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HOUSE BILL 219

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Jimmie C. Hall

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO STATE BOARDS; TRANSFERRING POWERS AND DUTIES,
PERSONNEL, PROPERTY, CONTRACTS AND REFERENCES FROM THE ANIMAL
SHELTERING BOARD TO THE BOARD OF VETERINARY MEDICINE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14-2 NMSA 1978 (being Laws 1967,
Chapter 62, Section 2, as amended) is amended to read:

"61-14-2. DEFINITIONS.--As used in the Veterinary
Practice Act:

A. "animal" means any animal other than man;

B. "animal shelter":

(1) means:

(a) a county or municipal facility that
provides shelter to animals on a regular basis, including a dog
pound; and

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1 (b) a private humane society or a
2 private animal shelter that temporarily houses stray, unwanted
3 or injured animals through administrative or contractual
4 arrangements with a local government agency; and

5 (2) does not include a municipal zoological
6 park;

7 C. "euthanasia" means to produce a humane death of
8 an animal by standards deemed acceptable by the board as set
9 forth in its rules;

10 D. "euthanasia agency" means a facility that
11 provides shelter to animals on a regular basis, including a dog
12 pound, a humane society or a public or private shelter facility
13 that temporarily houses stray, unwanted or injured animals, and
14 that performs euthanasia;

15 ~~[B-]~~ E. "practice of veterinary medicine" means:

16 (1) the diagnosis, treatment, correction,
17 change, relief or prevention of animal disease, deformity,
18 defect, injury or other physical or mental condition, including
19 the prescription or administration of any drug, medicine,
20 biologic, apparatus, application, anesthetic or other
21 therapeutic or diagnostic substance or technique and the use of
22 any procedure for artificial insemination, testing for
23 pregnancy, diagnosing and treating sterility or infertility or
24 rendering advice with regard to any of these;

25 (2) the representation, directly or

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1 indirectly, publicly or privately, of an ability and
2 willingness to do any act mentioned in Paragraph (1) of this
3 subsection; or

4 (3) the use of any title, words, abbreviation
5 or letters in a manner or under circumstances that induce the
6 belief that the person using them is qualified to do any act
7 mentioned in Paragraph (1) of this subsection;

8 [~~G.~~] F. "veterinarian" means a person having the
9 degree of doctor of veterinary medicine or its equivalent from
10 a veterinary school or a person who has received a medical
11 education in veterinary medicine in a foreign country and has
12 thereafter entered the United States and fulfilled the
13 requirements and standards set forth by the American veterinary
14 medical association and has passed all examinations required by
15 the board prior to being issued any license to practice
16 veterinary medicine in this state;

17 [~~D.~~] G. "licensed veterinarian" means a person
18 licensed to practice veterinary medicine in this state;

19 [~~E.~~] H. "veterinary school" means any veterinary
20 college or any division of a university or college [~~which~~] that
21 is approved for accreditation by the American veterinary
22 medical association;

23 [~~F.~~] I. "board" means the board of veterinary
24 medicine;

25 [~~G.~~] J. "veterinary technician" means a skilled

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1 person certified by the board as being qualified by academic
2 and practical training to provide veterinary services under the
3 supervision and direction of the licensed veterinarian who is
4 responsible for the performance of that technician;

5 ~~[H.]~~ K. "committee" means the veterinary technician
6 examining committee;

7 ~~[I.]~~ L. "direct supervision" means the treatment of
8 animals on the direction, order or prescription of a licensed
9 veterinarian who is available on the premises and who has
10 established a valid veterinarian-client-patient relationship;

11 ~~[J.]~~ M. "valid veterinarian-client-patient
12 relationship" means:

13 (1) the veterinarian has assumed
14 responsibility for making medical judgments regarding the
15 health of an animal being treated and the need for and the
16 course of the animal's medical treatment;

17 (2) the client has agreed to follow the
18 instructions of the veterinarian;

19 (3) the veterinarian is sufficiently
20 acquainted with an animal being treated, whether through
21 examination of the animal or timely visits to the animal's
22 habitat for purposes of assessing the condition in which the
23 animal is kept, to be capable of making a preliminary or
24 general diagnosis of the medical condition of the animal being
25 treated; and

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1 (4) the veterinarian is reasonably available
2 for follow-up treatment; and

3 [~~K-~~] N. "veterinary medicine" means veterinary
4 surgery, obstetrics, dentistry and all other branches or
5 specialties of veterinary medicine."

