

# 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: Regulated Industries Committee

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BILL: CS/CS/SB 1654

SPONSOR: Regulated Industries Committee, Agriculture Committee, and Senator Baker

SUBJECT: Animal Health Care Services

DATE: April 19, 2006

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

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

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## I. Summary:

This bill adds an exemption to the Florida Veterinary Practice Act. The act would not apply to a part-time worker or an independent contractor who is hired by the owner to assist with herd-management and animal husbandry tasks. These tasks could include castration, dehorning, parasite control, and debeaking. It also exempts a person hired on a part-time basis or temporary basis or as an independent contractor by the owner to provide manual hand floating of teeth<sup>1</sup> or farriery of equines.<sup>2</sup>

The bill provides that it shall take effect upon becoming law, and that it applies retroactively to July 1, 2006.

This bill 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.

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<sup>1</sup> Manual hand floating of teeth is horse dentistry procedure that involves the filing down with non-motorized tools of areas of the teeth that have grown sharp or have uneven wear.

<sup>2</sup> The application of shoes to horse's hooves.

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.

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

**Section 1.** Amends s. 474.203, F.S., to add an exemption to the Florida Veterinary Practice Act. The act would not apply to a part-time worker or an independent contractor who is hired by the owner to assist with herd-management and animal husbandry tasks. These tasks could include castration, dehorning, parasite control, and debeaking. It also exempts a person hired on a part-time basis or temporary basis or as an independent contractor by the owner to provide manual hand floating of teeth or farriery of equines.

**Section 2.** The bill provides that it shall take effect upon becoming law, and that it applies retroactively to July 1, 2006.

### **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 bill 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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