

HOUSE BILL 598

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO ANIMALS; PERMITTING FIRST RESPONDERS TO PROVIDE EMERGENCY VETERINARY SERVICES TO CATS AND DOGS HSEIC→**AND LIVESTOCK**←HSEIC.

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;

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B. "animal shelter":

(1) means:

(a) a county or municipal facility that provides shelter to animals on a regular basis, including a small animal impound facility; and

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

(2) does not include a municipal zoological park;

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

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

E. "practice of veterinary medicine" means:

(1) the diagnosis, treatment, correction, change, relief or prevention of animal disease, deformity, defect, injury or other physical or mental condition, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic or other

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therapeutic or diagnostic substance or technique and the use of any procedure for artificial insemination, testing for pregnancy, diagnosing and treating sterility or infertility or rendering advice with regard to any of these;

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

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

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

G. "licensed veterinarian" means a person licensed to practice veterinary medicine in this state;

H. "veterinary school" means any veterinary college or any division of a university or college that is approved for

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accreditation by the American veterinary medical association;

I. "board" means the board of veterinary medicine;

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

K. "committee" means the veterinary technician examining committee;

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

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

N. "valid veterinarian-client-patient relationship" means:

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

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

(3) the veterinarian is sufficiently acquainted with an animal being treated, whether through

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examination of the animal or timely visits to the animal's habitat for purposes of assessing the condition in which the animal is kept, to be capable of making a preliminary or general diagnosis of the medical condition of the animal being treated; and

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

O. "veterinary medicine" means veterinary surgery, obstetrics, dentistry and all other branches or specialties of veterinary medicine; and

P. "first responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency, including:

(1) a law enforcement officer;

(2) a firefighter or certified volunteer firefighter; and

(3) an emergency medical services provider."

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

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

A. employees of federal or state governments performing official duties;

B. regular students in a veterinary school performing duties or actions assigned by an instructor or

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working under direct supervision of a licensed veterinarian during a school vacation period;

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

D. a veterinarian licensed in a foreign jurisdiction consulting with a licensed veterinarian;

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

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

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

H. a person selling or applying any pesticide, insecticide or herbicide; [✕]

I. a person engaging in bona fide scientific research that reasonably requires experimentation involving

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animals; or

J. a first responder providing emergency veterinary services as provided in Section 3 of this 2019 act."

**SECTION 3. [NEW MATERIAL] EMERGENCY VETERINARY SERVICES FOR CATS AND DOGS.--**

A. In the course of an emergency medical, fire or law enforcement response, a first responder may provide any of the following emergency veterinary services to a cat or dog HSEIC→**or livestock**←HSEIC prior to transferring the animal to a veterinarian:

- (1) manually maintaining or managing an airway;
  - (2) administering cardiopulmonary resuscitation;
  - (3) administering oxygen;
  - (4) immobilizing fractured or injured limbs;
  - (5) bandaging or applying pressure to wounds;
- and

(6) administering an opioid antagonist or veterinary medications; provided that the first responder is authorized to carry and administer the medication and does so:

(a) in accordance with a written protocol provided by a licensed veterinarian; or

(b) in consultation with a licensed veterinarian.

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B. Nothing in this section shall be construed to limit or otherwise affect the liability of any person for damages resulting from that person's gross negligence or reckless, wanton or intentional misconduct.

C. As used in this section, "first responder" means a public safety employee or volunteer whose duties include responding rapidly to an emergency, including:

- (1) a law enforcement officer;
- (2) a firefighter or certified volunteer firefighter; and
- (3) an emergency medical services provider.