

# HB5819



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB5819**

by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

225 ILCS 115/4

from Ch. 111, par. 7004

Amends the Veterinary Medicine and Surgery Practice Act of 2004. Provides that an employee of an animal control facility licensed under the Animal Welfare Act working under the indirect supervision of a licensed veterinarian is exempt from the provisions of the Veterinary Medicine and Surgery Practice Act of 2004. Effective immediately.

LRB100 15612 SMS 30707 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Veterinary Medicine and Surgery Practice Act  
5 of 2004 is amended by changing Section 4 as follows:

6 (225 ILCS 115/4) (from Ch. 111, par. 7004)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 4. Exemptions. Nothing in this Act shall apply to any  
9 of the following:

10 (1) Veterinarians employed by the federal or State  
11 government while engaged in their official duties.

12 (2) Licensed veterinarians from other states who are  
13 invited to Illinois for consultation by a veterinarian  
14 licensed in Illinois.

15 (3) Veterinarians employed by colleges or universities  
16 while engaged in the performance of their official duties,  
17 or faculty engaged in animal husbandry or animal management  
18 programs of colleges or universities.

19 (3.5) A veterinarian or veterinary technician from  
20 another state or country who (A) is not licensed under this  
21 Act; (B) is currently licensed as a veterinarian or  
22 veterinary technician in another state or country, or  
23 otherwise exempt from licensure in the other state; (C) is

1 an invited guest of a professional veterinary association,  
2 veterinary training program, or continuing education  
3 provider approved by the Department; and (D) engages in  
4 professional education through lectures, clinics, or  
5 demonstrations.

6 (4) A veterinarian employed by an accredited college of  
7 veterinary medicine providing assistance requested by a  
8 veterinarian licensed in Illinois, acting with informed  
9 consent from the client and acting under the direct or  
10 indirect supervision and control of the licensed  
11 veterinarian. Providing assistance involves hands-on  
12 active participation in the treatment and care of the  
13 patient. The licensed veterinarian shall maintain  
14 responsibility for the veterinarian-client-patient  
15 relationship.

16 (5) Veterinary students in an accredited college of  
17 veterinary medicine, university, department of a  
18 university, or other institution of veterinary medicine  
19 and surgery engaged in duties assigned by their instructors  
20 or working under the immediate or direct supervision of a  
21 licensed veterinarian.

22 (5.5) Students of an accredited program in veterinary  
23 technology performing veterinary technology duties or  
24 actions assigned by instructors or working under the  
25 immediate or direct supervision of a licensed  
26 veterinarian.

1           (6) Any person engaged in bona fide scientific research  
2 which requires the use of animals.

3           (7) An owner of livestock and any of the owner's  
4 employees or the owner and employees of a service and care  
5 provider of livestock caring for and treating livestock  
6 belonging to the owner or under a provider's care,  
7 including but not limited to, the performance of husbandry  
8 and livestock management practices such as dehorning,  
9 castration, emasculation, or docking of cattle, horses,  
10 sheep, goats, and swine, artificial insemination, and  
11 drawing of semen. Nor shall this Act be construed to  
12 prohibit any person from administering in a humane manner  
13 medicinal or surgical treatment to any livestock in the  
14 care of such person. However, any such services shall  
15 comply with the Humane Care for Animals Act.

16           (8) An owner of an animal, or an agent of the owner  
17 acting with the owner's approval, in caring for, training,  
18 or treating an animal belonging to the owner, so long as  
19 that individual or agent does not represent himself or  
20 herself as a veterinarian or use any title associated with  
21 the practice of veterinary medicine or surgery or diagnose,  
22 prescribe drugs, or perform surgery. The agent shall  
23 provide the owner with a written statement summarizing the  
24 nature of the services provided and obtain a signed  
25 acknowledgment from the owner that they accept the services  
26 provided. The services shall comply with the Humane Care

1 for Animals Act. The provisions of this item (8) do not  
2 apply to a person who is exempt under item (7).

3 (9) A member in good standing of another licensed or  
4 regulated profession within any state or a member of an  
5 organization or group approved by the Department by rule  
6 providing assistance that is requested in writing by a  
7 veterinarian licensed in this State acting within a  
8 veterinarian-client-patient relationship and with informed  
9 consent from the client and the member is acting under the  
10 immediate, direct, or indirect supervision and control of  
11 the licensed veterinarian. Providing assistance involves  
12 hands-on active participation in the treatment and care of  
13 the patient, as defined by rule. The licensed veterinarian  
14 shall maintain responsibility for the  
15 veterinarian-client-patient relationship, but shall be  
16 immune from liability, except for willful and wanton  
17 conduct, in any civil or criminal action if a member  
18 providing assistance does not meet the requirements of this  
19 item (9).

20 (10) A graduate of a non-accredited college of  
21 veterinary medicine who is in the process of obtaining a  
22 certificate of educational equivalence and is performing  
23 duties or actions assigned by instructors in an approved  
24 college of veterinary medicine.

25 (10.5) A veterinarian who is enrolled in a postgraduate  
26 instructional program in an accredited college of

1           veterinary medicine performing duties or actions assigned  
2           by instructors or working under the immediate or direct  
3           supervision of a licensed veterinarian or a faculty member  
4           of the College of Veterinary Medicine at the University of  
5           Illinois.

6           (11) A certified euthanasia technician who is  
7           authorized to perform euthanasia in the course and scope of  
8           his or her employment only as permitted by the Humane  
9           Euthanasia in Animal Shelters Act.

10          (12) A person who, without expectation of  
11          compensation, provides emergency veterinary care in an  
12          emergency or disaster situation so long as he or she does  
13          not represent himself or herself as a veterinarian or use a  
14          title or degree pertaining to the practice of veterinary  
15          medicine and surgery.

16          (13) Any certified veterinary technician or other  
17          employee of a licensed veterinarian performing permitted  
18          duties other than diagnosis, prognosis, prescription, or  
19          surgery under the appropriate direction and supervision of  
20          the veterinarian, who shall be responsible for the  
21          performance of the employee.

22          (13.5) Any pharmacist licensed in the State, merchant,  
23          or manufacturer selling at his or her regular place of  
24          business medicines, feed, appliances, or other products  
25          used in the prevention or treatment of animal diseases as  
26          permitted by law and provided that the services he or she

1 provides do not include diagnosing, prognosing, writing  
2 prescriptions, or surgery.

3 (14) An approved humane investigator regulated under  
4 the Humane Care for Animals Act or employee of a shelter or  
5 animal control facility licensed under the Animal Welfare  
6 Act, working under the indirect supervision of a licensed  
7 veterinarian.

8 (15) An individual providing equine dentistry services  
9 requested by a veterinarian licensed to practice in this  
10 State, an owner, or an owner's agent. For the purposes of  
11 this item (15), "equine dentistry services" means floating  
12 teeth without the use of drugs or extraction.

13 (15.5) In the event of an emergency or disaster, a  
14 veterinarian or veterinary technician not licensed in this  
15 State who (A) is responding to a request for assistance  
16 from the Illinois Department of Agriculture, the Illinois  
17 Department of Public Health, the Illinois Emergency  
18 Management Agency, or other State agency as determined by  
19 the Department; (B) is licensed and in good standing in  
20 another state; and (C) has been granted a temporary waiver  
21 from licensure by the Department.

22 (16) Private treaty sale of animals unless otherwise  
23 provided by law.

24 (Source: P.A. 98-339, eff. 12-31-13.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.