6 SECTION 2. Section 61-14-4 NMSA 1978 (being Laws 1967,
7 Chapter 62, Section 3, as amended) is amended to read:

8 "61-14-4. BOARD CREATED--TERMS--COMPENSATION--FINANCE.--

9 A. The "board of veterinary medicine" is created.
10 The board shall consist of [~~seven~~] nine members who are
11 citizens of the United States and residents of New Mexico.
12 Veterinary members shall have been licensed to practice
13 veterinary medicine in the state for five years preceding their
14 appointment to the board.

15 B. Members of the board and their successors shall
16 be appointed by the governor. [~~Five of the members shall be~~
17 ~~licensed veterinarians, and these appointments may be made from~~
18 ~~a list of five names for each professional vacancy, submitted~~
19 ~~to the governor by the New Mexico veterinary medical~~
20 ~~association. Two members shall represent the public and shall~~
21 ~~not have been licensed as veterinarians or have any significant~~
22 ~~financial interest, whether direct or indirect, in the~~
23 ~~occupation regulated.] The board shall consist of the following
24 members:~~

25 (1) five licensed veterinarians, one of whom

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1 shall have provided paid or unpaid service to an animal
2 shelter, appointments of which may be made from a list of five
3 names for each vacancy, submitted to the governor by the New
4 Mexico veterinary medical association;

5 (2) one euthanasia agency employee with
6 training and education in euthanasia;

7 (3) one representative from a nonprofit animal
8 advocacy group;

9 (4) one manager or director of a New Mexico
10 facility that provides shelter to animals on a regular basis;
11 provided that the manager or director selected is trained in
12 animal shelter standards; and

13 (5) one member of the public.

14 C. Members shall be appointed to staggered terms of
15 four years each. Appointments shall be made in such manner
16 that the terms of no more than ~~[two]~~ three board members expire
17 on July 1 of each year. All board members shall hold office
18 until their successors are appointed and qualified.

19 Appointments to vacancies shall be for the unexpired terms.

20 Board members shall not serve more than two consecutive four-
21 year terms.

22 D. A majority of the members of the board
23 constitutes a quorum for the transaction of business, except
24 that the vote of ~~[four]~~ five members is required for suspension
25 or revocation of a license. The board shall elect a ~~[chairman]~~

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1 chair and other necessary officers prescribed by regulation of
2 the board.

3 E. Members of the board shall receive per diem and
4 mileage as provided in the Per Diem and Mileage Act and shall
5 receive no other compensation, perquisite or allowance. This
6 reimbursement and all other expenses involved in carrying out
7 the Veterinary Practice Act shall be paid exclusively from fees
8 received pursuant to provisions of the Veterinary Practice Act.
9 The board shall deposit all fees received pursuant to
10 provisions of the Veterinary Practice Act with the state
11 treasurer for the exclusive use of the board, and money shall
12 be expended only upon vouchers certified by a majority of the
13 board.

14 F. Any board member failing to attend, after proper
15 notice, three consecutive meetings, either regular or special,
16 shall automatically be removed as a member of the board."

17 **SECTION 3.** Section 61-14-5 NMSA 1978 (being Laws 1967,
18 Chapter 62, Section 4, as amended) is amended to read:

19 "61-14-5. BOARD--DUTIES.--The board shall:

20 A. examine and determine the qualifications and
21 fitness of applicants for a license to practice veterinary
22 medicine in New Mexico and issue, renew, deny, suspend or
23 revoke licenses;

24 B. regulate artificial insemination and pregnancy
25 diagnosis by establishing standards of practice and issuing

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1 permits to persons found qualified;

2 C. establish a schedule of license and permit fees
3 based on the board's financial requirements for the ensuing
4 year;

5 D. conduct investigations necessary to determine
6 violations of the Veterinary Practice Act and discipline
7 persons found in violation;

8 E. employ personnel necessary to carry out its
9 duties;

10 F. promulgate and enforce [~~regulations~~] rules
11 necessary to establish recognized standards for the practice of
12 veterinary medicine and to carry out the provisions of the
13 Veterinary Practice Act. The board shall make available to
14 interested members of the public copies of the Veterinary
15 Practice Act and all [~~regulations~~] rules promulgated by the
16 board;

17 G. examine applicants for veterinary technician
18 certification purposes. Such examination shall be held at
19 least once a year at the times and places designated by the
20 board;

21 H. establish a five-member veterinary technician
22 examining committee;

23 I. adopt [~~regulations~~] rules establishing
24 continuing education requirements as a condition for license
25 renewal; [~~and~~]

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1 J. regulate the operation of veterinary facilities,
2 including:

3 (1) establishing requirements for operation of
4 a veterinary facility in accordance with recognized standards
5 for the practice of veterinary medicine;

6 (2) issuing permits to qualified veterinary
7 facilities; and

8 (3) adopting standards for inspection of
9 veterinary facilities.

