

CHAPTER 366

PROFESSIONS AND OCCUPATIONS

SENATE BILL 07-187

BY SENATOR(S) Johnson, Kester, and Taylor;
also REPRESENTATIVE(S) McGihon, Stafford, and Todd.

AN ACT

CONCERNING MODIFICATIONS TO THE "COLORADO VETERINARY PRACTICE ACT", AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-64-103 (9), Colorado Revised Statutes, is amended to read:

12-64-103. Definitions. As used in this article, unless the context otherwise requires:

(9) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state. "LICENSED VETERINARIAN" INCLUDES, BUT IS NOT LIMITED TO, A PERSON WHO HOLDS AN ACADEMIC LICENSE TO PRACTICE VETERINARY MEDICINE PURSUANT TO THE PROVISIONS AND LIMITATIONS SET FORTH IN SECTION 12-64-107.5.

SECTION 2. 12-64-104 (1) (g), Colorado Revised Statutes, is amended to read:

12-64-104. License requirements and exceptions. (1) No person may practice veterinary medicine in this state who is not a licensed veterinarian. No person may practice artificial insemination or ova transplantation of cattle or other animal species in this state except in accordance with section 12-64-105 (9) (c). This article shall not be construed to prohibit:

(g) ~~A member of the faculty of a school of veterinary medicine from performing his regular functions, or~~ A person from lecturing or giving instructions or demonstrations at a school of veterinary medicine or in connection with a continuing education course or seminar for veterinarians;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 3. 12-64-105, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-64-105. Board of veterinary medicine. (13) THE BOARD SHALL, PURSUANT TO SECTION 12-41-125 (2) (b) (II), CONSULT WITH THE DIRECTOR OF THE DIVISION OF REGISTRATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES CONCERNING RULES THAT THE DIRECTOR INTENDS TO ADOPT WITH REGARD TO PHYSICAL THERAPY OF ANIMALS.

SECTION 4. Article 64 of title 12, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

12-64-107.5. Academic license. (1) A VETERINARIAN WHO IS EMPLOYED AT A SCHOOL OF VETERINARY MEDICINE IN THIS STATE AND WHO PRACTICES VETERINARY MEDICINE IN THE COURSE OF HIS OR HER EMPLOYMENT RESPONSIBILITIES SHALL EITHER MAKE WRITTEN APPLICATION TO THE BOARD FOR AN ACADEMIC LICENSE IN ACCORDANCE WITH THIS SECTION OR SHALL OTHERWISE BECOME LICENSED PURSUANT TO SECTIONS 12-64-107 AND 12-64-108.

(2) A PERSON WHO APPLIES FOR AN ACADEMIC LICENSE SHALL SUBMIT PROOF TO THE BOARD THAT HE OR SHE:

(a) GRADUATED FROM A SCHOOL OF VETERINARY MEDICINE LOCATED IN THE UNITED STATES OR ANOTHER COUNTRY; AND

(b) IS EMPLOYED BY AN ACCREDITED SCHOOL OF VETERINARY MEDICINE IN THIS STATE.

(3) AN APPLICANT FOR AN ACADEMIC LICENSE SHALL NOT BE REQUIRED TO COMPLY WITH THE EXAMINATION REQUIREMENTS OF SECTIONS 12-64-107 AND 12-64-108.

(4) AN ACADEMIC LICENSE SHALL AUTHORIZE THE LICENSEE TO PRACTICE VETERINARY MEDICINE ONLY WHILE ENGAGED IN THE PERFORMANCE OF HIS OR HER OFFICIAL DUTIES AS A UNIVERSITY EMPLOYEE. AN ACADEMIC LICENSEE MAY NOT USE AN ACADEMIC LICENSE TO PRACTICE VETERINARY MEDICINE OUTSIDE OF HIS OR HER ACADEMIC RESPONSIBILITIES.

(5) IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, AN APPLICANT FOR AN ACADEMIC LICENSE SHALL COMPLETE ALL PROCEDURES FOR ACADEMIC LICENSING ESTABLISHED BY THE BOARD TO BECOME LICENSED.

SECTION 5. 12-64-120 (2) (c), Colorado Revised Statutes, is amended to read:

12-64-120. Veterinary records in custody of animal care providers - definition. (2) Animal care providers shall make available the veterinary records in their custody as follows:

(c) Copies of veterinary records, including DIGITAL RECORDS, DIGITAL IMAGES, diagnostic quality X ray, CT SCAN, MRI, or other film, shall be furnished to:

(I) The owner or the owner's designated representative upon payment of reasonable costs; AND

(II) LOCAL LAW ENFORCEMENT AUTHORITIES AND THE BUREAU OF ANIMAL PROTECTION IN THE DEPARTMENT OF AGRICULTURE IN CONNECTION WITH AN INVESTIGATION OF ANIMAL CRUELTY PURSUANT TO SECTION 18-9-202, C.R.S., OR ANIMAL FIGHTING PURSUANT TO SECTION 18-9-204, C.R.S.

