, treatment, correction,
20 change, relief or prevention of animal disease, deformity,
21 defect, injury or other physical or mental condition, including
22 the prescription or administration of any drug, medicine,
23 biologic, apparatus, application, anesthetic or other
24 therapeutic or diagnostic substance or technique and the use of
25 any procedure for artificial insemination, testing for

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1 pregnancy, diagnosing and treating sterility or infertility or
2 rendering advice with regard to any of these;

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

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

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

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

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

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1 ~~[F.]~~ I. "board" means ~~[board of]~~ the veterinary
2 medicine and animal sheltering board;

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

8 ~~[H.]~~ K. "committee" means the veterinary technician
9 examining committee;

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

14 ~~[J.]~~ M. "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-] N. "veterinary medicine" means veterinary
7 surgery, obstetrics, dentistry and all other branches or
8 specialties of veterinary medicine."

9 Section 2. Section 61-14-4 NMSA 1978 (being Laws 1967,
10 Chapter 62, Section 3, as amended) is amended to read:

11 "61-14-4. BOARD CREATED--TERMS--COMPENSATION--FINANCE.--

12 A. The "[~~board of~~] veterinary medicine and animal
13 sheltering board" is created. The board shall consist of
14 [~~seven~~] nine members who are citizens of the United States and
15 residents of New Mexico. Veterinary members shall have been
16 licensed to practice veterinary medicine in the state for five
17 years preceding their appointment to the board.

18 B. Members of the board and their successors shall
19 be appointed by the governor. [~~Five of the members shall be~~
20 ~~licensed veterinarians, and these appointments may be made from~~
21 ~~a list of five names for each professional vacancy, submitted~~
22 ~~to the governor by the New Mexico veterinary medical~~
23 ~~association. Two members shall represent the public and shall~~
24 ~~not have been licensed as veterinarians or have any significant~~
25 ~~financial interest, whether direct or indirect, in the~~

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1 ~~occupation regulated.]~~ The board shall consist of the following
2 members:

3 (1) five licensed veterinarians, one of whom
4 shall have provided paid or unpaid service to an animal
5 shelter, appointments of which may be made from a list of five
6 names for each vacancy, submitted to the governor by the New
7 Mexico veterinary medical association;

8 (2) one euthanasia agency employee with
9 training and education in euthanasia;

10 (3) one representative from a nonprofit animal
11 advocacy group;

12 (4) one manager or director of a New Mexico
13 facility that provides shelter to animals on a regular basis,
14 provided that the manager or director selected is trained in
15 animal shelter standards; and

16 (5) one member of the public.

17 C. Members shall be appointed to staggered terms of
18 four years each. Appointments shall be made in such manner
19 that the terms of no more than ~~[two]~~ three board members expire
20 on July 1 of each year. All board members shall hold office
21 until their successors are appointed and qualified.

22 Appointments to vacancies shall be for the unexpired terms.

23 Board members shall not serve more than two consecutive four-
24 year terms.

25 D. A majority of the members of the board

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1 constitutes a quorum for the transaction of business, except
2 that the vote of [~~four~~] five members is required for suspension
3 or revocation of a license. The board shall elect a [~~chairman~~]
4 chair and other necessary officers prescribed by regulation of
5 the board.

6 E. Members of the board shall receive per diem and
7 mileage as provided in the Per Diem and Mileage Act and shall
8 receive no other compensation, perquisite or allowance. This
9 reimbursement and all other expenses involved in carrying out
10 the Veterinary Practice Act shall be paid exclusively from fees
11 received pursuant to provisions of the Veterinary Practice Act.
12 The board shall deposit all fees received pursuant to
13 provisions of the Veterinary Practice Act with the state
14 treasurer for the exclusive use of the board, and money shall
15 be expended only upon vouchers certified by a majority of the
16 board.

17 F. Any board member failing to attend, after proper
18 notice, three consecutive meetings, either regular or special,
19 shall automatically be removed as a member of the board."