10 For purposes of this subsection, "veterinary facility"
11 means ~~any~~ a building, mobile unit, vehicle or other location
12 where services included within the practice of veterinary
13 medicine are provided; and

14 K. perform the duties imposed on the board pursuant
15 to the Animal Sheltering Act."

16 SECTION 4. Section 61-14-12 NMSA 1978 (being Laws 1967,
17 Chapter 62, Section 8, as amended) is amended to read:

18 "61-14-12. LICENSE, PERMIT AND REGISTRATION RENEWAL.--

19 A. All licenses, permits and registrations issued
20 pursuant to the Veterinary Practice Act may be renewed by
21 payment of the renewal fee and submission of proof of
22 completion of continuing education requirements as established
23 by regulation of the board. Not later than thirty days prior
24 to expiration, the board shall mail a notice to each licensed
25 veterinarian, registered veterinary technician and holder of an

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1 artificial insemination or pregnancy diagnosis permit that the
2 license, registration or permit will expire and provide a
3 renewal application form.

4 B. Except as provided in Subsections C and D of
5 this section, ~~[any]~~ a person may reinstate an expired license,
6 registration or permit, issued pursuant to the Veterinary
7 Practice Act, within five years of its expiration by making
8 application to the board for renewal and paying the current
9 renewal fee along with all delinquent renewal fees and late
10 fees. After five years have elapsed since the date of
11 expiration, a license, registration or permit may not be
12 renewed and the holder shall apply for a new license,
13 registration or permit and take the required examination.

14 C. A person shall not have ~~[his]~~ the person's
15 license, issued pursuant to the Veterinary Practice Act,
16 reinstated in New Mexico if, during the time period ~~[his]~~ in
17 which the person's license ~~[to practice in New Mexico was]~~
18 lapsed, [his] the person's license in another state or
19 jurisdiction was suspended or revoked for reasons for which the
20 license would have been subject to suspension or revocation in
21 New Mexico.

22 D. A person who, during the time period ~~[his]~~ in
23 which the person's license ~~[to practice in New Mexico was]~~,
24 issued pursuant to the Veterinary Practice Act, lapsed, was
25 subject to any disciplinary proceedings resulting in action

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1 less than suspension or revocation in another state or
2 jurisdiction, may, at the discretion of the board, have [~~his~~]
3 the person's license to practice in New Mexico reinstated on a
4 probationary status for up to two years. Upon request by the
5 applicant for reinstatement, the board shall determine under
6 what circumstances the probationary status shall be continued
7 or removed or the application for reinstatement denied.

8 E. The board may provide by regulation for waiver
9 of payment of any renewal fee of a licensed veterinarian during
10 any period when [~~he~~] the veterinarian is on active duty with
11 any branch of the armed services of the United States for the
12 duration of a national emergency."

13 SECTION 5. Section 61-14-14 NMSA 1978 (being Laws 1967,
14 Chapter 62, Section 10, as amended) is amended to read:

15 "61-14-14. EXEMPTIONS.--Provisions of the Veterinary
16 Practice Act do not apply to:

17 A. employees of federal or state [~~or local~~]
18 governments performing official duties;

19 B. regular students in a veterinary school
20 performing duties or actions assigned by an instructor or
21 working under direct supervision of a licensed veterinarian
22 during a school vacation period;

23 C. reciprocal aid of neighbors in performing
24 routine accepted livestock management practices;

25 D. [~~any~~] a veterinarian licensed in [~~any~~] a foreign

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1 jurisdiction consulting with a licensed veterinarian;

2 E. ~~[any]~~ a merchant or manufacturer selling at
3 ~~[his]~~ the merchant's or manufacturer's regular place of
4 business any medicine, feed, appliance or other product used in
5 the prevention or treatment of animal disease;

6 F. the owner of an animal ~~[his]~~ and the owner's
7 consignees and their employees while performing routine
8 accepted livestock management practices in the care of animals
9 belonging to the owner;

10 G. a member of the faculty of a veterinary school
11 performing ~~[his]~~ the member's regular functions or a person
12 lecturing or giving instruction or demonstration at a
13 veterinary school or in connection with a continuing education
14 course or seminar for licensed veterinarians, veterinary
15 technicians or persons holding or training for valid permits
16 for artificial insemination or diagnosing pregnancy;

17 H. a person selling or applying any pesticide,
18 insecticide or herbicide; or

19 I. a person engaging in bona fide scientific
20 research that reasonably requires experimentation involving
21 animals."