SECTION 6. 12-64-121, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

12-64-121. Reporting requirements - immunity for reporting - veterinary-patient-client privilege inapplicable. (1) A LICENSED VETERINARIAN WHO, DURING THE COURSE OF ATTENDING OR TREATING AN ANIMAL, HAS REASONABLE CAUSE TO KNOW OR SUSPECT THAT THE ANIMAL HAS BEEN SUBJECTED TO CRUELTY IN VIOLATION OF SECTION 18-9-202, C.R.S., OR SUBJECTED TO ANIMAL FIGHTING IN VIOLATION OF SECTION 18-9-204, C.R.S., SHALL REPORT OR CAUSE A REPORT TO BE MADE OF THE ANIMAL CRUELTY OR ANIMAL FIGHTING TO A LOCAL LAW ENFORCEMENT AGENCY OR THE BUREAU OF ANIMAL PROTECTION.

(2) A LICENSED VETERINARIAN SHALL NOT KNOWINGLY MAKE A FALSE REPORT OF ANIMAL CRUELTY OR ANIMAL FIGHTING TO A LOCAL LAW ENFORCEMENT AGENCY OR TO THE BUREAU OF ANIMAL PROTECTION.

(3) A LICENSED VETERINARIAN WHO WILLFULLY VIOLATES THE PROVISIONS OF SUBSECTION (1) OR (2) OF THIS SECTION COMMITS A CLASS 1 PETTY OFFENSE, PUNISHABLE AS PROVIDED IN SECTION 18-1.3-503, C.R.S.

(4) A LICENSED VETERINARIAN WHO IN GOOD FAITH REPORTS A SUSPECTED INCIDENT OF ANIMAL CRUELTY OR ANIMAL FIGHTING TO THE PROPER AUTHORITIES IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION SHALL BE IMMUNE FROM LIABILITY IN ANY CIVIL OR CRIMINAL ACTION BROUGHT AGAINST THE VETERINARIAN FOR REPORTING THE INCIDENT. IN ANY CIVIL OR CRIMINAL PROCEEDING IN WHICH THE LIABILITY OF A VETERINARIAN FOR REPORTING AN INCIDENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IS AT ISSUE, THE GOOD FAITH OF THE VETERINARIAN SHALL BE PRESUMED.

(5) THE VETERINARY-PATIENT-CLIENT PRIVILEGE DESCRIBED IN SECTION 24-72-204 (3) (a) (XIV), C.R.S., MAY NOT BE ASSERTED FOR THE PURPOSE OF EXCLUDING OR REFUSING EVIDENCE OR TESTIMONY IN A PROSECUTION FOR AN ACT OF ANIMAL CRUELTY UNDER SECTION 18-9-202, C.R.S., OR FOR AN ACT OF ANIMAL FIGHTING UNDER SECTION 18-9-204, C.R.S.

SECTION 7. 24-72-204 (3) (a) (XIV), Colorado Revised Statutes, is amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions. (3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this

subsection (3):

(XIV) Veterinary medical data, information, and records on individual animals that are owned by private individuals or business entities, but are in the custody of a veterinary medical practice or hospital, including the veterinary teaching hospital at Colorado state university, that provides veterinary medical care and treatment to animals. A veterinary-patient-client privilege exists with respect to such data, information, and records only when a person in interest and a veterinarian enter into a mutual agreement to provide medical treatment for an individual animal and such person in interest maintains an ownership interest in such animal undergoing treatment. For purposes of this subparagraph (XIV), "person in interest" means the owner of an animal undergoing veterinary medical treatment or such owner's designated representative. Nothing in this subparagraph (XIV) shall prevent the state agricultural commission, the state agricultural commissioner, or the state board of veterinary medicine from exercising their investigatory and enforcement powers and duties granted pursuant to section 35-1-106 (1) (h), article 50 of title 35, and section 12-64-105 (9) (e), C.R.S., respectively. THE VETERINARY-PATIENT-CLIENT PRIVILEGE DESCRIBED IN THIS SUBPARAGRAPH (XIV), PURSUANT TO SECTION 12-64-121 (5), C.R.S., MAY NOT BE ASSERTED FOR THE PURPOSE OF EXCLUDING OR REFUSING EVIDENCE OR TESTIMONY IN A PROSECUTION FOR AN ACT OF ANIMAL CRUELTY UNDER SECTION 18-9-202, C.R.S., OR FOR AN ACT OF ANIMAL FIGHTING UNDER SECTION 18-9-204, C.R.S.

SECTION 8. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the division of registrations, for the fiscal year beginning July 1, 2007, the sum of five thousand five hundred dollars (\$5,500), or so much thereof as may be necessary, for the implementation of this act.

SECTION 9. Effective date. This act shall take effect on July 1, 2007, except that section 3 of this act shall only take effect if House Bill 07-1126 is enacted at the First Regular Session of the Sixty-sixth General Assembly and becomes law, and section 4 shall take effect on January 1, 2008.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 31, 2007