Florida Senate - 2005

By Senator Baker

20-522B-05

| 1 | A bill to be entitled |
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| 2 | An act relating to animal health care services; |
| 3 | defining the term "animal" for purposes of the |
| 4 | act; authorizing the provision of certain |
| 5 | animal health care services by a person who is |
| б | not a licensed veterinarian; providing that the |
| 7 | provision of such services is not the practice |
| 8 | of veterinary medicine; prohibiting certain |
| 9 | acts by a person who provides animal health |
| 10 | care services; clarifying the authority of the |
| 11 | owner of an animal to provide specified care |
| 12 | for that animal; authorizing provision of |
| 13 | animal nutrition or communication advice or |
| 14 | hoof care services; providing for civil |
| 15 | penalties; authorizing the Department of |
| 16 | Agriculture and Consumer Services to seek |
| 17 | judicial imposition of penalties; providing |
| 18 | that an action in compliance with the act also |
| 19 | complies with ch. 474, F.S., relating to the |
| 20 | practice of veterinary medicine; providing an |
| 21 | effective date. |
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| 23 | Be It Enacted by the Legislature of the State of Florida: |
| 24 | |
| 25 | Section 1. Animal health care services |
| 26 | (1) As used in this section, the term "animal" means |
| 27 | any live mammal other than a human being or any live bird, |
| 28 | amphibian, fish, or reptile. |
| 29 | (2) A person who, through training or experience, has |
| 30 | knowledge of animal health care services offered to the |
| 31 | public, and who is not a veterinarian licensed under chapter |
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CODING: Words stricken are deletions; words <u>underlined</u> are additions.

1 474, Florida Statutes, may, at the request of the owner or 2 caretaker of an animal, provide animal health care services that include, but are not limited to: 3 4 (a) Providing an opinion about the condition of the animal to its owner or an authorized agent of the animal's 5 6 owner. Providing such an opinion does not constitute a 7 diagnosis. 8 (b) Making suggestions to the owner of the animal or an authorized agent of the animal's owner regarding 9 10 nonpharmaceutical, nonprescription, or nonsurgical substances, services, or devices to address the animal's condition and 11 12 providing the substance, service, or use of a device that was 13 suggested. (c) Providing traditional large-animal health care 14 services that include, but are not limited to, dehorning, 15 castration, dentistry, or inoculation for noncommunicable 16 17 diseases. 18 (d) Providing services and solutions that promote wellness, enhance healing, or address emotional or mental 19 states of the animal. 2.0 21 2.2 A person who provides animal health care services as permitted 23 by this subsection is not engaged in the practice of veterinary medicine, as defined in section 474.202, Florida 2.4 Statutes, and shall, if not acting as an employee of the 25 animal's owner, be considered an independent contractor. 26 27 (3) A person who provides the animal health care 2.8 services permitted under subsection (2) may not: (a) Claim to be a veterinarian or offer a diagnosis. 29 30 (b) Warrant or represent that the animal health care services provided will cure any condition. 31

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1 (c) Violate animal cruelty laws, including, but not 2 limited to, section 828.12 or section 828.24, Florida 3 <u>Statutes.</u> 4 (d) Provide an animal health care service without 5 first: б 1. Discussing his or her suggestions for such service 7 with the animal's owner or with an authorized agent of the 8 animal's owner; and 9 Offering the animal's owner or the authorized agent 2. 10 of the animal's owner the option to seek the opinion or advice of a licensed veterinarian. 11 12 (4) A person who owns an animal may: 13 (a) Attend to, or authorize an employee to attend to, the ills or injuries of that animal. 14 (b) Act to, or authorize an employee to act to, 15 promote the wellness of, or to prevent illness of, that 16 animal, including, but not limited to, the castration or 17 18 dehorning of a herd animal. 19 (5) Notwithstanding any provision of this section or of chapter 474, Florida Statutes, a person may: 20 21 (a) At the request of the owner or caretaker of an 2.2 animal, provide advice as to that animal's nutritional 23 requirements or as to communication with that animal, or provide hoof care services to that animal; or 2.4 (b) Offer unsolicited advice as to nutrition for an 25 animal. 26 27 2.8 A person who provides such advice and who is not a veterinarian licensed under chapter 474, Florida Statutes, may 29 30 not claim to be a veterinarian. 31

SB 958

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Florida Senate - 2005 20-522B-05

1 (6) A person who knowingly violates subsection (3) is 2 subject to a civil penalty of \$250 for the first violation and \$500 for each subsequent violation, not to exceed \$5,000 per 3 4 person. The Department of Agriculture and Consumer Services 5 may institute a civil action in the courts of this state 6 against such a violator to impose and collect such penalties. 7 Penalties shall be deposited into the department's General 8 Inspection Trust Fund. 9 (7) An action that is in compliance with this section 10 is also in compliance with chapter 474, Florida Statutes. Section 2. This act shall take effect July 1, 2005. 11 12 13 14 SENATE SUMMARY Authorizes the provision of certain animal health care services and provides that such services are not the 15 practice of veterinary medicine. Prohibits certain acts 16 by an animal health care service provider. Clarifies an animal owner's authority to provide specified care for that animal. Authorizes animal nutrition or communication 17 18 advice or hoof care services. Authorizes the Department of Agriculture and Consumer Services to seek judicial 19 imposition of civil penalties. Provides that an action in compliance with the act also complies with ch. 474, F.S. 20 21 22 23 2.4 25 26 27 28 29 30 31

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4