22 SECTION 6. Section 61-14-20 NMSA 1978 (being Laws 1979,
23 Chapter 76, Section 2, as amended) is amended to read:

24 "61-14-20. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--
25 The board of veterinary medicine is terminated on July 1,

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1 [2017] 2023 pursuant to the Sunset Act. The board shall
2 continue to operate according to the provisions of Chapter 61,
3 Article 14 and Chapter 77, Article 1B NMSA 1978 until July 1,
4 [2018] 2024. Effective July 1, [2018] 2024, Chapter 61,
5 Article 14 and Chapter 77, Article 1B NMSA 1978 [~~is~~] are
6 repealed."

7 SECTION 7. Section 77-1B-2 NMSA 1978 (being Laws 2007,
8 Chapter 60, Section 2, as amended) is amended to read:

9 "77-1B-2. DEFINITIONS.--As used in the Animal Sheltering
10 Act:

11 A. "animal" means any animal, except humans, not
12 defined as "livestock" in Subsection [~~H~~] K of this section;

13 B. "animal shelter":

14 (1) means:

15 (a) a county or municipal facility that
16 provides shelter to animals on a regular basis, including a dog
17 pound; and

18 (b) a private humane society or a
19 private animal shelter that temporarily houses stray, unwanted
20 or injured animals through administrative or contractual
21 arrangements with a local government agency; and

22 (2) does not include a municipal zoological
23 park;

24 C. "board" means the [~~animal sheltering~~] board of
25 veterinary medicine;

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1 ~~[D. "department" means the regulation and licensing~~
2 ~~department;~~

3 ~~E.]~~ D. "disposition" means adoption of an animal;
4 return of an animal to the owner; release of an animal to a
5 rescue organization; release of an animal to another animal
6 shelter or to a rehabilitator licensed by the department of
7 game and fish or the United States fish and wildlife service;
8 or euthanasia of an animal;

9 ~~[F.]~~ E. "emergency field euthanasia" means the
10 process defined by rule of the board to cause the death of an
11 animal in an emergency situation when safe and humane transport
12 of the animal is not possible;

13 ~~[G.]~~ F. "euthanasia" means to produce a humane
14 death of an animal by standards deemed acceptable by the board
15 as set forth in its rules;

16 ~~[H.]~~ G. "euthanasia agency" means a facility that
17 provides shelter to animals on a regular basis, including a dog
18 pound, a humane society or a public or private shelter facility
19 that temporarily houses stray, unwanted or injured animals, and
20 that performs euthanasia;

21 ~~[I.]~~ H. "euthanasia drugs" means non-narcotic
22 Schedule II or Schedule III substances and chemicals as set
23 forth in the Controlled Substances Act that are used for the
24 purposes of euthanasia and pre-euthanasia of animals;

25 ~~[J.]~~ I. "euthanasia instructor" means a

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1 veterinarian or a euthanasia technician certified by the board
2 to instruct other individuals in euthanasia techniques;

3 [K-] J. "euthanasia technician" means a person
4 licensed by the board to euthanize animals for a euthanasia
5 agency;

6 [L-] K. "livestock" means all domestic or
7 domesticated animals that are used or raised on a farm or ranch
8 and exotic animals in captivity and includes horses, asses,
9 mules, cattle, sheep, goats, swine, bison, poultry, ostriches,
10 emus, rheas, camelids and farmed cervidae but does not include
11 canine or feline animals;

12 [M-] L. "rescue organization" means an organization
13 that rescues animals and is not involved in the breeding of
14 animals;

15 [N-] M. "supervising veterinarian" means a person
16 who is a veterinarian, who holds both a valid New Mexico
17 controlled substance license and a valid federal drug
18 enforcement agency license and who approves the drug protocols
19 and the procurement and administration of all pharmaceuticals;
20 and

21 [O-] N. "veterinarian" means a person who is
22 licensed as a doctor of veterinary medicine by the board [of
23 ~~veterinary medicine~~] pursuant to the Veterinary Practice Act."

