

INTEGRATED TEXT, AB 316, amended 3/26/15: amending Business & Professions Code Section 4830, exemption from state requirement for veterinary license.

California Business and Professions Code:

4825. **It is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter.**

4825.1. These **definitions** shall govern the construction of this chapter as it applies to veterinary medicine.

(a) "Diagnosis" means the act or process of identifying or determining the health status of an animal through examination and the opinion derived from that examination.

(b) "Animal" means any member of the animal kingdom other than humans, and includes fowl, fish, and reptiles, wild or domestic, whether living or dead.

(c) "Food animal" means any animal that is raised for the production of an edible product intended for consumption by humans. The edible product includes, but is not limited to, milk, meat, and eggs. Food animal includes, but is not limited to, cattle (beef or dairy), swine, sheep, poultry, fish, and amphibian species.

(d) "Livestock" includes all animals, poultry, aquatic and amphibian species that are raised, kept, or used for profit. It does not include those species that are usually kept as pets such as dogs, cats, and pet birds, or companion animals, including equines.

4826. A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, **when he or she does any one of the following:**

(a) Represents himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

(b) Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.

(c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4832) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

(d) Performs a surgical or dental operation upon an animal.

(e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae.

(f) Uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry. This use shall be prima facie

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evidence of the intention to represent himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry.

4826.1. A veterinarian who on his or her own initiative, at the request of an owner, or at the request of someone other than the owner, renders emergency treatment to a sick or injured animal at the scene of an accident shall not be liable in damages to the owner of that animal in the absence of gross negligence.

4826.2. Notwithstanding any other provision of law, a veterinarian, registered veterinary technician, or a veterinary assistant working under the supervision of a veterinarian, may provide veterinary care and treatment for any animal restricted pursuant to Section 2118 of the Fish and Game Code. A veterinarian, registered veterinary technician, or a veterinary assistant working under the supervision of a veterinarian, may lawfully possess one or more of the animals only for the period of time that, in his or her judgment, veterinary care and treatment are necessary. No veterinarian, registered veterinary technician, or veterinary assistant working under the supervision of a veterinarian, has a duty to advise law enforcement if he or she becomes aware that one or more of the animals is possessed in the state. For the purposes of this section, "veterinary care and treatment" does not include boarding when no veterinary care or treatment is required.

4827. Nothing in this chapter prohibits any person from:

(a) Practicing veterinary medicine as a bona fide owner of one's own animals. This exemption applies to the following:

(1) The owner's bona fide employees.

(2) Any person assisting the owner, provided that the practice is performed gratuitously.

(b) Lay testing of poultry by the whole blood agglutination test. For purposes of this section, "poultry" means flocks of avian species maintained for food production, including, but not limited to, chickens, turkeys, and exotic fowl.

(c) Making any determination as to the status of pregnancy, sterility, or infertility upon livestock, equine, or food animals at the time an animal is being inseminated, providing no charge is made for this determination.

(d) Administering sodium pentobarbital for euthanasia of sick, injured, homeless, or unwanted domestic pets or animals without the presence of a veterinarian when the person is an employee of an animal control shelter and its agencies or humane society and has received proper training in the administration of sodium pentobarbital for these purposes.

4828. All veterinarians actually engaged and employed as veterinarians by the state, or a county, city, corporation, firm or individual are practicing veterinary medicine and shall secure a license issued by the board.

4829. Any license granted to any person to practice veterinary medicine, or any branch thereof, in this State issued under any preceding act relating to veterinary medicine shall remain in force

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until the renewal fee becomes due and thereafter so long as the holder complies with the provisions of this chapter relating to the renewal of the license and not otherwise. Notwithstanding the payment of this fee his license at any time may be suspended or revoked as provided in Article 4 of this chapter.

4830. (a) This chapter does not apply to:

(1) Veterinarians while **serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.**

(2) Regularly licensed veterinarians in **actual consultation from other states.**

(3) Regularly licensed veterinarians **actually called from other states to attend cases in this state,** but who do not open an office or appoint a place to do business within this state.

(4) Veterinarians **employed by the University of California while engaged in the performance of duties in connection** with the College of Agriculture, the Agricultural Experiment Station, the School of Veterinary Medicine, or the agricultural extension work of the university **or employed by the Western University of Health Sciences** while engaged in the performance of duties in connection with the College of Veterinary Medicine or the agricultural extension work of the university.

(5) **Students in the** School of Veterinary Medicine of the University of California or the College of Veterinary Medicine of the Western University of Health Sciences who participate in diagnosis and treatment as part of their educational experience, including those in off-campus educational programs **under the direct supervision of a licensed veterinarian in good standing,** as defined in paragraph (1) of subdivision (b) of Section 4848, appointed by the University of California, Davis, or the Western University of Health Sciences.