20 Section 3. Section 61-14-5 NMSA 1978 (being Laws 1967,
21 Chapter 62, Section 4, as amended) is amended to read:

22 "61-14-5. BOARD--DUTIES.--The board shall:

23 A. examine and determine the qualifications and
24 fitness of applicants for a license to practice veterinary
25 medicine in New Mexico and issue, renew, deny, suspend or

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1 revoke licenses;

2 B. regulate artificial insemination and pregnancy
3 diagnosis by establishing standards of practice and issuing
4 permits to persons found qualified;

5 C. establish a schedule of license and permit fees
6 based on the board's financial requirements for the ensuing
7 year;

8 D. conduct investigations necessary to determine
9 violations of the Veterinary Practice Act and discipline
10 persons found in violation;

11 E. employ personnel necessary to carry out its
12 duties;

13 F. promulgate and enforce [~~regulations~~] rules
14 necessary to establish recognized standards for the practice of
15 veterinary medicine and to carry out the provisions of the
16 Veterinary Practice Act. The board shall make available to
17 interested members of the public copies of the Veterinary
18 Practice Act and all [~~regulations~~] rules promulgated by the
19 board;

20 G. examine applicants for veterinary technician
21 certification purposes. Such examination shall be held at
22 least once a year at the times and places designated by the
23 board;

24 H. establish a five-member veterinary technician
25 examining committee;

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1 I. adopt [~~regulations~~] rules establishing
2 continuing education requirements as a condition for license
3 renewal; [~~and~~]

4 J. regulate the operation of veterinary facilities,
5 including:

6 (1) establishing requirements for operation of
7 a veterinary facility in accordance with recognized standards
8 for the practice of veterinary medicine;

9 (2) issuing permits to qualified veterinary
10 facilities; and

11 (3) adopting standards for inspection of
12 veterinary facilities.

13 For purposes of this subsection, "veterinary facility"
14 means [~~any~~] a building, mobile unit, vehicle or other location
15 where services included within the practice of veterinary
16 medicine are provided; and

17 K. perform the duties imposed on the board pursuant
18 to the Animal Sheltering Act."

19 Section 4. Section 61-14-6 NMSA 1978 (being Laws 1975,
20 Chapter 96, Section 4, as amended) is amended to read:

21 "61-14-6. VETERINARY TECHNICIAN EXAMINING COMMITTEE--
22 MEMBERSHIP--TERMS--COMPENSATION.--

23 A. The "veterinary technician examining committee"
24 shall consist of five members appointed by the [~~board of~~]
25 veterinary medicine and animal sheltering board. The committee

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1 shall consist of two licensed veterinarians, one member of the
2 board and two registered veterinary technicians.

3 B. Committee members shall serve for terms of four
4 years, except the veterinary medicine and animal sheltering
5 board member on the committee shall be appointed for one year.
6 With the exception of the board member on the committee, the
7 terms of committee members shall be staggered by one year.
8 Committee members shall serve until their successors have been
9 appointed and qualified. Any vacancy shall be filled by
10 appointment by the [~~board of~~] veterinary medicine and animal
11 sheltering board for the remainder of the unexpired term.

12 C. Members of the committee shall receive per diem
13 and mileage as provided in the Per Diem and Mileage Act and
14 shall receive no other compensation, perquisite or allowance."

15 Section 5. Section 61-14-11 NMSA 1978 (being Laws 1975,
16 Chapter 96, Section 7, as amended) is amended to read:

17 "61-14-11. CERTIFICATION AS VETERINARY TECHNICIAN--ANNUAL
18 REGISTRATION OF EMPLOYMENT--EMPLOYMENT CHANGE--FEES.--

19 A. No person shall perform or attempt to perform as
20 a veterinary technician without first applying for and
21 obtaining a certificate of qualification from the [~~board of~~]
22 veterinary medicine and animal sheltering board as a veterinary
23 technician and having [~~his~~] the person's employment registered
24 in accordance with board regulation.

