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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;  
CREATING THE ANIMAL SHELTERING COMMITTEE; PROVIDING  
PENALTIES.

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  
small animal impound facility; and

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

(2) does not include a municipal zoological  
park;

C. "euthanasia" means to produce a humane death of

1 an animal by standards deemed acceptable by the board as set  
2 forth in its rules;

3 D. "euthanasia agency" means a facility that  
4 provides shelter to animals on a regular basis, including a  
5 small animal impound facility, a humane society or a public  
6 or private shelter facility that temporarily houses stray,  
7 unwanted or injured animals, and that performs euthanasia;

8 E. "practice of veterinary medicine" means:

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

18 (2) the representation, directly or  
19 indirectly, publicly or privately, of an ability and  
20 willingness to do any act mentioned in Paragraph (1) of this  
21 subsection; or

22 (3) the use of any title, words,  
23 abbreviation or letters in a manner or under circumstances  
24 that induce the belief that the person using them is  
25 qualified to do any act mentioned in Paragraph (1) of this

1 subsection;

2 F. "veterinarian" means a person having the degree  
3 of doctor of veterinary medicine or its equivalent from a  
4 veterinary school or a person who has received a medical  
5 education in veterinary medicine in a foreign country and has  
6 thereafter entered the United States and fulfilled the  
7 requirements and standards set forth by the American  
8 veterinary medical association and has passed all  
9 examinations required by the board prior to being issued any  
10 license to practice veterinary medicine in this state;

11 G. "licensed veterinarian" means a person licensed  
12 to practice veterinary medicine in this state;

13 H. "veterinary school" means any veterinary  
14 college or any division of a university or college that is  
15 approved for accreditation by the American veterinary medical  
16 association;

17 I. "board" means the board of veterinary medicine;

18 J. "veterinary technician" means a skilled person  
19 certified by the board as being qualified by academic and  
20 practical training to provide veterinary services under the  
21 supervision and direction of the licensed veterinarian who is  
22 responsible for the performance of that technician;

23 K. "committee" means the veterinary technician  
24 examining committee;

25 L. "direct supervision" means the treatment of

1 animals on the direction, order or prescription of a licensed  
2 veterinarian who is available on the premises and who has  
3 established a valid veterinarian-client-patient relationship;

4 M. "sheltering committee" means the animal  
5 sheltering committee;

6 N. "valid veterinarian-client-patient  
7 relationship" means:

8 (1) the veterinarian has assumed  
9 responsibility for making medical judgments regarding the  
10 health of an animal being treated and the need for and the  
11 course of the animal's medical treatment;

12 (2) the client has agreed to follow the  
13 instructions of the veterinarian;

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

21 (4) the veterinarian is reasonably available  
22 for follow-up treatment; and

23 O. "veterinary medicine" means veterinary surgery,  
24 obstetrics, dentistry and all other branches or specialties  
25 of veterinary medicine."

1           SECTION 2. Section 61-14-5 NMSA 1978 (being Laws 1967,  
2 Chapter 62, Section 4, as amended) is amended to read:

3           "61-14-5. BOARD--DUTIES.--The board shall:

4           A. examine and determine the qualifications and  
5 fitness of applicants for a license to practice veterinary  
6 medicine in New Mexico and issue, renew, deny, suspend or  
7 revoke licenses;

8           B. regulate artificial insemination and pregnancy  
9 diagnosis by establishing standards of practice and issuing  
10 permits to persons found qualified;

11           C. establish a schedule of license and permit fees  
12 based on the board's financial requirements for the ensuing  
13 year;

14           D. conduct investigations necessary to determine  
15 violations of the Veterinary Practice Act and discipline  
16 persons found in violation;

17           E. employ personnel necessary to carry out its  
18 duties;

19           F. promulgate and enforce rules necessary to  
20 establish recognized standards for the practice of veterinary  
21 medicine and to carry out the provisions of the Veterinary  
22 Practice Act. The board shall make available to interested  
23 members of the public copies of the Veterinary Practice Act  
24 and all rules promulgated by the board;

25           G. examine applicants for veterinary technician

1 certification purposes. Such examination shall be held at  
2 least once a year at the times and places designated by the  
3 board;

4 H. establish a five-member veterinary technician  
5 examining committee;

6 I. adopt rules establishing continuing education  
7 requirements as a condition for license renewal;

8 J. regulate the operation of veterinary  
9 facilities, including:

10 (1) establishing requirements for operation  
11 of a veterinary facility in accordance with recognized  
12 standards for the practice of veterinary medicine;

13 (2) issuing permits to qualified veterinary  
14 facilities; and

15 (3) adopting standards for inspection of  
16 veterinary facilities.