(6) A **veterinarian who is employed by the Meat and Poultry Inspection Branch of the California Department of Food and Agriculture while actually engaged and employed in his or her official capacity.** A person exempt under this paragraph shall not otherwise engage in the practice of veterinary medicine unless he or she is issued a license by the board.

(7) **Unlicensed personnel employed by the Department of Food and Agriculture or the United States Department of Agriculture when in the course of their duties they are directed by a veterinarian supervisor to conduct** an examination, obtain biological specimens, apply biological tests, or administer medications or biological products as part of government disease or condition monitoring, investigation, control, or eradication activities.

(b) ~~This section shall become operative on January 1, 2011.~~

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line 24 (b) (1) For purposes of paragraph (3) of subdivision (a), a
line 25 regularly licensed veterinarian who is called from another state
line 26 by a law enforcement agency, animal control department, as
line 27 defined in Section 31606 of the Food and Agricultural Code, or a
line 28 humane officer appointed pursuant to Section 14502 of the
line 29 Corporations Code, to attend to cases that are a part of an
line 30 investigation of an alleged violation of federal or state animal
line 31 fighting or animal cruelty laws within a single geographic location
line 32 shall be exempt from the licensing requirements of this chapter
line 33 when the law enforcement agency, animal control department, or
line 34 humane officer determines that it is necessary to call the
line 35 veterinarian in order for the agency or officer to conduct the
line 36 investigation in a timely, efficient, and effective manner. In
line 37 determining whether it is necessary to call a veterinarian from
line 38 another state, consideration shall be given to the availability of
line 39 veterinarians in this state to attend to these cases. An agency,
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line 1 department, or officer that calls a veterinarian pursuant to this
line 2 subdivision shall notify the board of this investigation.
line 3 (2) Notwithstanding any other provision of this chapter, a
line 4 regularly licensed veterinarian who is called from another state
line 5 to attend to cases that are a part of an investigation described in
line 6 paragraph (1) may provide veterinary medical care for animals
line 7 that are affected by the investigation within a temporary shelter
line 8 facility, and the temporary shelter facility shall be exempt from
line 9 the registration requirement of Section 4853 if all of the following
line 10 conditions are met:
line 11 (A) The temporary shelter facility is established only for the
line 12 purposes of the investigation.
line 13 (B) The temporary shelter facility provides veterinary medical
line 14 care, shelter, food, and water only to the animals that are affected
line 15 by the investigation.
line 16 (C) The temporary shelter facility complies with Section 4854.
line 17 (D) A notice is posted in a conspicuous location near the
line 18 temporary shelter facility to indicate that the facility is in use for
line 19 the veterinary medical care of animals affected by an investigation
line 20 into alleged violations of federal or state laws.
line 21 (E) The temporary shelter facility exists for not more than 60
line 22 days, unless the law enforcement agency, animal control agency,
line 23 or humane officer determines a longer period of time is necessary
line 24 to complete the investigation.

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4830.5. Whenever any licensee under this chapter has reasonable cause to believe that a dog has been injured or killed through participation in a staged animal fight, as prescribed in Section 597b of the Penal Code, it shall be the duty of the licensee to promptly report the same to the appropriate law enforcement authorities of the county, city, or city and county in which the same occurred.

No licensee shall incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of Section 596, subdivision (a) or (b) of Section 597, or Section 597b, 597f, 597g, 597n, or 597.5 of the Penal Code.

4830.7. Whenever any licensee under this chapter has reasonable cause to believe an animal under its care has been a victim of animal abuse or cruelty, as prescribed in Section 597 of the Penal Code, it shall be the duty of the licensee to promptly report it to the appropriate law enforcement authorities of the county, city, or city and county in which it occurred. No licensee shall incur any civil liability as a result of making any report pursuant to this section or as a result of making any report of a violation of subdivisions (a), (b), and (c) of Section 597 of the Penal Code.

4830.8. (a) An attending or on-call veterinarian at a rodeo event shall, pursuant to Section 596.7 of the Penal Code, report to the board any animal injury at the event requiring veterinary treatment within 48 hours of the conclusion of the rodeo.

(b) A veterinarian, other than a veterinarian identified in subdivision (a), shall report to the board within seven days of rendering treatment to an animal for an injury that the veterinarian knows occurred at a rodeo event.

(c) A report submitted pursuant to this section shall include the title, location, and date of the rodeo event, the name of the attending veterinarian at the event, the name of the reporting veterinarian, the type of animal, and a brief description of the injury suffered by the animal. The board shall post a form on its Internet Web site to be used by veterinarians for purposes of submitting this report.

(d) For purposes of this section, "rodeo" has the same meaning set forth in Section 596.7 of the Penal Code.

4831. Any person, who violates or aids or abets in violating any of the provisions of this chapter, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five hundred dollars (\$500), nor more than two thousand dollars (\$2,000), or by imprisonment in a county jail for not less than 30 days nor more than one year, or by both the fine and imprisonment.