

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Agriculture Committee

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BILL: CS/SB 958

SPONSOR: Agriculture Committee and

SUBJECT: Animal Health Care Services

DATE: April 5, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Poole</u>	<u>AG</u>	<u>Fav/CS</u>
2.	_____	_____	<u>RI</u>	_____
3.	_____	_____	<u>GA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

This committee substitute provides that chapter 474, F.S., relating to veterinary medical practice, does not apply to an independent contractor who is under the supervision of a person who is administering to the ills or injuries of her or his own animals. It prohibits an independent contractor to advertise in any way that implies that he or she is a veterinarian. In addition, a horse owner may engage persons to provide certain routine and alternative animal health care services.

This committee substitute amends section 474.203 of the Florida Statutes.

## II. Present Situation:

Complimentary and alternative medicines and therapies are those health care practices that are not currently an integral part of conventional medicine. These include a wide range of factors that influence health and wellness such as nutrition advice, homeopathy, health risk assessment, communication, aromatherapy, therapeutic touch, acupuncture, and massage therapy. In addition, Florida farriers trim, shoe, and make decisions regarding horses' hoof care, trained and experienced equine dentists provide equine dentistry services that many veterinarians do not provide, and experienced herd management professionals dehorn cattle.

The Florida Veterinary Practice Act (chapter 424, F.S.), "finds that the practice of veterinary medicine is potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners." This law is unclear as to whether or not the health care services listed above would be considered veterinary medicine by a court of law. At this time, Floridians who perform these health care practices could be charged with a felony if a complaint is filed against them and, after an investigation, the Department of Business and Professional Regulation

(DBPR) finds them to be practicing veterinary medicine without a license, even though all of these services are being provided with the consent of the animals' owners.

In the past 10 years, over 140 people who are not veterinarians have been investigated by DBPR and some have been given cease and desist orders. These include animal communicators, equine massage therapists, and energy workers.

### **III. Effect of Proposed Changes:**

**Section 1.** Amends s. 474.203, F.S., to provide that chapter 474, F.S., relating to veterinary medical practice, does not apply to an independent contractor who is under the supervision of a person who is administering to the ills or injuries of her or his own animals. Prohibits an independent contractor to advertise in any way that implies that he or she is a veterinarian. Provides that a horse owner may engage a farrier to provide routine hoof maintenance, equine dental technicians to provide routine hand floating of teeth, and other persons to provide hands-on healing, homeopathy, nutritional counseling, and any other therapies not considered to be the practice of veterinary medicine by the board.

**Section 2.** Provides that this act shall take effect upon becoming a law.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

Indeterminate.

#### **C. Government Sector Impact:**

According to the Department of Agriculture and Consumer Services, this committee substitute would have no fiscal impact on the department.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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