17 For purposes of this subsection, "veterinary facility"  
18 means a building, mobile unit, vehicle or other location  
19 where services included within the practice of veterinary  
20 medicine are provided;

21 K. perform the duties imposed on the board  
22 pursuant to the Animal Sheltering Act; and

23 L. establish a five-member sheltering committee."

24 **SECTION 3.** A new section of the Veterinary Practice Act  
25 is enacted to read:

1 "ANIMAL SHELTERING COMMITTEE--DUTIES.--The sheltering  
2 committee shall:

3 A. develop a voluntary statewide dog and cat spay  
4 and neuter program in conjunction with animal shelters and  
5 euthanasia agencies;

6 B. develop criteria for individuals, nonprofit  
7 organizations, animal shelters and euthanasia agencies to  
8 receive assistance for dog and cat sterilization from the  
9 animal care and facility fund; and

10 C. recommend to the board the disbursements of  
11 money from the animal care and facility fund to qualifying  
12 individuals, nonprofit organizations, animal shelters and  
13 euthanasia agencies."

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

16 "61-14-12. LICENSE, PERMIT AND REGISTRATION RENEWAL.--

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

1 permit will expire and provide a renewal application form.

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

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

19 D. A person who, during the time period in which  
20 the person's license, issued pursuant to the Veterinary  
21 Practice Act, lapsed, was subject to any disciplinary  
22 proceedings resulting in action less than suspension or  
23 revocation in another state or jurisdiction, may, at the  
24 discretion of the board, have the person's license to  
25 practice in New Mexico reinstated on a probationary status



1 for up to two years. Upon request by the applicant for  
2 reinstatement, the board shall determine under what  
3 circumstances the probationary status shall be continued or  
4 removed or the application for reinstatement denied.

5 E. The board may provide by regulation for waiver  
6 of payment of any renewal fee of a licensed veterinarian  
7 during any period when the veterinarian is on active duty  
8 with any branch of the armed services of the United States  
9 for the duration of a national emergency."

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

12 "61-14-14. EXEMPTIONS.--Provisions of the Veterinary  
13 Practice Act do not apply to:

14 A. employees of federal or state governments  
15 performing official duties;

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

20 C. reciprocal aid of neighbors in performing  
21 routine accepted livestock management practices;

22 D. a veterinarian licensed in a foreign  
23 jurisdiction consulting with a licensed veterinarian;

24 E. a merchant or manufacturer selling at the  
25 merchant's or manufacturer's regular place of business any

1 medicine, feed, appliance or other product used in the  
2 prevention or treatment of animal disease;

3 F. the owner of an animal and the owner's  
4 consignees and their employees while performing routine  
5 accepted livestock management practices in the care of  
6 animals belonging to the owner;

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

15 H. a person selling or applying any pesticide,  
16 insecticide or herbicide; or

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

20 SECTION 6. Section 61-14-18 NMSA 1978 (being Laws 1967,  
21 Chapter 62, Section 13, as amended) is amended to read:

22 "61-14-18. PRACTICING WITHOUT LICENSE--PENALTY.--

23 A. It is a misdemeanor punishable pursuant to  
24 Section 31-19-1 NMSA 1978 for a person to practice veterinary  
25 medicine without complying with the provisions of the

1 Veterinary Practice Act and without being the holder of a  
2 license entitling the person to practice veterinary medicine  
3 in New Mexico.

4 B. If the board finds that a person or entity has  
5 practiced veterinary medicine without a license, the board  
6 may:

7 (1) impose a fine not to exceed five  
8 thousand dollars (\$5,000);

9 (2) assess the person or entity for  
10 administrative costs, including investigative costs and the  
11 cost of conducting a hearing; and

12 (3) impose any other sanction as provided  
13 pursuant to board rules."

14 SECTION 7. Section 61-14-20 NMSA 1978 (being Laws 1979,  
15 Chapter 76, Section 2, as amended) is amended to read:

16 "61-14-20. TERMINATION OF AGENCY LIFE--DELAYED  
17 REPEAL.--The board of veterinary medicine is terminated on  
18 July 1, 2023 pursuant to the Sunset Act. The board shall  
19 continue to operate according to the provisions of Chapter  
20 61, Article 14 and Chapter 77, Article 1B NMSA 1978 until  
21 July 1, 2024. Effective July 1, 2024, Chapter 61, Article 14  
22 and Chapter 77, Article 1B NMSA 1978 are repealed."

