

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

291E0548

HOUSE BILL NO. 1195

Introduced by: Representatives Lintz, Burg, Duenwald, Juhnke, Nachtigal, and Rhoden
and Senators Diedrich (Larry), Dennert, Drake, Duxbury, and Putnam

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the practice of
2 veterinary medicine.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-12-1 be amended to read as follows:

5 36-12-1. Any person ~~shall be~~ is deemed in the practice of veterinary medicine ~~who if the~~
6 person represents himself or herself as or is engaged in the practice of veterinary medicine in any
7 of its branches either directly or indirectly, or uses any words, titles, or letters, to title so as to
8 signify that ~~he~~ the person is a veterinarian, or who ~~for a fee diagnoses;~~ diagnoses; performs a
9 surgical operation; treats, corrects, changes, relieves, or prevents any animal disease, deformity,
10 defect, injury, or other physical or mental condition for a fee; or prescribes, or administers any
11 drug, medicine, appliance, application, or treatment of whatever nature, or performs a surgical
12 operation or manipulation, or conducts any autopsy or biopsy, for the prevention, cure, or relief
13 of a pain, deformity, wound, fracture, or bodily injury, or physical condition or disease of
14 animals, and the biologic, anesthetic, apparatus, or other therapeutic or diagnostic substance or
15 technique for a fee, including acupuncture, dentistry, animal chiropractic, theriogenology, or

1 diagnosis of disease. The term, animals, as used in this section shall mean means all animals other
2 than man, ~~except that this section shall not be applicable to the advertising or the sale of foods~~
3 ~~and medicines used in commercial feeds for the prevention of livestock diseases~~ and includes
4 fowl, birds, fish, and reptiles, wild or domestic.

5 Section 2. That § 36-12-2 be amended to read as follows:

6 36-12-2. The following persons ~~shall not be~~ are not considered to be engaging in the practice
7 of veterinary medicine in this state:

8 (1) ~~Those who administer to livestock, title of which rests in himself, or in his regular~~
9 ~~employer, or free service in any case~~ Any person who administers to livestock that are
10 owned by the person or the person's employer or any person who provides free
11 service;

12 (2) Those who conduct experimentation in scientific research in the development of
13 methods, technics, or treatment, directly or indirectly applicable to the problems of
14 medicine and who in connection therewith uses animals;

15 (3) Services to poultry in its entirety;

16 (4) Regular students in a ~~legally chartered and recognized~~ an accredited college of
17 veterinary medicine, while in the performance of ~~studies and acts assigned by their~~
18 ~~instructors~~ duties or actions assigned by their instructors or working under the direct
19 supervision of a licensed veterinarian;

20 (5) Those who are licensed in another state of the United States when engaged in this
21 state in consultation with veterinarians legally practicing ~~herein, providing such~~ in this
22 state, if the consultation does not exceed thirty days in any one year;

23 (6) Those who are senior students in an ~~approved~~ accredited school of veterinary
24 medicine and who ~~shall~~ obtain from the Board of Veterinary Medical Examiners an

1 undergraduate permit to practice in the office and under the direct supervision of any
2 veterinarian practicing within this state;

3 (7) Those who are employees of the State of South Dakota or the United States of
4 America while in the performance of their duties as such employee;

5 (8) Those selling drugs, medicines, household remedies, or appliances at wholesale or
6 retail and advising as to the use and purpose of such drugs, medicines, household
7 remedies, or appliances;

8 (9) Veterinary livestock assistants registered by the State Board of Veterinary Medical
9 Examiners who work under the supervision of a veterinarian licensed in the State of
10 South Dakota to perform castration of cattle, swine, goats, and sheep; pregnancy
11 diagnosis by manual palpation; spaying of cattle; nonsurgical embryo transfer;
12 dehorning of cattle; fertility examination of bulls; ultrasound for the purpose of
13 determining pregnancy; and administration of biologics and pharmaceuticals under the
14 order of their supervising veterinarians. The State Board of Veterinary Medical
15 Examiners shall promulgate rules pursuant to chapter 1-26 to specify the education
16 or training and experience required for veterinary assistants, registration procedures,
17 the fee for registration, and supervision of veterinary assistants;

18 (10) Veterinary technicians engaged in tasks permitted by rules promulgated by the State
19 Board of Veterinary Medical Examiners;

20 (11) A contract feeder or a contract feeder's employee who, in the performance of a
21 contractual obligation to provide care for cattle, sheep, or swine held in their care and
22 custody, personally provide accepted livestock management practices for such cattle,
23 sheep, or swine. For purposes of this section, a contract feeder is a person who,
24 pursuant to a contract, provides care and feed to animals held in pens, pastures, fields,

1 or other enclosures for a period of forty-five days or longer. Accepted livestock
2 management practices include dehorning, castration, docking, pregnancy testing,
3 implanting of growth hormones, or the administration of biologics or pharmaceuticals.