

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 408

Introduced by Dierks, 40.

Read first time January 16, 2009

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to veterinary medicine and surgery; to
2 amend sections 38-1,140 and 38-3321, Reissue Revised
3 Statutes of Nebraska; to authorize health care profession
4 or occupation credential holders to consult with
5 veterinarians under certain conditions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1,140, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 38-1,140 Any person who holds a valid credential in
4 the State of Nebraska in a health care profession or occupation
5 regulated under the Uniform Credentialing Act may consult with a
6 licensed veterinarian ~~who has contracted with or is employed by an~~
7 ~~accredited zoological park or garden regarding an animal on behalf~~
8 ~~of such zoological park or garden~~ or perform collaborative animal
9 health care tasks on an animal under the care of such veterinarian
10 ~~for such zoological park or garden~~ if all such tasks are performed
11 under the immediate supervision of such veterinarian. Engaging in
12 such conduct is hereby authorized and shall not be considered a
13 part of the credential holder's scope of practice or a violation of
14 the credential holder's scope of practice.

15 Sec. 2. Section 38-3321, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 38-3321 No person may practice veterinary medicine and
18 surgery in the state who is not a licensed veterinarian. The
19 Veterinary Medicine and Surgery Practice Act shall not be construed
20 to prohibit:

21 (1) An employee of the federal, state, or local
22 government from performing his or her official duties;

23 (2) A person who is a student in a veterinary school from
24 performing duties or actions assigned by his or her instructors
25 or from working under the direct supervision of a licensed

1 veterinarian;

2 (3) A person who is a student in an approved veterinary
3 technician program from performing duties or actions assigned by
4 his or her instructors or from working under the direct supervision
5 of a licensed veterinarian or a licensed veterinary technician;

6 (4) Any merchant or manufacturer from selling feed or
7 feeds whether medicated or nonmedicated;

8 (5) A veterinarian regularly licensed in another state
9 from consulting with a licensed veterinarian in this state;

10 (6) Any merchant or manufacturer from selling from his or
11 her established place of business medicines, appliances, or other
12 products used in the prevention or treatment of animal diseases
13 or any merchant or manufacturer's representative from conducting
14 educational meetings to explain the use of his or her products or
15 from investigating and advising on problems developing from the use
16 of his or her products;

17 (7) An owner of livestock or a bona fide farm or ranch
18 employee from performing any act of vaccination, surgery, pregnancy
19 testing, or the administration of drugs in the treatment of
20 domestic animals under his or her custody or ownership nor the
21 exchange of services between persons or bona fide employees who are
22 principally farm or ranch operators or employees in the performance
23 of these acts;

24 (8) A member of the faculty of a veterinary school
25 or veterinary science department from performing his or her

1 regular functions, or a person lecturing or giving instructions
2 or demonstrations at a veterinary school or veterinary science
3 department or in connection with a continuing competency activity;

4 (9) Any person from selling or applying any pesticide,
5 insecticide, or herbicide;

6 (10) Any person from engaging in bona fide scientific
7 research which reasonably requires experimentation involving
8 animals;

9 (11) Any person from treating or in any manner caring for
10 domestic chickens, turkeys, or waterfowl, which are specifically
11 exempted from the Veterinary Medicine and Surgery Practice Act;

12 (12) Any person from performing dehorning or castrating
13 livestock, not to include equidae.

14 For purposes of the Veterinary Medicine and Surgery
15 Practice Act, castration shall be limited to the removal or
16 destruction of male testes; or

17 (13) Any person who holds a valid credential in the
18 State of Nebraska in a health care profession or occupation
19 regulated under the Uniform Credentialing Act from consulting
20 with a licensed veterinarian ~~who has contracted with or is~~
21 ~~employed by an accredited zoological park or garden regarding~~
22 ~~an animal on behalf of such zoological park or garden~~ or performing
23 collaborative animal health care tasks on an animal under the care
24 of such veterinarian ~~for such zoological park or garden~~ if all
25 such tasks are performed under the immediate supervision of such

1 veterinarian.

2 Sec. 3. Original sections 38-1,140 and 38-3321, Reissue

3 Revised Statutes of Nebraska, are repealed.