24 **SECTION 8.** Section 77-1B-3 NMSA 1978 (being Laws 2007,
25 Chapter 60, Section 3, as amended) is amended to read:

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1 "77-1B-3. [~~ANIMAL SHELTERING BOARD CREATED--MEMBERS--~~
2 ~~QUALIFICATIONS--TERMS--VACANCIES--REMOVAL~~] APPLICATION OF
3 UNIFORM LICENSING ACT.--

4 ~~[A. The "animal sheltering board" is created. The~~
5 ~~board shall consist of nine members as follows:~~

- 6 ~~(1) one euthanasia agency employee with~~
7 ~~training and education in euthanasia;~~
- 8 ~~(2) one veterinarian who has provided paid or~~
9 ~~unpaid services to an animal shelter;~~
- 10 ~~(3) one representative from a nonprofit animal~~
11 ~~advocacy group;~~
- 12 ~~(4) one member of the public;~~
- 13 ~~(5) a manager or director of a New Mexico~~
14 ~~facility that provides shelter to animals on a regular basis,~~
15 ~~provided that the manager or director selected is trained in~~
16 ~~animal shelter standards;~~
- 17 ~~(6) one representative of the New Mexico~~
18 ~~association of counties;~~
- 19 ~~(7) one representative of the New Mexico~~
20 ~~municipal league;~~
- 21 ~~(8) one member of a rescue organization; and~~
- 22 ~~(9) one member of the domestic pet breeder~~
23 ~~community.~~

24 ~~B. No more than two board members shall be~~
25 ~~appointed from any one county within the state. Appointments~~

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1 ~~shall be made in such manner that the terms of no more than~~
2 ~~three board members expire on July 1 of each year.~~

3 ~~C. The board is administratively attached to the~~
4 ~~department.~~

5 ~~D.] With respect to licenses issued pursuant to the~~
6 ~~Animal Sheltering Act, the board and its operations are~~
7 ~~governed by the Uniform Licensing Act. If the provisions of~~
8 ~~the Uniform Licensing Act conflict with the provisions of the~~
9 ~~Animal Sheltering Act, the provisions of the Animal Sheltering~~
10 ~~Act shall prevail.~~

11 ~~[E. The governor shall appoint board members for~~
12 ~~terms of four years, except in the first year of the enactment~~
13 ~~of the Animal Sheltering Act, when board members shall be~~
14 ~~appointed for staggered terms. Of the first appointments,~~
15 ~~three board members shall be appointed for four-year terms, two~~
16 ~~board members shall be appointed for three-year terms, two~~
17 ~~board members shall be appointed for two-year terms and two~~
18 ~~board members shall be appointed for one-year terms.~~

19 ~~Subsequent appointments shall be made to fill vacancies created~~
20 ~~in unexpired terms, but only until the term ends or for a full~~
21 ~~four-year term when the term of a board member expires. Board~~
22 ~~members shall hold office until their successors are duly~~
23 ~~qualified and appointed. Vacancies shall be filled by~~
24 ~~appointment by the governor for the unexpired term within sixty~~
25 ~~days of the vacancy to maintain the required composition of the~~

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1 board.

2 F. ~~Members of the board shall be reimbursed for per~~
3 ~~diem and mileage as provided in the Per Diem and Mileage Act~~
4 ~~and shall receive no other compensation, perquisite or~~
5 ~~allowance, but shall be permitted to attend at least one~~
6 ~~conference or seminar per year relevant to their board~~
7 ~~positions as the board's budget will allow.~~

8 G. ~~A simple majority of the appointed board members~~
9 ~~constitutes a quorum.~~

10 H. ~~The board shall hold at least one regular~~
11 ~~meeting each year and may meet at such other times as it deems~~
12 ~~necessary.~~

13 I. ~~A board member shall not serve more than two~~
14 ~~full or partial terms, consecutive or otherwise.~~

15 J. ~~A board member failing to attend three duly~~
16 ~~noticed meetings, regular or special, within a twelve-month~~
17 ~~period, without an excuse acceptable to the board, may be~~
18 ~~removed as a board member.~~

19 K. ~~The board shall elect a chair and other officers~~
20 ~~as it deems necessary to administer its duties.~~

21 L. ~~The department shall hire employees to execute~~
22 ~~the daily operations of the board.]"~~

23 SECTION 9. Section 77-1B-4 NMSA 1978 (being Laws 2007,
24 Chapter 60, Section 4, as amended) is amended to read:

25 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--

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1 ADMINISTRATION.--

2 A. The "animal care and facility fund" is created
3 in the state treasury. All fees collected pursuant to the
4 Animal Sheltering Act shall be deposited in the fund.

5 B. The animal care and facility fund shall consist
6 of money collected by the board pursuant to the Animal
7 Sheltering Act; income from investment of the fund; and money
8 appropriated to the fund or accruing to it through fees or
9 administrative penalties, cooperative research agreements,
10 income, gifts, grants, donations, bequests, sales of
11 promotional items, handbooks or educational materials or any
12 other source. Money in the fund shall not be transferred to
13 another fund or encumbered or expended except for expenditures
14 authorized pursuant to the Animal Sheltering Act.

