

2 State of Arkansas
3 88th General Assembly
4 Regular Session, 2011

As Engrossed: H3/3/11
A Bill

HOUSE BILL 1712

5
6 By: Representatives G. Smith, Love, Leding, Benedict, Catlett, Dale, Hall, Hopper, McCrary, Patterson
7 By: Senators G. Jeffress, Madison, Salmon

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

10 **For An Act To Be Entitled**

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

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18 **Subtitle**

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

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

27
28 SECTION 1. Arkansas Code § 17-101-102, concerning the definitions for
29 veterinary medicine, is amended to add an additional definition as follows:

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

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

1 (B) "Teeth floating" does not include the administration
2 of sedatives.

3
4 SECTION 2. Arkansas Code § 17-101-307(b), concerning the
5 practices that are excluded from the practice of veterinary medicine, is
6 amended to read as follows:

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

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

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

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

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

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

23 (6) Any person:

24 (A) Engaging in the art or profession of equine farrriery
25 and hoof care;

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

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

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

31 (E) Performing massage on equine;

32 ~~(6)~~(7) A member of the faculty of a veterinary school from
33 performing his or her regular functions or a person from lecturing or giving
34 instruction or demonstration at a veterinary school or in connection with a
35 continuing education course or seminar for licensed veterinarians or
36 registered technicians;

1 ~~(7)~~ (8) A person from engaging in bona fide scientific research
2 which reasonably requires experimentation involving animals;

3 ~~(8)(A)(9)(A)~~ Any act, task, or function performed by a
4 veterinary technician at the direction of and under the supervision of a
5 licensed veterinarian, when:

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

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

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

15 (B) Subdivision ~~(b)(8)(A)(b)(9)(A)~~ of this section shall
16 not limit or prevent any veterinarian from delegating to a qualified person
17 any acts, tasks, or functions which are otherwise permitted by law but which
18 do not include diagnosis, prescribing medication, or surgery; or

19 ~~(9)(10)~~ Any chiropractor licensed in this state and certified by
20 the American Veterinary Chiropractic Association from performing chiropractic
21 upon animals so long as the chiropractic is performed under the immediate
22 supervision of an Arkansas-licensed veterinarian.

23
24 SECTION 3. Arkansas Code Title 2 is amended to add a new chapter to
25 read as follows:

26 Chapter 41 – Certified Equine Dental Practitioners

27
28 2-41-101. Definitions.

29 As used in this chapter:

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

31 (A) Has met the requirements of this chapter;

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

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

36 (2) "Teeth floating" means:

1 (A) A husbandry procedure that is distinct from veterinary
2 dentistry and includes the following procedures preformed above the gum line
3 of equine:

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

7 (B) "Teeth floating" does not include the administration of
8 sedatives.

9
10 2-41-102. Certified equine dental practitioner.

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

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

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

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

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

32 or

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

35
36 2-41-103. Unauthorized practice and disciplinary action.

(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

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Referred by the Arkansas House of Representatives

Prepared by: MMC/VJF