

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2833

As Amended by Senate Committee on
Agriculture

Brief*

HB 2833 would amend four sections of the Kansas Veterinary Practice Act. Specifically, the bill would:

- Repeal two definitions which are no longer needed (“veterinary medical specialist” and “ECFVG certificate”);
- Define a "companion animal" to mean any dog, cat, or other domestic animal possessed by a person for the purposes of companionship, security, hunting, herding, or providing assistance in relation to a physical disability but shall exclude any animal raised on a farm or ranch and used or intended for use as food.
- Clarify that one of the educational requirements for an applicant for a veterinary license could be that the person meets all education requirements prescribed by the Board of Veterinary Examiners as provided for in the rules and regulations of the Board;
- Clarify that applicants pass examinations prescribed by the Board within time limits specified by the Board pursuant to rules and regulations of the Board;
- Provide that reexaminations are to be prescribed by the Board;
- Clarify that veterinary premises would be inspected and registered by the Board within 60 days of any change of the licensed veterinarian who is responsible for the operation and management of the veterinary premise;
- Provide that any registration fee that is submitted after (rather than the current 30-day grace period) the due date would be assessed

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

a penalty fee;

- Change the grace period for premises registration applications from 30 days to 60 days;
- Eliminate language that had prohibited members of the Board from conducting the inspections or reinspections;
- Clarify that the unlawful practice of veterinary medicine is the practice by a person without a license regardless of the location of the person unless the person is exempt from the license requirements;
- Make both the unlawful practice of veterinary medicine and unlawful operation or management of a veterinary premise a class B nonperson misdemeanor (the current fine range and imprisonment penalties are prescribed in current law);
- Allow the Board of Veterinary Examiners (Board) to issue a cease and desist order, a citation and fine prescribed by the bill, or bring an injunction if the Board determines that a person is practicing veterinary medicine without a license on a companion animal or is operating or managing a veterinary premises that is not registered; and
- Allow the Board to issue subpoenas compelling the attendance and testimony of any person or the production of documents or other physical evidence if the evidence relates to practicing veterinary medicine without a license on a companion animal or operating or managing a veterinary premise that is not registered.

Background

This bill was requested by a spokesperson from the Kansas Board of Veterinary Examiners. At the hearing on the bill, the spokesperson from the Board stated that the bill would better enable the Board to promote public health, safety, and welfare relative to the practice of veterinary medicine. A representative of the Kansas Veterinary Medical Association also appeared in support of the bill. There were no opponents to the bill.

The Senate Committee on Agriculture amended the bill to:

- Establish a definition for "companion animals" which specifically excludes any animal raised on a farm or ranch and used or intended for use as food;
- Clarify that the unlawful practice of veterinary medicine could occur at any location;
- Specify that the unlawful practice of veterinary medicine and unlawful operation or management of a veterinary premise is a class B nonperson misdemeanor;
- Allow the Board to issue a cease and desist order, citation and fines, or bring an injunction under certain circumstances; and
- Allow the Board to issue subpoenas compelling attendance and testimony or production of documents or other physical evidence under certain conditions.

The fiscal note on the original bill states there would be no fiscal effect.