15 C. Money in the fund is appropriated by the
16 legislature to the [~~department~~] board to be used to help animal
17 shelters and communities defray the cost of implementing the
18 board's initiatives conducted pursuant to the Animal Sheltering
19 Act. The fund shall be administered by the [~~department~~] board
20 to carry out the purposes of the Animal Sheltering Act.

21 D. The "statewide spay and neuter subaccount" is
22 established in the animal care and facility fund. Money in the
23 subaccount shall only be used to carry out the board's dog and
24 cat sterilization assistance program. Money collected pursuant
25 to Section [~~1 of this 2015 act~~] 7-2-30.9 NMSA 1978 and Section

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1 66-3-424.3 NMSA 1978 shall be deposited in the subaccount.

2 E. A disbursement from the fund shall be made only
3 upon a warrant drawn by the secretary of finance and
4 administration pursuant to a voucher signed by the
5 superintendent of regulation and licensing or the
6 superintendent's designee and certified by a majority of the
7 board.

8 F. Unexpended and unencumbered balances in the fund
9 at the end of a fiscal year shall not revert to the general
10 fund."

11 SECTION 10. Section 77-1B-5 NMSA 1978 (being Laws 2007,
12 Chapter 60, Section 5, as amended) is amended to read:

13 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

14 [~~A. provide board recommended standards regarding~~
15 ~~the infrastructure for all animal shelters;~~

16 ~~B. provide board recommended operating standards~~
17 ~~for all animal shelters;]~~

18 A. require animal shelters and euthanasia agencies
19 to comply with infrastructure and operating standards adopted
20 by the board and enforce those standards;

21 B. conduct inspections of animal shelters and
22 euthanasia agencies;

23 C. provide for oversight, including licensing
24 requirements, regulations and discipline, of local government
25 shelter veterinarians by the board;

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1 ~~[G.]~~ D. adopt methods and procedures acceptable for
2 conducting emergency field euthanasia;

3 ~~[D.]~~ E. adopt, promulgate and revise rules
4 necessary to carry out the provisions of the Animal Sheltering
5 Act;

6 ~~[E.]~~ F. have authority to issue licenses and
7 certificates pursuant to the Animal Sheltering Act;

8 ~~[F.]~~ G. establish the types of licenses and
9 certificates that may be issued pursuant to the Animal
10 Sheltering Act and establish criteria for issuing the licenses
11 and certificates;

12 ~~[G.]~~ H. prescribe standards and approve curricula
13 for educational programs that will be used to train and prepare
14 persons for licensure or certification pursuant to the Animal
15 Sheltering Act;

16 ~~[H.]~~ I. implement continuing education requirements
17 for licensees and certificate holders pursuant to the Animal
18 Sheltering Act;

19 ~~[I.]~~ J. conduct administrative hearings upon
20 charges relating to violations of provisions of the Animal
21 Sheltering Act or rules adopted pursuant to that act in
22 accordance with the Uniform Licensing Act;

23 ~~[J.]~~ K. provide for all examinations and for
24 issuance and renewal of licenses and certificates;

25 ~~[K.]~~ L. establish fees not to exceed one hundred

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1 fifty dollars (\$150) for licenses and certificates pursuant to
2 the Animal Sheltering Act;

3 [~~H.~~] M. establish committees as the board deems
4 necessary to effect the provisions of the Animal Sheltering
5 Act;

6 [~~M.~~] N. apply for injunctive relief to enforce the
7 provisions of the Animal Sheltering Act;

8 [~~N.~~] O. conduct national criminal background checks
9 on applicants seeking licensure or certification under the
10 Animal Sheltering Act;

11 [~~O.~~] P. keep a record of all proceedings;

12 [~~P.~~] Q. make an annual report to the legislature
13 and to the governor;

14 [~~Q.~~] R. provide for the inspection of animal
15 shelters and euthanasia agencies;

16 [~~R.~~] S. develop mechanisms to address complaints of
17 misconduct at animal shelters and euthanasia agencies and
18 noncompliance with the provisions of the Animal Sheltering Act
19 or rules adopted pursuant to that act;

20 [~~S.~~] T. develop mechanisms to address complaints of
21 licensee and certificate holder misconduct and noncompliance;

22 [~~T.~~] U. develop a voluntary statewide dog and cat
23 spay and neuter program in conjunction with animal shelters and
24 euthanasia agencies;

25 [~~U.~~] V. develop criteria for individuals, groups,

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1 animal shelters and euthanasia agencies to receive assistance
2 for dog and cat sterilization from the animal care and facility
3 fund;

4 ~~[V.]~~ W. disburse money from the animal care and
5 facility fund to qualifying individuals, groups, animal
6 shelters and euthanasia agencies;

7 ~~[W. provide board recommended]~~ X. adopt standards
8 for maintaining records concerning health care and disposition
9 of animals; and

10 ~~[X.]~~ Y. refer to national animal control
11 association standards in determining its regulations."