25 B. A veterinary technician shall perform only those

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1 acts and duties assigned [~~him~~] the technician by a supervising
2 licensed veterinarian that are within the scope of practice of
3 such supervising veterinarian, not to include diagnosis,
4 prescription or surgery.

5 C. An applicant for a certificate of qualification
6 as a veterinary technician shall complete application forms as
7 supplied by the [~~board of~~] veterinary medicine and animal
8 sheltering board, successfully complete an examination
9 conducted by the board and pay a fee to defray the cost of
10 processing the application and administering the examination,
11 which fee is not returnable.

12 D. Each certified veterinary technician shall
13 annually register [~~his~~] the technician's employment with the
14 [~~board of~~] veterinary medicine and animal sheltering board,
15 stating [~~his~~] the technician's name and current address, the
16 name and office address of both [~~his~~] the technician's employer
17 and supervising licensed veterinarian and such additional
18 information as the board deems necessary. Upon any change of
19 employment as a veterinary technician, such registration shall
20 automatically be void. Each annual registration or
21 registration of new employment shall be accompanied by fees set
22 by the board for use by the board in defraying the cost of
23 administering the Veterinary Practice Act."

24 Section 6. Section 61-14-20 NMSA 1978 (being Laws 1979,
25 Chapter 76, Section 2, as amended) is amended to read:

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1 "61-14-20. TERMINATION OF AGENCY LIFE--DELAYED
2 REPEAL.--The [~~board of~~] veterinary medicine and animal
3 sheltering board is terminated on July 1, 2011 pursuant to the
4 Sunset Act. The board shall continue to operate according to
5 the provisions of Chapter 61, Article 14 NMSA 1978 until July
6 1, 2012. Effective July 1, 2012, Chapter 61, Article 14 NMSA
7 1978 is repealed."

8 Section 7. 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 [~~L~~] 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 dog
18 pound; 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 veterinary medicine and animal

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1 sheltering board;

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 dog
19 pound, a humane society or a public or private shelter facility
20 that temporarily houses stray, unwanted or injured animals, and
21 that performs euthanasia;

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

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

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

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

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

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

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

25 Section 8. Section 77-1B-3 NMSA 1978 (being Laws 2007,

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1 Chapter 60, Section 3, as amended) is amended to read:

2 "77-1B-3. [~~ANIMAL SHELTERING BOARD CREATED MEMBERS~~
3 ~~QUALIFICATIONS--TERMS--VACANCIES--REMOVAL~~] APPLICATION OF
4 UNIFORM LICENSING ACT.--

5 [A. ~~The "animal sheltering board" is created. The~~
6 ~~board shall consist of nine members as follows:~~

- 7 (1) ~~one euthanasia agency employee with~~
8 ~~training and education in euthanasia;~~
- 9 (2) ~~one veterinarian who has provided paid or~~
10 ~~unpaid services to an animal shelter;~~
- 11 (3) ~~one representative from a nonprofit animal~~
12 ~~advocacy group;~~
- 13 (4) ~~one member of the public;~~
- 14 (5) ~~a manager or director of a New Mexico~~
15 ~~facility that provides shelter to animals on a regular basis,~~
16 ~~provided that the manager or director selected is trained in~~
17 ~~animal shelter standards;~~
- 18 (6) ~~one representative of the New Mexico~~
19 ~~association of counties;~~
- 20 (7) ~~one representative of the New Mexico~~
21 ~~municipal league;~~
- 22 (8) ~~one member of a rescue organization; and~~
- 23 (9) ~~one member of the domestic pet breeder~~
24 ~~community.~~

25 B. ~~No more than two board members shall be~~

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1 ~~appointed from any one county within the state. Appointments~~
2 ~~shall be made in such manner that the terms of no more than~~
3 ~~three board members expire on July 1 of each year.~~

4 ~~C. The board is administratively attached to the~~
5 ~~department.~~

6 ~~D.]~~ The board and its operations are governed by the
7 Uniform Licensing Act. If the provisions of the Uniform
8 Licensing Act conflict with the provisions of the Animal
9 Sheltering Act, the provisions of the Animal Sheltering Act
10 shall prevail.

