INTERIM STUDY PROPOSAL 2011-034

State of Arkansas

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As Engrossed: H3/3/11

A Bill

HOUSE BILL 1712

By: Representatives G. Smith, Love, Leding, Benedict, Catlett, Dale, Hall, Hopper, McCrory, Patterson

By: Senators G. Jeffress, Madison, Salmon

Filed with: Interim House Committee on Agriculture, Forestry and Economic Development pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO EXEMPT EQUINE HUSBANDRY, EQUINE MASSAGE, EQUINE FARRIERY, EQUINE TEETH FLOATING, AND EQUINE TRAINING FROM THE VETERINARY PRACTICE ACT; TO ESTABLISH A CERTIFIED EQUINE DENTAL PRACTITIONER; AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT EQUINE HUSBANDRY, EQUINE MASSAGE, EQUINE FARRIERY, EQUINE TEETH FLOATING, AND EQUINE TRAINING FROM THE VETERINARY PRACTICE ACT; TO ESTABLISH A CERTIFIED EQUINE DENTAL PRACTITIONER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-101-102, concerning the definitions for veterinary medicine, is amended to add an additional definition as follows:

(15)(A) "Teeth floating" means a husbandry procedure that is distinct from veterinary dentistry and includes the following procedures performed above the gum line of equine:

(i) The removal of enamel points; and

(ii) The smoothing, contouring, and leveling of dental arcades and incisors.
(B) "Teeth floating" does not include the administration of sedatives.

SECTION 2. Arkansas Code § 17-101-307(b), concerning the practices that are excluded from the practice of veterinary medicine, is amended to read as follows:

(b) This chapter shall not be construed to prohibit:

(1) Employees of the federal or state government or employees of local government who are certified by an agency approved by the board to perform euthanasia from performing their official duties;

(2) Regular students in a veterinary school or college from performing duties or actions assigned by the school or college or working under the direct personal supervision of a veterinarian licensed in the State of Arkansas;

(3) Reciprocal aid of neighbors in performing routine accepted livestock management practices without compensation;

(4) Any veterinarian licensed in any foreign jurisdiction from consulting with a licensed veterinarian;

(5) The owner of an animal, his or her consignees, and their employees, and third party contractors from performing routine accepted livestock management practices, including equine teeth floating and equine farriery and hoof care, in the care of animals belonging to the owner;

(6) Any person:

(A) Engaging in the art or profession of equine farriery and hoof care;

(B) Training equine, except that the training shall not include diagnosing or prescribing or dispensing of any therapeutic agent;

(C) Collecting, preparing, or freezing semen from equine;

(D) Performing non-surgical artificial insemination on equine; and

(E) Performing massage on equine;

(6) A member of the faculty of a veterinary school from performing his or her regular functions or a person from lecturing or giving instruction or demonstration at a veterinary school or in connection with a continuing education course or seminar for licensed veterinarians or registered technicians;
A person from engaging in bona fide scientific research which reasonably requires experimentation involving animals;

(8) Any act, task, or function performed by a veterinary technician at the direction of and under the supervision of a licensed veterinarian, when:

(i) The technician is certified by and annually registered with the board as one qualified by training or experience to function as an assistant to a veterinarian;

(ii) The act, task, or function is performed at the direction of, and under the supervision of, a licensed veterinarian in accordance with rules and regulations promulgated by the board; and

(iii) The services of the veterinary technician are limited to assisting the veterinarian in the particular fields for which the assistant has been trained, certified, and registered.

(B) Subdivision (b)(8)(A) of this section shall not limit or prevent any veterinarian from delegating to a qualified person any acts, tasks, or functions which are otherwise permitted by law but which do not include diagnosis, prescribing medication, or surgery; or

(9) Any chiropractor licensed in this state and certified by the American Veterinary Chiropractic Association from performing chiropractic upon animals so long as the chiropractic is performed under the immediate supervision of an Arkansas-licensed veterinarian.

SECTION 3. Arkansas Code Title 2 is amended to add a new chapter to read as follows:

Chapter 41 — Certified Equine Dental Practitioners


As used in this chapter:

(1) "Certified equine dental practitioner" means a person who:

(A) Has met the requirements of this chapter;

(B) Has received certification from the Arkansas Livestock and Poultry Commission; and

(C) Provides teeth floating to horses and other equidae;

and

(2) "Teeth floating" means:
(A) A husbandry procedure that is distinct from veterinary dentistry and includes the following procedures performed above the gum line of equine:

   (i) The removal of enamel points; and
   (ii) The smoothing, contouring, and leveling of dental arcades and incisors.

(B) “Teeth floating” does not include the administration of sedatives.

2-41-102. Certified equine dental practitioner.

   (a) No person may use the title, “certified equine dental practitioner”, unless that person has been certified as a “certified equine dental practitioner” by the Arkansas Livestock and Poultry Commission.

   (b) The commission will certify a person as a “certified equine dental practitioner” upon receiving evidence that the person:

      (1) Has been certified by a private equine dental certification organization recognized by the commission including the International Association of Equine Dentistry;

      (2) Has completed 80 hours of training in teeth floating and related safety at a college, vocational school, technical school, community college, or specialty school recognized by the commission, including:

         (A) Arkansas State University at Beebe;
         (B) The Texas Institute of Equine Dentistry, Weatherford, Texas;
         (C) Equine Gnathological Training Institute Inc., King Hill, Idaho;
         (D) Academy of Equine Dentistry, Glenns Ferry, Idaho;
         (E) Midwest Equine Dental Academy, Mt. Pleasant, Michigan;
         (F) The American School of Equine Dentistry, Purcelville, Virginia; or
         (G) Pacific Equine Dental Institute, El Dorado Hills, Ca.; or

      (3) Has performed teeth floating on more than two hundred (200) horses or other equidae any time before July 1, 2012.

2-41-103. Unauthorized practice and disciplinary action.
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(a) If the Arkansas Livestock and Poultry Commission has received a written complaint and has probable cause to believe that a non-certified person has used the title of “certified equine dental practitioner”, the commission may proceed as described in subsections (b) and (c) of this section.

(b)(1) The commission, at the discretion of the agency director, may investigate, mediate, or initiate administrative proceedings with respect to a complaint alleging the unauthorized use of the title, “certified equine dental practitioner”.

(2) All proceedings shall be conducted in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et. seq.

(c) The commission may impose a civil penalty not to exceed one thousand dollars ($1,000) per violation upon a person who commits an act constituting the unauthorized use of the title, “certified equine dental practitioner”.

2-41-104. Fees.

(a)(1) An application fee of one hundred dollars ($100) for certification as an equine dental practitioner shall be paid by the applicant to the Arkansas Livestock and Poultry Commission for each application of certification.

(2) The application fee shall be refunded by the commission if the application is rejected.

(b)(1) A certified equine dental practitioner must renew his or her certification annually.

(2) The annual recertification fee is one hundred dollars ($100) and shall be paid by the certified equine dental practitioner to the commission.

(3) The recertification fee must be paid on or before July 31st each year.

/s/G. Smith
Referred by the Arkansas House of Representatives
Prepared by: MMC/VJF