12 SECTION 11. Section 77-1B-9 NMSA 1978 (being Laws 2007,
13 Chapter 60, Section 9, as amended) is amended to read:

14 "77-1B-9. VIOLATIONS.--

15 A. Unless otherwise provided in the Animal
16 Sheltering Act, it is a violation of that act for a person to:

17 (1) perform euthanasia for a euthanasia agency
18 or an animal shelter in this state without possessing a valid
19 license pursuant to the Animal Sheltering Act;

20 (2) solicit, advertise or offer to perform an
21 act for which licensure or certification is required pursuant
22 to the Animal Sheltering Act, unless the person holds a license
23 or certification;

24 (3) refuse to comply with a cease and desist
25 order issued by the board;

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- 1 (4) refuse or fail to comply with the
2 provisions of the Animal Sheltering Act;
- 3 (5) make a material misstatement in an
4 application for licensure or certification;
- 5 (6) intentionally make a material misstatement
6 to the [~~department~~] board during an official investigation;
- 7 (7) impersonate an official or inspector;
- 8 (8) refuse or fail to comply with rules
9 adopted by the board or with a lawful order issued by the
10 board;
- 11 (9) aid or abet another in violating
12 provisions of the Animal Sheltering Act, or a rule adopted by
13 the board;
- 14 (10) alter or falsify a certificate of
15 inspection, license or certification issued by the board;
- 16 (11) fail to carry out the duties of a
17 euthanasia technician in a professional manner;
- 18 (12) abuse the use of a chemical substance or
19 be guilty of habitual or excessive use of intoxicants or drugs;
- 20 (13) sell or give chemical substances used in
21 euthanasia procedures to an unlicensed person; and
- 22 (14) assist an unlicensed or unauthorized
23 person in euthanizing animals, except during a board-approved
24 course in euthanasia.

25 B. It is a violation of the Animal Sheltering Act

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1 for a euthanasia agency or an animal shelter to:

2 (1) refuse to permit entry or inspection of
3 its facilities by the board or its designees;

4 (2) sell, offer for sale, barter, exchange or
5 otherwise transfer animals that are prohibited by the
6 department of game and fish, the United States department of
7 agriculture or any other regulatory agency to be kept unless
8 the sale, offer for sale, bartering, exchanging or transferring
9 of the animal is to a facility employing permitted
10 rehabilitators or an individual that is a permitted
11 rehabilitator pursuant to the rules adopted by the department
12 of game and fish or another agency that has authority over
13 people who are permitted to receive and provide care for such
14 animals;

15 (3) allow a license or certificate issued
16 pursuant to the Animal Sheltering Act to be used by an
17 unlicensed or uncertified person; or

18 (4) make a misrepresentation or false promise
19 through advertisements, employees, agents or other mechanisms
20 in connection with the euthanasia of an animal.

21 C. It is a violation of the Animal Sheltering Act
22 for an employee or official of the board [~~or a person in the~~
23 ~~department~~] to disclose or use for that person's own advantage
24 information derived from reports or records submitted to the
25 [~~department or the~~] board pursuant to that act."

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1 SECTION 12. Section 77-1B-11 NMSA 1978 (being Laws 2007,
2 Chapter 60, Section 11, as amended) is amended to read:

3 "77-1B-11. DISCIPLINARY ACTIONS--EUTHANASIA TECHNICIANS,
4 EUTHANASIA AGENCIES AND EUTHANASIA INSTRUCTORS--HEARINGS--
5 PENALTIES.--

6 A. With the respect to licenses pursuant to the
7 Animal Sheltering Act, the provisions of the Uniform Licensing
8 Act apply to all disciplinary procedures and hearings of the
9 board.

10 B. The board may:

11 (1) deny, suspend, revoke, reprimand, place on
12 probation or take other action against a license or certificate
13 held or applied for pursuant to the Animal Sheltering Act,
14 including imposing an administrative penalty, upon a finding by
15 the board that the licensee, certificate holder or applicant
16 has performed acts in violation of the Animal Sheltering Act or
17 a rule adopted pursuant to that act; and

18 (2) impose an administrative penalty on a
19 person who makes a false representation as being a licensed
20 euthanasia technician, a certified euthanasia instructor or a
21 licensed euthanasia agency.

