

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 596**

Introduced by Groene, 42.

Read first time January 18, 2017

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Veterinary Medicine and Surgery  
2 Practice Act; to amend sections 38-3301, 38-3302, 38-3314, and  
3 38-3321, Reissue Revised Statutes of Nebraska; to define equine  
4 massage therapy; to exempt equine massage therapy from licensure and  
5 regulation; to harmonize provisions; and to repeal the original  
6 sections.

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

1 Section 1. Section 38-3301, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-3301 Sections 38-3301 to 38-3335 and section 3 of this act shall  
4 be known and may be cited as the Veterinary Medicine and Surgery Practice  
5 Act.

6 Sec. 2. Section 38-3302, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 38-3302 For purposes of the Veterinary Medicine and Surgery Practice  
9 Act and elsewhere in the Uniform Credentialing Act, unless the context  
10 otherwise requires, the definitions found in sections 38-3303 to 38-3318  
11 and section 3 of this act apply.

12 Sec. 3. Equine massage therapy means the therapeutic application of  
13 hands-on massage techniques for the purpose of increasing circulation,  
14 relaxing muscle spasms, relieving tension, enhancing muscle tone, and  
15 increasing range of motion in high-performance horses.

16 Sec. 4. Section 38-3314, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 38-3314 Unlicensed assistant means an individual who is not a  
19 licensed veterinarian, a licensed veterinary technician, or a licensed  
20 animal therapist and who is working in veterinary medicine. Unlicensed  
21 assistant does not include a person engaged in equine massage therapy.

22 Sec. 5. Section 38-3321, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 38-3321 No person may practice veterinary medicine and surgery in  
25 the state who is not a licensed veterinarian, no person may perform  
26 delegated animal health care tasks in the state who is not a licensed  
27 veterinary technician or an unlicensed assistant performing such tasks  
28 within the limits established under subdivision (2) of section 38-3326,  
29 and no person may perform health care therapy on animals in the state who  
30 is not a licensed animal therapist. The Veterinary Medicine and Surgery  
31 Practice Act shall not be construed to prohibit or require licensure

1 under the act for:

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

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

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

11 (4) Any merchant or manufacturer from selling feed or feeds whether  
12 medicated or nonmedicated;

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

15 (6) Any merchant or manufacturer from selling from his or her  
16 established place of business medicines, appliances, or other products  
17 used in the prevention or treatment of animal diseases or any merchant or  
18 manufacturer's representative from conducting educational meetings to  
19 explain the use of his or her products or from investigating and advising  
20 on problems developing from the use of his or her products;

21 (7) An owner of livestock or a bona fide farm or ranch employee from  
22 performing any act of vaccination, surgery, pregnancy testing,  
23 retrievable transplantation of embryos on bovine, including recovering,  
24 freezing, and transferring embryos on bovine, or the administration of  
25 drugs in the treatment of domestic animals under his or her custody or  
26 ownership nor the exchange of services between persons or bona fide  
27 employees who are principally farm or ranch operators or employees in the  
28 performance of these acts;

29 (8) A member of the faculty of a veterinary school or veterinary  
30 science department from performing his or her regular functions, or a  
31 person lecturing or giving instructions or demonstrations at a veterinary

1 school or veterinary science department or in connection with a  
2 continuing competency activity;

3 (9) Any person from selling or applying any pesticide, insecticide,  
4 or herbicide;

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

7 (11) Any person from treating or in any manner caring for domestic  
8 chickens, turkeys, or waterfowl, which are specifically exempted from the  
9 Veterinary Medicine and Surgery Practice Act;

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

12 For purposes of the Veterinary Medicine and Surgery Practice Act,  
13 castration shall be limited to the removal or destruction of male testes;

14 (13) Any person who holds a valid credential in the State of  
15 Nebraska in a health care profession or occupation regulated under the  
16 Uniform Credentialing Act from consulting with a licensed veterinarian or  
17 performing collaborative animal health care tasks on an animal under the  
18 care of such veterinarian if all such tasks are performed under the  
19 immediate supervision of such veterinarian;~~or~~

20 (14) A person from performing a retrievable transplantation of  
21 embryos on bovine, including recovering, freezing, and transferring  
22 embryos on bovine, if the procedure is being performed by a person who  
23 (a) holds a doctorate degree in animal science with an emphasis in  
24 reproductive physiology from an accredited college or university and (b)  
25 has and can show proof of valid professional liability insurance; or ~~or~~

26 (15) Any person engaging solely in equine massage therapy.

27 Sec. 6. Original sections 38-3301, 38-3302, 38-3314, and 38-3321,  
28 Reissue Revised Statutes of Nebraska, are repealed.