

South Carolina General Assembly
121st Session, 2015-2016

Download [This Version](#) in Microsoft Word format

Bill 687

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 13, 2016

S. 687

Introduced by Senators McElveen, Johnson, Hembree, Verdin, Campbell, Shealy and Williams

S. Printed 1/13/16--S. [SEC 1/14/16 3:49 PM]

Read the first time April 21, 2015.



THE COMMITTEE ON

AGRICULTURE AND NATURAL RESOURCES

To whom was referred a Bill (S. 687) to amend Section 40-69-295 of the 1976 Code, relating to mobile veterinary facilities, to provide that a mobile veterinary practice or facility must identify the closest local, etc., respectfully

REPORT:

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the committee amendment, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. The General Assembly finds that the proper care, treatment, and maintenance of pets is characteristic of a humane and beneficent society and is crucial to protecting public health. Furthermore, it is a matter of public policy that the laws of this State should encourage the development and maintenance of adequate pet care resources accessible to all pet owners in the State. As pets require veterinary health services, particularly as it relates to controlling the pet population and basic public health protection services, the General Assembly finds that all practitioners of veterinary medicine, as well as the facilities in which their services are offered to the public, should reflect the highest practical and ethical standards of veterinary health care. Private clinics can, and typically do, provide low-cost vaccinations to those in need and, at the same time, create important relationships with a local veterinarian. Finally, the General Assembly finds that mobile veterinary services offering vaccinations are a great convenience and can reach potentially underserved rural and low-income pet owners. However, while they are an effective supplement to a pet's health care, they should not be considered a replacement for the full range of services received at a permanent privately-owned veterinary facility. The availability of follow-up care is critical and mobile clinics are not able to provide that care. The limited use of mobile clinics to focus on basic vaccinations is valuable, but should target underserved areas and not areas where complete and follow-up care is available.

SECTION 2. Section 40-69-295 of the 1976 Code is amended to read:

"Section 40-69-295. (A) Regardless of mode of transportation, a mobile veterinary practice or facility must have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations. The mobile practice or facility must identify the closest local emergency veterinary services facility to the mobile location. The contact information of the local emergency veterinary services facility must be posted at the mobile location and be included in the paperwork given to the pet owner documenting the services rendered.

(B) Any mobile practice affiliated with, operated by, or supported by a public or private nonprofit animal shelter shall be prohibited from operating as follows:

(1) in counties defined by Section 12-6-3360(B)(1) and (2) within two miles of the nearest privately owned veterinarian practice; and

(2) in counties defined by Section 12-6-3360(B)(3) and (4) within one mile of the nearest privately owned veterinarian practice.

(C) As used in this section, 'mobile veterinary practice' means any form of clinical veterinary practice that may be transported or moved from one location to another for delivery of services to a pet. 'Pet' means a domesticated animal kept as a pet but does not include livestock, as defined in Section 47-9-210(1)."

SECTION 3. Chapter 69, Title 40 of the 1976 Code is amended by adding:

"Section 40-69-300. (A) For purposes of this section:

(1) 'Animal shelter' means:

(a) a facility operated by or under contract with the State or a county, a municipal corporation, or other political subdivision of the State for the purpose of impounding, care, adoption or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals;

(b) a veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose set forth in subitem (a) in addition to its customary purposes; or

(c) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, and for the purpose of impounding, care, adoption or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals.

(2) 'Veterinary services' means the examination, diagnosis, and treatment of animal patients, administration of vaccines, diagnostic, imaging, surgery, laboratory, pharmacology, and provision of hospitalization and emergency treatment.

(B) Notwithstanding any other provision of law, all animal shelters operating in this State that provide veterinary services shall be subject to the supervision and regulation of the Department of Labor, Licensing and Regulation.

(C) Veterinarians providing veterinary services in an animal shelter, and all animal shelters, shall prepare, or cause to be prepared, a written or electronic record concerning the animals in its care. The shelter shall maintain records for a minimum of three years after the last entry. A copy of any records relating to an animal whose ownership is being transferred shall be provided to the owner at the time of adoption or fostering.

(D) Animal shelters shall prepare and maintain records documenting the number of animals admitted to the facility and the method by which they exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge. This data shall be compiled in a report and submitted to the Department of Labor, Licensing and Regulation by January 31st of each year and made available on the Department's website. The report shall also contain the mailing address, street address of the current place of business, and working telephone number of the animal shelter.

