State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2537

Introduced by
Representatives Shah: Campbell, Fillmore, Kavanagh, Longdon, Meza, Rivero

AN ACT

AMENDING SECTION 32-2201, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 21, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2240.01; RELATING TO ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 32-2201, Arizona Revised Statutes, is amended to read:

32-2201. Definitions
In this chapter, unless the context otherwise requires:
1. "Animal" means any animal other than human.
2. "Board" means the Arizona state veterinary medical examining board.
3. "Certified veterinary technician" means either:
   (a) A graduate of a minimum two-year American veterinary medical association accredited program in veterinary technology who has passed a national and a state veterinary technician examination.
   (b) A person who is certified on or before December 31, 2010 pursuant to the rules adopted by the board.
4. "Consulting" means providing professional or expert advice that is requested by a veterinarian licensed in this state and that is rendered only on a specific case basis.
5. "Controlled substance" means any substance that is registered and controlled under the federal controlled substances act (P.L. 91-513).
6. "Cremation" means the heating process that reduces animal remains to bone fragments by combustion and evaporation.
7. "Crematory" means a building or portion of a building that is licensed pursuant to article 8 of this chapter and that houses a retort in which only animal remains are cremated.
8. "DECLAWING" OR "ONYCHECTOMY" MEANS ANY SURGICAL PROCEDURE IN WHICH A PORTION OF AN ANIMAL'S PAW IS AMPUTATED IN ORDER TO REMOVE THE ANIMAL'S CLAWS.
9. "Direct supervision" means that a licensed veterinarian is physically present at the location where animal health care is being performed.
10. "Gross incompetence" means any professional misconduct or unreasonable lack of professional skill in the performance of veterinary medicine.
11. "Gross negligence" means treatment of a patient or practice of veterinary medicine resulting in injury, unnecessary suffering or death that was caused by carelessness, negligence or the disregard of established principles or practices.
12. "Indirect supervision" means that a licensed veterinarian is not physically present at the location where animal health care is being performed but has given either written or oral instructions for treatment of the animal patient.
13. "Letter of concern" means an advisory letter to notify a veterinarian that, while there is insufficient evidence to support disciplinary action, the board believes the veterinarian should modify or eliminate certain practices and that continuation of the activities that...
led to the information being submitted to the board may result in action against the veterinarian's license.

13. "Licensed veterinarian" means a person who is currently licensed to practice veterinary medicine in this state.

14. "Licensed veterinary faculty member" means a person who is currently licensed to practice veterinary medicine as an employee of a veterinary college in this state.

15. "Malpractice" means treatment in a manner contrary to accepted practices and with injurious results.

16. "Medical incompetence" means lacking sufficient medical knowledge or skills, or both, to a degree likely to endanger the health of patients or lacking equipment, supplies or medication to properly perform a procedure.

17. "Negligence" means the failure of a licensed veterinarian to exercise reasonable care in the practice of PRACTICING veterinary medicine.

18. "Regularly" means that veterinary services are offered to the public once a month or more frequently.

19. "Responsible veterinarian" means the veterinarian who is responsible to the board for compliance by licensed veterinary premises with the laws and rules of this state and of the federal government pertaining to the practice of veterinary medicine and responsible for the establishment of policy at such premises.

20. "Specialist" means a veterinarian who is certified as a diplomate in a particular discipline by a national specialty board or college recognized by the American veterinary medical association after completing additional education and training, an internship or residency, passing required examinations and meeting any other criteria required by the various individual national specialty boards or colleges.

21. "Supervising veterinarian" means a licensed veterinarian who is responsible for the care rendered to an animal by a certified veterinary technician or a veterinary assistant.

22. "Temporary sites" means sites where outpatient veterinary services are performed.

23. "TENDONECTOMY" MEANS A PROCEDURE IN WHICH THE TENDONS TO AN ANIMAL'S LIMBS, PAWS OR TOES ARE CUT OR MODIFIED SO THAT THE CLAWS CANNOT BE EXTENDED.