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

25 "77-1B-2. DEFINITIONS.--As used in the Animal

1 Sheltering Act:

2 A. "animal" means any animal, except humans, not  
3 defined as "livestock" in Subsection K of this section;

4 B. "animal shelter":

5 (1) means:

6 (a) a county or municipal facility that  
7 provides shelter to animals on a regular basis, including a  
8 small animal impound facility; and

9 (b) a private humane society or a  
10 private animal shelter that temporarily houses stray,  
11 unwanted or injured animals through administrative or  
12 contractual arrangements with a local government agency; and

13 (2) does not include a municipal zoological  
14 park;

15 C. "board" means the board of veterinary medicine;

16 D. "disposition" means adoption of an animal;  
17 return of an animal to the owner; release of an animal to a  
18 rescue organization; release of an animal to another animal  
19 shelter or to a rehabilitator licensed by the department of  
20 game and fish or the United States fish and wildlife service;  
21 or euthanasia of an animal;

22 E. "emergency field euthanasia" means the process  
23 defined by rule of the board to cause the death of an animal  
24 in an emergency situation when safe and humane transport of  
25 the animal is not possible;

1           F. "euthanasia" means to produce a humane death of  
2 an animal by standards deemed acceptable by the board as set  
3 forth in its rules;

4           G. "euthanasia agency" means a facility that  
5 provides shelter to animals on a regular basis, including a  
6 small animal impound facility, a humane society or a public  
7 or private shelter facility that temporarily houses stray,  
8 unwanted or injured animals, and that performs euthanasia;

9           H. "euthanasia drugs" means non-narcotic Schedule  
10 II or Schedule III substances and chemicals as set forth in  
11 the Controlled Substances Act that are used for the purposes  
12 of euthanasia and pre-euthanasia of animals;

13           I. "euthanasia instructor" means a veterinarian or  
14 a euthanasia technician certified by the board to instruct  
15 other individuals in euthanasia techniques;

16           J. "euthanasia technician" means a person licensed  
17 by the board to euthanize animals for a euthanasia agency;

18           K. "livestock" means all domestic or domesticated  
19 animals that are used or raised on a farm or ranch and exotic  
20 animals in captivity and includes horses, asses, mules,  
21 cattle, sheep, goats, swine, bison, poultry, ostriches, emus,  
22 rheas, camelids and farmed cervidae but does not include  
23 canine or feline animals;

24           L. "rescue organization" means an organization  
25 that rescues animals and is not involved in the breeding of

1 animals;

2 M. "supervising veterinarian" means a person who  
3 is a veterinarian, who holds both a valid New Mexico  
4 controlled substance license and a valid federal drug  
5 enforcement agency license and who approves the drug  
6 protocols and the procurement and administration of all  
7 pharmaceuticals; and

8 N. "veterinarian" means a person who is licensed  
9 as a doctor of veterinary medicine by the board pursuant to  
10 the Veterinary Practice Act."

11 SECTION 9. Section 77-1B-3 NMSA 1978 (being Laws 2007,  
12 Chapter 60, Section 3, as amended) is amended to read:

13 "77-1B-3. ANIMAL SHELTERING COMMITTEE  
14 CREATED--MEMBERS--QUALIFICATIONS--TERMS--VACANCIES--DUTIES--  
15 REMOVAL--APPLICATION OF UNIFORM LICENSING ACT.--

16 A. The "animal sheltering committee" is created.  
17 The animal sheltering committee shall consist of five members  
18 as follows:

19 (1) one euthanasia agency employee with  
20 training and education in euthanasia;

21 (2) one veterinarian who has provided paid  
22 or unpaid services to an animal shelter;

23 (3) one representative from a nonprofit  
24 animal advocacy group;

25 (4) one member of the public; and

1                   (5) a manager or director of a New Mexico  
2 facility that provides shelter to animals on a regular basis;  
3 provided that the manager or director selected is trained in  
4 animal shelter standards.

5                   B. No more than two animal sheltering committee  
6 members shall be appointed from any one county within the  
7 state.

8                   C. With respect to licenses issued pursuant to the  
9 Animal Sheltering Act, the board and its operations are  
10 governed by the Uniform Licensing Act. If the provisions of  
11 the Uniform Licensing Act conflict with the provisions of the  
12 Animal Sheltering Act, the provisions of the Animal  
13 Sheltering Act shall prevail.

