

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

A Bill

HOUSE BILL 1535

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

For An Act To Be Entitled

8
9 AN ACT TO EXEMPT EQUINE HUSBANDRY, EQUINE MASSAGE,
10 EQUINE FARRIERY, EQUINE TEETH FLOATING, EQUINE
11 TRAINING, AND ITEMS USED IN THE TREATMENT OF ANIMAL
12 DISEASES FROM THE VETERINARY PRACTICE ACT; TO
13 ESTABLISH A CERTIFIED EQUINE DENTAL PRACTITIONER; AND
14 FOR OTHER PURPOSES.
15
16

Subtitle

17
18 TO EXEMPT EQUINE HUSBANDRY, MASSAGE,
19 FARRIERY, TEETH FLOATING, TRAINING, ETC.
20 FROM THE VETERINARY PRACTICE ACT AND TO
21 ESTABLISH A CERTIFIED EQUINE DENTAL
22 PRACTITIONER.
23
24

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

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

29 (15)(A) "Teeth floating" means a husbandry procedure distinct
30 from veterinary dentistry and includes the following procedures performed on
31 equine:

32 (i) The removal of enamel points above the gum line;
33 and

34 (ii) The smoothing, contouring, and leveling of
35 dental arcades and incisors above the gum line.

36 (B) "Teeth floating" does not include the administration



1 of sedatives.

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

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

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

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

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

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

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

22 (6) Any person:

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

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

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

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

30 (E) Performing massage on equine; and

31 (F) Who is a pharmacist, merchant, or manufacturer at his
32 or her regular place of business from selling medicines, feed, appliances, or
33 other products used in the prevention or treatment of animal diseases as
34 permitted by law;

35 ~~(6)(7)~~ A member of the faculty of a veterinary school from
36 performing his or her regular functions or a person from lecturing or giving

1 instruction or demonstration at a veterinary school or in connection with a
 2 continuing education course or seminar for licensed veterinarians or
 3 registered technicians;

4 ~~(7)~~ (8) A person from engaging in bona fide scientific research
 5 which reasonably requires experimentation involving animals;

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

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

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

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

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

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

26
 27 SECTION 3. Arkansas Code Title 2 is amended to add a new chapter to
 28 read as follows:

29 Chapter 41 – Animal Husbandry Practitioners

30
 31 2-41-101. Definitions.

32 As used in this chapter:

33 (1)(A) "Animal husbandry" means the branch of agriculture and
 34 animal science that is distinct from veterinary medicine and relates to the
 35 care, breeding, management, and marketing of bovine, caprine, equine,
 36 porcine, poultry, and other farm animals.

1 (B) "Animal husbandry" does not include procedures on
 2 canine and feline;

3 (2) "Animal husbandry practitioner" means a person who provides
 4 animal husbandry procedures for compensation;

5 (3)(A) "Certification" or "certified" means a statutory grant of
 6 recognition to a person who:

7 (i) Has met certain predetermined qualifications;
 8 and

9 (ii) Is allowed by law to use "certified" as a
 10 designated title.

11 (B) Use of the title "certified" by a person who is not
 12 "certified" is unlawful;

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

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

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

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

18 (5) "Equine dental practitioner" means a person who performs
 19 teeth floating on horses and other equidae for compensation;

20 (6) "Teeth floater" means a person who performs teeth floating
 21 on any farm animal for compensation.

22 (7) "Teeth floating" means:

23 (A) An animal husbandry procedure that is distinct from
 24 veterinary dentistry and includes the following procedures preformed above
 25 the gum line of bovine, equine, porcine, and other farm animals:

26 (i) The removal of enamel points;

27 (ii) The smoothing, contouring, and leveling of
 28 dental arcades and incisors; and

29 (iii) The extraction of deciduous teeth.

30 (B) "Teeth floating" does not include:

31 (i) The administration of sedatives to any animal;
 32 or

33 (ii) Any dental procedure on canine and felines.

34
 35 2-41-102. Non-regulated animal husbandry procedures.

36 Animal husbandry procedures may be performed for compensation by an

1 employee or independent contractor hired by the animal owner or the animal
 2 owner's agent including the following procedures:

- 3 (1) Branding;
- 4 (2) Castrating;
- 5 (3) Dehorning;
- 6 (4) Deworming;
- 7 (5) Ear notching;
- 8 (6) Tail docking;
- 9 (7) Teeth floating;
- 10 (8) Farriery and hoof care;
- 11 (9) Massage;
- 12 (10) Pregnancy checking;
- 13 (11) Collecting, preparing, or freezing semen;
- 14 (12) Artificial insemination;
- 15 (13) Training;
- 16 (14) Vaccinating; and
- 17 (15) Consulting with respect to nutrition, feeds, or feeding.

18
 19 2-41-103. Certified equine dental practitioner.

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

23 (b) Nothing in this section prohibits the use of the title "horse
 24 teeth floater" or "equine dental practitioner" by a non-certified person.

25 (c) Nothing in this section restricts non-certified persons from
 26 providing teeth floating or from saying that they provide teeth floating, as
 27 long as they do not use the title "certified equine dental practitioner".

28 (d) The commission will certify a person as a "certified equine dental
 29 practitioner" upon receiving evidence that the person:

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

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

36 (A) Arkansas State University at Beebe;

1 (B) The Texas Institute of Equine Dentistry, Weatherford,
 2 Texas;

3 (C) Equine Gnathological Training Institute Inc., King
 4 Hill, Idaho;

5 (D) Academy of Equine Dentistry, Glenns Ferry, Idaho;

6 (E) Midwest Equine Dental Academy, Mt. Pleasant, Michigan;

7 or

8 (F) The American School of Equine Dentistry, Purcelville,
 9 Virginia; or

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

12
 13 2-41-104. Unauthorized practice and disciplinary action.

14 (a) If the Arkansas Livestock and Poultry Commission has received a
 15 written complaint and has probable cause to believe that a non-certified
 16 person has used the title of "certified equine dental practitioner", the
 17 commission may proceed as described in subsections (b) and (c) of this
 18 section.

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

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

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

29
 30 2-41-105. Fees.

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

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

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

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

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

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