24. "THERAPEUTIC PURPOSE" MEANS FOR THE PURPOSE OF ADDRESSING AN EXISTING OR RECURRING INFECTION, DISEASE, INJURY OR ABNORMAL CONDITION IN THE CLAW THAT JEOPARDIZES AN ANIMAL'S HEALTH AND FOR WHICH ADDRESSING THE INFECTION, DISEASE, INJURY OR ABNORMAL CONDITION IS A MEDICAL NECESSITY.

25. "Twenty-four hour services" means veterinary services when a veterinarian is on the premises twenty-four hours a day.
"Veterinarian" means a person who has received a doctor's degree in veterinary medicine from a veterinary college.

"Veterinarian client patient relationship" means all of the following:

(a) The veterinarian has assumed the responsibility for making medical judgments regarding the animal's health and need for medical treatment and the client, owner or caretaker has agreed to follow the veterinarian's instructions.

(b) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal's medical condition. Sufficient knowledge is obtained when the veterinarian has recently seen and is personally acquainted with the keeping and caring of the animal as a result of examining the animal, when the veterinarian makes medically appropriate and timely visits to the premises where the animal is kept or when a veterinarian affiliated with the practice has reviewed the medical record of such examinations or visits.

(c) The veterinarian is readily available for a follow-up evaluation or the veterinarian has arranged for either of the following:

(i) Emergency coverage.

(ii) Continuing care and treatment by another veterinarian who has access to the animal's medical records.

"Veterinary assistant" means an individual who provides care under the direct or indirect supervision of a veterinarian or certified veterinary technician.

"Veterinary college" means any veterinary college or division of a university or college that offers the degree of doctor of veterinary medicine or its equivalent and that conforms to the standards required for accreditation by the American veterinary medical association.

"Veterinary faculty member" means a person who has received a doctor's degree in veterinary medicine from a veterinary college and who is an employee of a veterinary college in this state.

"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, manipulation and all other branches or specialties of veterinary medicine and the prescribing, administering or dispensing of drugs and medications for veterinary purposes.

"Veterinary student" means a student who is regularly enrolled in a veterinary college.

Sec. 2. Title 32, chapter 21, article 3, Arizona Revised Statutes, is amended by adding section 32-2240.01, to read:

A. A VETERINARIAN MAY PERFORM OR CAUSE TO BE PERFORMED THE DECLAWING, ONYCHECTOMY OR TENDONECTOMY OF A CAT ONLY IF THE VETERINARIAN
IS LICENSED PURSUANT TO THIS CHAPTER AND THE PROCEDURE IS FOR A
THERAPEUTIC PURPOSE.

B. A VETERINARIAN WHO PERFORMS A DECLAWING, ONYCHECTOMY OR
TENDONECTOMY ON A CAT SHALL KEEP A RECORD OF THE PROCEDURE FOR AT LEAST
FOUR YEARS AFTER THE LAST CONTACT WITH THE CAT. THE RECORD SHALL INCLUDE
ALL OF THE FOLLOWING:

1. THE NAME AND ADDRESS OF THE CAT'S OWNER.
2. A PHYSICAL DESCRIPTION OF THE CAT.
3. THE DATE OF THE PROCEDURE.
4. THE REASON THE PROCEDURE WAS PERFORMED.
5. ANY DIAGNOSTIC OPINIONS AND ANALYSES AND TEST RESULTS THAT
SUPPORT THE DIAGNOSTIC OPINION.

C. NOTWITHSTANDING SECTION 32-2233, A VETERINARIAN WHO VIOLATES
SUBSECTION A OF THIS SECTION IS SUBJECT TO THE FOLLOWING:

1. A CIVIL PENALTY OF $1,000 FOR A FIRST VIOLATION.
2. A CIVIL PENALTY OF $1,500 FOR A SECOND VIOLATION.
3. A LICENSE SUSPENSION OR REVOCATION FOR A THIRD OR SUBSEQUENT
VIOLATION.

D. ANY CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION SHALL BE
DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE STATE GENERAL
FUND.