22 C. The board may issue letters of admonition or
23 deny, suspend, refuse to renew, restrict or revoke a license or
24 certification authorized pursuant to the Animal Sheltering Act
25 if the applicant or licensee:

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1 (1) has refused or failed to comply with a
2 provision of the Animal Sheltering Act, a rule adopted pursuant
3 to that act or an order of the board;

4 (2) is guilty of cruelty to animals pursuant
5 to a statute of this state or another state;

6 (3) has had an equivalent license or
7 certificate denied, revoked or suspended by an authority;

8 (4) has refused to provide the board with
9 reasonable, complete and accurate information regarding the
10 care or euthanasia of animals when requested by the board; or

11 (5) has falsified information requested by the
12 board or the board's designee.

13 D. In a proceeding held pursuant to this section,
14 the board may accept as prima facie evidence of grounds for
15 disciplinary action any disciplinary action taken against a
16 licensee from another jurisdiction, if the violation that
17 prompted the disciplinary action in that jurisdiction would be
18 grounds for disciplinary action pursuant to this section.

19 E. Disciplinary proceedings may be instituted by
20 the board or by a complaint to the board.

21 F. The board shall not initiate a disciplinary
22 action more than two years after the date that it receives a
23 complaint or that it begins an investigation without a filed
24 complaint.

25 G. The board may administer oaths, take statements

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1 and compel disclosure by the witnesses of all facts known to
2 them relative to matters under investigation.

3 H. The board may impose an administrative penalty
4 in an amount not to exceed five hundred dollars (\$500) on a
5 holder of a license or certificate for violations of the Animal
6 Sheltering Act.

7 I. A person or euthanasia agency whose license or
8 certificate is suspended or revoked by the board pursuant to
9 the provisions of this section may, at the discretion of the
10 board, obtain a license or certificate at any time without
11 examination upon written application to the board showing cause
12 to justify reinstatement or renewal of the license or
13 certificate.

14 J. The board shall adopt other rules pertaining to
15 hearings, appeals and rehearings as it deems necessary.

16 K. The board shall not be required to certify a
17 record to the court of appeals of a decision of the board until
18 the proper fee has been paid to the board for a copy and
19 certification of the record.

20 L. A person engaging in acts without a license or
21 certificate issued by the board is guilty of a misdemeanor.

22 M. A person who practices, offers to practice,
23 attempts to practice as, or makes any representation as being,
24 a euthanasia technician, a euthanasia instructor or a licensed
25 euthanasia agency without holding a license or certificate

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1 issued by the board shall, in addition to any other penalty
2 provided in this section or any other law, pay an
3 administrative penalty to the board in an amount not to exceed
4 five hundred dollars (\$500) for each offense."

5 SECTION 13. TEMPORARY PROVISION--INITIAL APPOINTMENTS TO
6 THE BOARD OF VETERINARY MEDICINE.--In making the initial
7 appointments to the board of veterinary medicine, the governor:

8 A. shall assign members to one-, two-, three- or
9 four-year terms to accomplish the staggered terms required
10 pursuant to the Veterinary Practice Act; and

11 B. may appoint a person who was a member of the
12 board of veterinary medicine or the animal sheltering board;
13 provided that, if the person is serving the person's second
14 consecutive term on the board of veterinary medicine or the
15 animal sheltering board on June 30, 2018, the person shall be
16 considered to be beginning the person's second consecutive term
17 on the board of veterinary medicine and shall not be appointed
18 to a third consecutive term.

19 SECTION 14. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,
20 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On July 1, 2018:

21 A. all personnel, appropriations, money, records,
22 equipment, supplies and other property of the animal sheltering
23 board shall be transferred to the board of veterinary medicine;

24 B. all contracts of the animal sheltering board
25 shall be binding and effective on the board of veterinary

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1 medicine; and

2 C. all references in law to the animal sheltering
3 board shall be deemed to be references to the board of
4 veterinary medicine.

5 SECTION 15. REPEAL.--Section 77-1B-12 NMSA 1978 (being
6 Laws 2007, Chapter 60, Section 12, as amended) is repealed.

7 SECTION 16. EFFECTIVE DATE.--

8 A. The effective date of the provisions of Sections
9 1 through 5 and 7 through 15 of this act is July 1, 2018.

10 B. The effective date of the provisions of Section
11 6 of this act is July 1, 2017.