

1 HOUSE BILL 598

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO ANIMALS; PERMITTING FIRST RESPONDERS TO PROVIDE
12 EMERGENCY VETERINARY SERVICES TO CATS AND DOGS.

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

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

17 "61-14-2. DEFINITIONS.--As used in the Veterinary
18 Practice Act:

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

20 B. "animal shelter":

21 (1) means:

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

25 (b) a private humane society or a

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1 private animal shelter that temporarily houses stray, unwanted
2 or injured animals through administrative or contractual
3 arrangements with a local government agency; and

4 (2) does not include a municipal zoological
5 park;

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

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

14 E. "practice of veterinary medicine" means:

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

24 (2) the representation, directly or
25 indirectly, publicly or privately, of an ability and

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1 willingness to do any act mentioned in Paragraph (1) of this
2 subsection; or

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

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

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

18 H. "veterinary school" means any veterinary college
19 or any division of a university or college that is approved for
20 accreditation by the American veterinary medical association;

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

22 J. "veterinary technician" means a skilled person
23 certified by the board as being qualified by academic and
24 practical training to provide veterinary services under the
25 supervision and direction of the licensed veterinarian who is

1 responsible for the performance of that technician;

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

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

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

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

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

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

18 (3) the veterinarian is sufficiently
19 acquainted with an animal being treated, whether through
20 examination of the animal or timely visits to the animal's
21 habitat for purposes of assessing the condition in which the
22 animal is kept, to be capable of making a preliminary or
23 general diagnosis of the medical condition of the animal being
24 treated; and

25 (4) the veterinarian is reasonably available

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1 for follow-up treatment; [~~and~~]

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

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

8 (1) a law enforcement officer;

9 (2) a firefighter or certified volunteer
10 firefighter; and

11 (3) an emergency medical services provider."

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

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

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

18 B. regular students in a veterinary school
19 performing duties or actions assigned by an instructor or
20 working under direct supervision of a licensed veterinarian
21 during a school vacation period;

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

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

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

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

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

16 H. a person selling or applying any pesticide,
17 insecticide or herbicide; ~~[or]~~

18 I. a person engaging in bona fide scientific
19 research that reasonably requires experimentation involving
20 animals; or

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

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

25 A. In the course of an emergency medical, fire or

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1 law enforcement response, a first responder may provide any of
2 the following emergency veterinary services to a cat or dog
3 prior to transferring the animal to a veterinarian:

4 (1) manually maintaining or managing an
5 airway;

6 (2) administering cardiopulmonary
7 resuscitation;

8 (3) administering oxygen;

9 (4) immobilizing fractured or injured limbs;

10 (5) bandaging or applying pressure to wounds;

11 and

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

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

17 (b) in consultation with a licensed
18 veterinarian.

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

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

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