

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 686
Final Reading

Introduced by Schilz, 47.

Read first time January 19, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Veterinary Medicine and Surgery Practice
2 Act; to amend section 38-3321, Revised Statutes
3 Cumulative Supplement, 2010; to provide exceptions for
4 transplantation of bovine embryos; and to repeal the
5 original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-3321, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 38-3321 No person may practice veterinary medicine and
4 surgery in the state who is not a licensed veterinarian, no person
5 may perform delegated animal health care tasks in the state who is
6 not a licensed veterinary technician or an unlicensed assistant
7 performing such tasks within the limits established under subdivision
8 (2) of section 38-3326, and no person may perform health care therapy
9 on animals in the state who is not a licensed animal therapist. The
10 Veterinary Medicine and Surgery Practice Act shall not be construed
11 to prohibit:

12 (1) An employee of the federal, state, or local
13 government from performing his or her official duties;

14 (2) A person who is a student in a veterinary school from
15 performing duties or actions assigned by his or her instructors or
16 from working under the direct supervision of a licensed veterinarian;

17 (3) A person who is a student in an approved veterinary
18 technician program from performing duties or actions assigned by his
19 or her instructors or from working under the direct supervision of a
20 licensed veterinarian or a licensed veterinary technician;

21 (4) Any merchant or manufacturer from selling feed or
22 feeds whether medicated or nonmedicated;

23 (5) A veterinarian regularly licensed in another state
24 from consulting with a licensed veterinarian in this state;

25 (6) Any merchant or manufacturer from selling from his or

1 her established place of business medicines, appliances, or other
2 products used in the prevention or treatment of animal diseases or
3 any merchant or manufacturer's representative from conducting
4 educational meetings to explain the use of his or her products or
5 from investigating and advising on problems developing from the use
6 of his or her products;

7 (7) An owner of livestock or a bona fide farm or ranch
8 employee from performing any act of vaccination, surgery, pregnancy
9 testing, retrievable transplantation of embryos on bovine, including
10 recovering, freezing, and transferring embryos on bovine, or the
11 administration of drugs in the treatment of domestic animals under
12 his or her custody or ownership nor the exchange of services between
13 persons or bona fide employees who are principally farm or ranch
14 operators or employees in the performance of these acts;

15 (8) A member of the faculty of a veterinary school or
16 veterinary science department from performing his or her regular
17 functions, or a person lecturing or giving instructions or
18 demonstrations at a veterinary school or veterinary science
19 department or in connection with a continuing competency activity;

20 (9) Any person from selling or applying any pesticide,
21 insecticide, or herbicide;

22 (10) Any person from engaging in bona fide scientific
23 research which reasonably requires experimentation involving animals;

24 (11) Any person from treating or in any manner caring for
25 domestic chickens, turkeys, or waterfowl, which are specifically

1 exempted from the Veterinary Medicine and Surgery Practice Act;

2 (12) Any person from performing dehorning or castrating
3 livestock, not to include equidae.

4 For purposes of the Veterinary Medicine and Surgery
5 Practice Act, castration shall be limited to the removal or
6 destruction of male testes; ~~or~~

7 (13) Any person who holds a valid credential in the State
8 of Nebraska in a health care profession or occupation regulated under
9 the Uniform Credentialing Act from consulting with a licensed
10 veterinarian or performing collaborative animal health care tasks on
11 an animal under the care of such veterinarian if all such tasks are
12 performed under the immediate supervision of such veterinarian; or -

13 (14) A person from performing a retrievable
14 transplantation of embryos on bovine, including recovering, freezing,
15 and transferring embryos on bovine, if the procedure is being
16 performed by a person who (a) holds a doctorate degree in animal
17 science with an emphasis in reproductive physiology from an
18 accredited college or university and (b) has and can show proof of
19 valid professional liability insurance.

20 Sec. 2. Original section 38-3321, Revised Statutes
21 Cumulative Supplement, 2010, is repealed.