11 ~~[E. The governor shall appoint board members for~~
12 ~~terms of four years, except in the first year of the enactment~~
13 ~~of the Animal Sheltering Act, when board members shall be~~
14 ~~appointed for staggered terms. Of the first appointments,~~
15 ~~three board members shall be appointed for four-year terms, two~~
16 ~~board members shall be appointed for three-year terms, two~~
17 ~~board members shall be appointed for two-year terms and two~~
18 ~~board members shall be appointed for one-year terms.~~

19 ~~Subsequent appointments shall be made to fill vacancies created~~
20 ~~in unexpired terms, but only until the term ends or for a full~~
21 ~~four-year term when the term of a board member expires. Board~~
22 ~~members shall hold office until their successors are duly~~
23 ~~qualified and appointed. Vacancies shall be filled by~~
24 ~~appointment by the governor for the unexpired term within sixty~~
25 ~~days of the vacancy to maintain the required composition of the~~

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1 board.

2 ~~F. Members of the board shall be reimbursed for per~~
3 ~~diem and mileage as provided in the Per Diem and Mileage Act~~
4 ~~and shall receive no other compensation, perquisite or~~
5 ~~allowance, but shall be permitted to attend at least one~~
6 ~~conference or seminar per year relevant to their board~~
7 ~~positions as the board's budget will allow.~~

8 ~~G. A simple majority of the appointed board members~~
9 ~~constitutes a quorum.~~

10 ~~H. The board shall hold at least one regular~~
11 ~~meeting each year and may meet at such other times as it deems~~
12 ~~necessary.~~

13 ~~I. A board member shall not serve more than two~~
14 ~~full or partial terms, consecutive or otherwise.~~

15 ~~J. A board member failing to attend three duly~~
16 ~~noticed meetings, regular or special, within a twelve-month~~
17 ~~period, without an excuse acceptable to the board, may be~~
18 ~~removed as a board member.~~

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

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

23 Section 9. Section 77-1B-4 NMSA 1978 (being Laws 2007,
24 Chapter 60, Section 4, as amended by Laws 2009, Chapter 102,
25 Section 6 and by Laws 2009, Chapter 192, Section 2) is amended

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1 to read:

2 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--
3 ADMINISTRATION.--

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

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

17 C. Money in the fund is subject to appropriation by
18 the legislature to the [~~department~~] board to be used to help
19 animal shelters and communities defray the cost of implementing
20 the board's initiatives conducted pursuant to the Animal
21 Sheltering Act. The fund shall be administered by the
22 [~~department~~] board to carry out the purposes of the Animal
23 Sheltering Act.

24 D. Each fiscal year, an amount of money in the fund
25 appropriated pursuant to this section that is equal to the

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1 total amount of money credited to the fund for that fiscal year
2 from special registration plates issued pursuant to Section
3 66-3-424.3 NMSA 1978 shall be administered so that spay and
4 neuter programs in a county receive money attributable to the
5 number of those special registration plates issued in that
6 county.

7 E. A disbursement from the fund shall be made only
8 upon a warrant drawn by the secretary of finance and
9 administration pursuant to a voucher signed by [~~the~~
10 ~~superintendent of regulation and licensing or the~~
11 ~~superintendent's designee~~] a majority of the board.

12 F. Unexpended and unencumbered balances in the fund
13 at the end of a fiscal year shall not revert to the general
14 fund."