14                   D. The board shall appoint members to the animal  
15 sheltering committee for terms of four years, except in the  
16 first year of the animal sheltering committee, when members  
17 shall be appointed for staggered terms. Of the first  
18 appointments, two members shall be appointed for four-year  
19 terms, one member shall be appointed for a three-year term,  
20 one member shall be appointed for a two-year term and one  
21 member shall be appointed for a one-year term. Subsequent  
22 appointments shall be made to fill vacancies created in  
23 unexpired terms, but only until the term ends or for a full  
24 four-year term when the term of an animal sheltering  
25 committee member expires. Animal sheltering committee

1 members shall hold office until their successors are duly  
2 qualified and appointed. Vacancies shall be filled by  
3 appointment by the board for the unexpired term within sixty  
4 days of the vacancy to maintain the required composition of  
5 the animal sheltering committee.

6 E. Members of the animal sheltering committee  
7 shall be reimbursed for per diem and mileage as provided in  
8 the Per Diem and Mileage Act and shall receive no other  
9 compensation, perquisite or allowance.

10 F. A simple majority of the appointed board  
11 members constitutes a quorum."

12 SECTION 10. Section 77-1B-4 NMSA 1978 (being Laws 2007,  
13 Chapter 60, Section 4, as amended) is amended to read:

14 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--  
15 ADMINISTRATION.--

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

19 B. The animal care and facility fund shall consist  
20 of money collected by the board pursuant to the Animal  
21 Sheltering Act; income from investment of the fund; and money  
22 appropriated to the fund or accruing to it through fees or  
23 administrative penalties, cooperative research agreements,  
24 income, gifts, grants, donations, bequests, sales of  
25 promotional items, handbooks or educational materials or any



1 other source. Money in the fund shall not be transferred to  
2 another fund or encumbered or expended except for  
3 expenditures authorized pursuant to the Animal Sheltering  
4 Act.

5 C. Money in the fund is appropriated by the  
6 legislature to the board to be used to help animal shelters  
7 and communities defray the cost of implementing the board's  
8 initiatives conducted pursuant to the Animal Sheltering Act.  
9 The fund shall be administered by the board to carry out the  
10 purposes of the Animal Sheltering Act.

11 D. The "statewide spay and neuter subaccount" is  
12 established in the animal care and facility fund. Money in  
13 the subaccount shall only be used to carry out the board's  
14 dog and cat sterilization assistance program. Money  
15 collected pursuant to Section 7-2-30.9 NMSA 1978 and Section  
16 66-3-424.3 NMSA 1978 shall be deposited in the subaccount.

17 E. A disbursement from the fund shall be made only  
18 upon a warrant drawn by the secretary of finance and  
19 administration pursuant to a voucher signed by the executive  
20 director of the board or the director's designee with the  
21 approval of the majority of the board with consideration of  
22 the recommendation of a majority of the animal sheltering  
23 committee.

24 F. Unexpended and unencumbered balances in the  
25 fund at the end of a fiscal year shall not revert to the

1 general fund."

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

4 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

5 A. adopt infrastructure and operating standards  
6 and may enforce those standards with consideration of the  
7 recommendations by the animal sheltering committee;

8 B. provide for inspections of animal shelters and  
9 euthanasia agencies;

10 C. provide for oversight, including oversight of  
11 licensing requirements, regulations and discipline, of  
12 veterinarians employed by local government animal shelters;

13 D. adopt methods and procedures acceptable for  
14 conducting emergency field euthanasia;

15 E. adopt, promulgate and revise rules necessary to  
16 carry out the provisions of the Animal Sheltering Act;

17 F. have authority to issue licenses and  
18 certificates pursuant to the Animal Sheltering Act;

19 G. establish the types of licenses and  
20 certificates that may be issued pursuant to the Animal  
21 Sheltering Act and establish criteria for issuing the  
22 licenses and certificates;

23 H. prescribe standards and approve curricula for  
24 educational programs that will be used to train and prepare  
25 persons for licensure or certification pursuant to the Animal

1 Sheltering Act;

2 I. implement continuing education requirements for  
3 licensees and certificate holders pursuant to the Animal  
4 Sheltering Act;

5 J. conduct administrative hearings upon charges  
6 relating to violations of provisions of the Animal Sheltering  
7 Act or rules adopted pursuant to that act in accordance with  
8 the Uniform Licensing Act;

9 K. provide for all examinations and for issuance  
10 and renewal of licenses and certificates;

11 L. establish fees not to exceed one hundred fifty  
12 dollars (\$150) for licenses and certificates pursuant to the  
13 Animal Sheltering Act;

14 M. establish committees as the board deems  
15 necessary to effect the provisions of the Animal Sheltering  
16 Act;

17 N. apply for injunctive relief to enforce the  
18 provisions of the Animal Sheltering Act;

19 O. conduct national criminal background checks on  
20 applicants seeking licensure or certification under the  
21 Animal Sheltering Act;

22 P. keep a record of all proceedings;

23 Q. make an annual report to the legislature;

24 R. provide for the inspection of animal shelters  
25 and euthanasia agencies;

1           S. develop mechanisms to address complaints of  
2 misconduct at animal shelters and euthanasia agencies and  
3 noncompliance with the provisions of the Animal Sheltering  
4 Act or rules adopted pursuant to that act;

5           T. develop mechanisms to address complaints of  
6 licensee and certificate holder misconduct and noncompliance;

7           U. adopt standards for maintaining records  
8 concerning health care and disposition of animals; and

9           V. refer to the published national association of  
10 shelter veterinarians standards in determining its  
11 regulations for animal shelters and euthanasia agencies."