(E)(1) Nothing in this section shall prohibit an animal shelter from providing veterinary services to pets they own, are fostering, or holding. Nothing in this section prevents a veterinarian working in a shelter from providing any veterinary medical services to their own pet using shelter facilities. All animal shelters, consistent with this chapter and the related regulations, may offer and provide the following services to any member of the public:

- (a) sterilization, pursuant to Section 47-3-480 and any procedures deemed necessary by the attending veterinarian at the time of sterilization as well as any necessary follow-up;
- (b) microchip implantation, pursuant to Section 47-3-55(C);
- (c) vaccinations;
- (d) prevention of all parasites and the treatment of intestinal parasites, fleas, ticks, and mange;
- (e) emergent and life threatening services;
- (f) humane euthanasia; and
- (g) for pets adopted from an animal shelter, for thirty days after the date of adoption, any wellness follow-up services or recheck of a condition that existed at the time of adoption.

(2) Other than veterinary services provided pursuant to subitem (1), an animal shelter shall only provide veterinary services to low-income pet owners. Animal shelters must post these criteria in a conspicuous location inside the facility. An animal shelter must maintain a record of the number of pet owners receiving free or reduced cost veterinary services, excluding services provided pursuant to subitem (1), and that record must be available for review upon request by the Department of Labor, Licensing and Regulation.

(3) To demonstrate low-income status, a pet owner must provide the animal shelter with documentation, executed under oath or threat of perjury, attesting to the fact that the pet owner is unable to pay for the services rendered. Documentation provided pursuant this section must be retained by the animal shelter for five years. The Department of Labor, Licensing and Regulation shall prescribe the form used for documentation purposes pursuant to this item."

SECTION 4. Chapter 69, Title 40 of the 1976 Code is amended by adding:

"Section 40-69-305. (A) The dispensing of a prescription drug to the owner of an end user for the treatment of a bodily injury or disease of an animal shall be unlawful, unless labeled with all information required by state and federal law and prescribed by a veterinarian licensed under this chapter.

(B) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or imprisonment for not more than thirty days, or both."

SECTION 5. Section 56-3-9600 is amended to read:

"Section 56-3-9600. (A) The Department of Motor Vehicles may issue 'No More Homeless Pets' special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate 'No More Homeless Pets'. The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of seventy dollars.

(B) Notwithstanding any other provision of law, of the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's caseload in the preceding calendar year was of the total caseload of all applicants in that year. The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

(E) An annual accounting and summary of this program must be provided by the Department of Agriculture to the Chairman of the Senate Agriculture and Natural Resources Committee and to the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee by September 1 of each year.

(F) Any local private nonprofit animal spaying and neutering program requesting reimbursement for services related to this program must provide to the SCACCA the name and address of each person who brought the animal to the program. Before the Department of Agriculture may send the reimbursement to the SCACCA, the SCACCA must provide to the Department of Agriculture a list of all the individuals who brought a pet in for spaying or neutering and the number of animals the individual brought in."

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this Act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 7. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

DANIEL B. VERDIN III for Committee.

A BILL

TO AMEND SECTION 40-69-295 OF THE 1976 CODE, RELATING TO MOBILE VETERINARY FACILITIES, TO PROVIDE THAT A MOBILE VETERINARY PRACTICE OR FACILITY MUST IDENTIFY THE CLOSEST LOCAL EMERGENCY SERVICES FACILITY AND POST THE CONTACT INFORMATION OF THAT FACILITY, AND TO DEFINE "MOBILE VETERINARY PRACTICE" AND "PET" FOR PURPOSES OF THAT SECTION; TO AMEND CHAPTER 69, TITLE 40 OF THE 1976 CODE, RELATING TO VETERINARIANS, TO PROVIDE FOR THE DEFINITION OF "ANIMAL SHELTER" AND "VETERINARY SERVICES", TO PROVIDE THAT ANIMAL SHELTERS SHALL BE SUBJECT TO THE SUPERVISION AND REGULATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE THAT VETERINARIANS AND ANIMAL SHELTERS SHALL PREPARE MEDICAL RECORDS FOR ANIMALS IN THEIR CARE AND MAINTAIN THOSE RECORDS FOR A MINIMUM OF THREE YEARS, TO PROVIDE THAT ANIMAL SHELTERS SHALL MAINTAIN RECORDS THAT DOCUMENT THE NUMBER OF ANIMALS ADMITTED AND THE METHOD BY WHICH THEY EXIT THE FACILITY, AND TO PROVIDE FOR THE SCOPE OF PRACTICE FOR ANIMAL SHELTERS; TO AMEND CHAPTER 69, TITLE 40 OF THE 1976 CODE, RELATING TO VETERINARIANS, TO PROVIDE THAT THE DISPENSING OF A PRESCRIPTION DRUG TO THE OWNER OF AN END USER FOR THE TREATMENT OF A BODILY INJURY OR DISEASE OF AN ANIMAL SHALL BE UNLAWFUL, UNLESS PROPERLY LABELED AND PRESCRIBED BY A LICENSED VETERINARIAN, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS THEREOF.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40-69-295 of the 1976 Code is amended to read:

