



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1697

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

225 ILCS 115/4

from Ch. 111, par. 7004

510 ILCS 70/3.03-5 new

Amends the Veterinary Medicine and Surgery Practice Act of 2004. Removes language allowing an owner of livestock and any of the owner's employees or the owner and employees of a service and care provider of livestock caring for and treating livestock belonging to the owner or under a provider's care to dock cattle, horses, sheep, goats, and swine. Amends the Humane Care for Animals Act. Provides that no person may dock or hire any other person to dock the tail of any living member of the bovine species. Provides that any person who violates this provision is guilty of a Class C misdemeanor and must pay a fine not to exceed \$500. Authorizes licensed veterinarians to dock tails if doing so is necessary to protect the health of the animal. Defines "dock".

LRB097 10531 CEL 50862 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning animals.

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7 (Section scheduled to be repealed on January 1, 2014)

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, or 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
5 licensed under the Animal Welfare Act, working under the
6 indirect supervision of a licensed veterinarian.

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

12 (15.5) In the event of an emergency or disaster, a
13 veterinarian or veterinary technician not licensed in this
14 State who (A) is responding to a request for assistance
15 from the Illinois Department of Agriculture, the Illinois
16 Department of Public Health, the Illinois Emergency
17 Management Agency, or other State agency as determined by
18 the Department; (B) is licensed and in good standing in
19 another state; and (C) has been granted a temporary waiver
20 from licensure by the Department.

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

23 (17) Persons or entities practicing the specified
24 occupations set forth in subsection (a) of, and pursuant to
25 a licensing exemption granted in subsection (b) or (d) of,
26 Section 2105-350 of the Department of Professional

1 Regulation Law of the Civil Administrative Code of
2 Illinois, but only for so long as the 2016 Olympic and
3 Paralympic Games Professional Licensure Exemption Law is
4 operable.

5 (Source: P.A. 96-7, eff. 4-3-09; 96-1322, eff. 7-27-10.)

6 Section 10. The Humane Care for Animals Act is amended by
7 adding Section 3.03-5 as follows:

8 (510 ILCS 70/3.03-5 new)

9 Sec. 3.03-5. Bovine tail docking.

10 (a) Notwithstanding any provision of law to the contrary,
11 no person shall dock or hire any other person to dock the tail
12 of any living member of the bovine species.

13 (b) For the purposes of this Section, "dock" means to
14 remove any part of an animal's tail for any reason other than
15 to amputate part of the tail due to an incurable injury or
16 illness to the tail that threatens the animal's well-being.
17 Docking does not include trimming the hair at the end of an
18 animal's tail.

19 (c) Any person convicted of violating this Section is
20 guilty of a Class C misdemeanor and shall pay a fine not to
21 exceed \$500 for each instance of tail docking.

22 (d) Notwithstanding the preceding subdivisions of this
23 Section, tail docking may be done by a licensed veterinarian to
24 protect the health of the animal.