15 Section 10. Section 77-1B-9 NMSA 1978 (being Laws 2007,
16 Chapter 60, Section 9, as amended) is amended to read:

17 "77-1B-9. VIOLATIONS.--

18 A. Unless otherwise provided in the Animal
19 Sheltering Act, it is a violation of that act for a person to:

20 (1) perform euthanasia for a euthanasia agency
21 or an animal shelter in this state without possessing a valid
22 license pursuant to the Animal Sheltering Act;

23 (2) solicit, advertise or offer to perform an
24 act for which licensure or certification is required pursuant
25 to the Animal Sheltering Act, unless the person holds a license

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- 1 or certification;
- 2 (3) refuse to comply with a cease and desist
3 order issued by the board;
- 4 (4) refuse or fail to comply with the
5 provisions of the Animal Sheltering Act;
- 6 (5) make a material misstatement in an
7 application for licensure or certification;
- 8 (6) intentionally make a material misstatement
9 to the [~~department~~] board during an official investigation;
- 10 (7) impersonate an official or inspector;
- 11 (8) refuse or fail to comply with rules
12 adopted by the board or with a lawful order issued by the
13 board;
- 14 (9) aid or abet another in violating
15 provisions of the Animal Sheltering Act, or a rule adopted by
16 the board;
- 17 (10) alter or falsify a certificate of
18 inspection, license or certification issued by the board;
- 19 (11) fail to carry out the duties of a
20 euthanasia technician in a professional manner;
- 21 (12) abuse the use of a chemical substance or
22 be guilty of habitual or excessive use of intoxicants or drugs;
- 23 (13) sell or give chemical substances used in
24 euthanasia procedures to an unlicensed person; and
- 25 (14) assist an unlicensed or unauthorized

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1 person in euthanizing animals, except during a board-approved
2 course in euthanasia.

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

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

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

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

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

24 C. It is a violation of the Animal Sheltering Act
25 for an employee or official of the board [~~or a person in the~~

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1 ~~department~~] to disclose or use for that person's own advantage
2 information derived from reports or records submitted to the
3 [~~department or the~~] board pursuant to that act."

4 Section 11. Section 77-1B-12 NMSA 1978 (being Laws 2007,
5 Chapter 60, Section 12, as amended) is amended to read:

6 "77-1B-12. TERMINATION OF AGENCY LIFE--DELAYED
7 REPEAL.--The veterinary medicine and animal sheltering board is
8 terminated on July 1, 2011 pursuant to the Sunset Act. The
9 board shall continue to operate according to the provisions of
10 the Animal Sheltering Act until July 1, 2012. Effective July
11 1, 2012, the Animal Sheltering Act is repealed."

12 Section 12. TEMPORARY PROVISION--INITIAL APPOINTMENTS TO
13 THE VETERINARY MEDICINE AND ANIMAL SHELTERING BOARD.--In making
14 the initial appointments to the veterinary medicine and animal
15 sheltering board, the governor:

16 A. shall assign members to one-, two-, three- or
17 four-year terms to accomplish the staggered terms required
18 pursuant to the Veterinary Practice Act; and

19 B. may appoint a person who was a member of the
20 board of veterinary medicine or the animal sheltering board,
21 provided that, if the person is serving the person's second
22 consecutive term on the board of veterinary medicine or the
23 animal sheltering board on June 30, 2010, the person shall be
24 considered to be beginning the person's second consecutive term
25 on the veterinary medicine and animal sheltering board and

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underscored material = new
[bracketed material] = delete

1 shall not be appointed to a third consecutive term.

2 Section 13. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,
3 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On July 1, 2010:

4 A. all personnel, appropriations, money, records,
5 equipment, supplies and other property of the board of
6 veterinary medicine and the animal sheltering board shall be
7 transferred to the veterinary medicine and animal sheltering
8 board;

9 B. all contracts of the board of veterinary
10 medicine and the animal sheltering board shall be binding and
11 effective on the veterinary medicine and animal sheltering
12 board; and

13 C. all references in law to the board of veterinary
14 medicine or the animal sheltering board shall be deemed to be
15 references to the veterinary medicine and animal sheltering
16 board.

17 Section 14. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2010.

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