"Section 40-69-295. (A) Regardless of mode of transportation, a mobile veterinary practice or facility must have a permanent base of operation with a published address and telephone facilities for making appointments or responding to emergency situations. The mobile practice or facility must identify the closest local emergency veterinary services facility to the mobile location. The contact information of the local emergency veterinary services facility must be posted at the mobile location and be included in the paperwork given to the pet owner documenting the services rendered.

(B) Any mobile practice affiliated with, operated by, or supported by a private, non-profit animal shelter or other animal group shall be prohibited from operating within seven miles of the nearest privately owned veterinarian practice.

(C) As used in this section, 'mobile veterinary practice' means any form of clinical veterinary practice that may be transported or moved from one location to another for delivery of services to a pet. 'Pet' means a domesticated animal kept as a pet but does not include livestock."

SECTION 2. Chapter 69, Title 40 of the 1976 Code is amended by adding:

"Section 40-69-300. (A) For purposes of this section:

(1) 'Animal shelter' means:

(a) a facility operated by or under contract with the State or a county, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals;

(b) a veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose set forth in subitem (a) in addition to its customary purposes;

(c) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, and for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals.

(2) 'Veterinary services' means the examination, diagnosis, and treatment of animal patients, administration of vaccines, diagnostic, imaging, surgery, laboratory, pharmacology, and provision of hospitalization and emergency treatment.

(B) Notwithstanding any other provision of law, all animal shelters operating in this State that provide veterinary services shall be subject to the supervision and regulation of the Department of Labor, Licensing and Regulation and the Board of Veterinary Medical Examiners.

(C) Veterinarians providing veterinary services in an animal shelter, and all animal shelters, shall prepare, or cause to be prepared, a written or electronic record concerning the animals in its care. The shelter shall maintain records for a minimum of three years after the last entry. A copy of any records relating to an animal being fostered or adopted shall be provided to the owner at the time of adoption or fostering.

(D) Animal shelters shall prepare and maintain records documenting the number of animals admitted to the facility and the method by which they exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge. This data shall be compiled in a report and submitted to the Board of Veterinary Medical Examiners by January 31st of each year. The report shall also contain the mailing address, street address of the current place of business, and working telephone number of the animal shelter.

(E)(1) Nothing in this section shall prohibit an animal shelter from providing veterinary services to pets they own and are holding for adoption. All animal shelters, consistent with this chapter and the related regulations, may offer and provide the following services to any member of the public:

(a) Sterilization, pursuant to Section 47-3-480 and any procedures deemed necessary by the attending veterinarian at the time of sterilization;

(b) Microchip implantation, pursuant to Section 47-3-55(C);

- (c) Vaccinations; and
 - (d) Parasite treatment, including but not limited to, treatments for heartworm, fecals, flea control, and mange.
- (2) Other than veterinary services provided pursuant to subitem (1), an animal shelter shall only provide veterinary services to low-income pet owners. Animal shelters must post these criteria in a conspicuous location inside the facility. An animal shelter must maintain a record of the number of pet owners receiving free or reduced cost veterinary services, excluding services provided pursuant to subitem (1), and that record must be available for review upon request by the Department of Labor, Licensing and Regulation.
- (3) To demonstrate low-income status a pet owner must provide the animal shelter, and the animal shelter must retain a copy of written documentation of low-income status from one of the following source:
- (a) Medicaid;
 - (b) SNAP/TANF;
 - (c) Pay stub or proof income demonstrating income below the federal poverty guidelines published by the U.S. Department of Health and Human Services; or
 - (d) Other documentation, including proof of unemployment.

SECTION 3. Chapter 69, Title 40 of the 1976 Code is amended by adding:

"Section 40-69-305. (A) The dispensing of a prescription drug to the owner of an end user for the treatment of a bodily injury or disease of an animal shall be unlawful, unless labeled with all information required by state and federal law and prescribed by a veterinarian licensed under this Chapter.

(B) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than two hundred dollars or imprisonment for not more than thirty days, or both."

SECTION 4. This act takes effect upon approval by the Governor.

---XX---

This web page was last updated on January 14, 2016 at 3:49 PM