12           SECTION 12. 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  
17 to:

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

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

25                   (3) refuse to comply with a cease and desist

1 order issued by the board;

2 (4) refuse or fail to comply with the  
3 provisions of the Animal Sheltering Act;

4 (5) make a material misstatement in an  
5 application for licensure or certification;

6 (6) intentionally make a material  
7 misstatement to the board during an official investigation;

8 (7) impersonate an official or inspector;

9 (8) refuse or fail to comply with rules  
10 adopted by the board or with a lawful order issued by the  
11 board;

12 (9) aid or abet another in violating  
13 provisions of the Animal Sheltering Act, or a rule adopted by  
14 the board;

15 (10) alter or falsify a certificate of  
16 inspection, license or certification issued by the board;

17 (11) fail to carry out the duties of a  
18 euthanasia technician in a professional manner;

19 (12) abuse the use of a chemical substance  
20 or be guilty of habitual or excessive use of intoxicants or  
21 drugs;

22 (13) sell or give chemical substances used  
23 in euthanasia procedures to an unlicensed person; or

24 (14) assist an unlicensed or unauthorized  
25 person in euthanizing animals, except during a board-approved

1 course in euthanasia.

2 B. It is a violation of the Animal Sheltering Act  
3 for a euthanasia agency or an animal shelter to:

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

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

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

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

23 C. It is a violation of the Animal Sheltering Act  
24 for an employee or official of the board or the animal  
25 sheltering committee to disclose or use for that person's own

1 advantage information derived from reports or records  
2 submitted to the board pursuant to that act."

3 SECTION 13. Section 77-1B-11 NMSA 1978 (being Laws  
4 2007, Chapter 60, Section 11, as amended) is amended to read:

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

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

12 B. The board may:

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

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

25 C. The board may issue letters of admonition or

1 deny, suspend, refuse to renew, restrict or revoke a license  
2 or certification authorized pursuant to the Animal Sheltering  
3 Act if the applicant or licensee:

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

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

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

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

14 (5) has falsified information requested by  
15 the board or the board's designee.

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

22 E. Disciplinary proceedings may be instituted by  
23 the board or by a complaint to the board.

24 F. The board shall not initiate a disciplinary  
25 action more than two years after the date that it receives a



1 complaint or that it begins an investigation without a filed  
2 complaint.

3 G. The board may administer oaths, take statements  
4 and compel disclosure by the witnesses of all facts known to  
5 them relative to matters under investigation.

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

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

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

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

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

25 M. A person who practices, offers to practice,

1 attempts to practice as, or makes any representation as  
2 being, a euthanasia technician, a euthanasia instructor or a  
3 licensed euthanasia agency without holding a license or  
4 certificate issued by the board shall, in addition to any  
5 other penalty provided in this section or any other law, pay  
6 an administrative penalty to the board in an amount not to  
7 exceed five hundred dollars (\$500) for each offense."

8 SECTION 14. TEMPORARY PROVISION--EXISTING MEMBERS OF  
9 ANIMAL SHELTERING BOARD--SERVICE ON THE INITIAL ANIMAL  
10 SHELTERING COMMITTEE.--Animal sheltering board members  
11 serving as of the effective date of this act shall continue  
12 to serve on the animal sheltering committee for a period of  
13 at least one year.

14 SECTION 15. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,  
15 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--On July 1, 2018:

16 A. all personnel, appropriations, money, records,  
17 equipment, supplies and other property of the animal  
18 sheltering board shall be transferred to the board of  
19 veterinary medicine;

20 B. all contracts of the animal sheltering board  
21 shall be binding and effective on the board of veterinary  
22 medicine; and

23 C. all references in law to the animal sheltering  
24 board shall be deemed to be references to the board of  
25 veterinary medicine.

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SECTION 16. REPEAL.--Section 77-1B-12 NMSA 1978 (being  
Laws 2007, Chapter 60, Section 12, as amended) is repealed.

SECTION 17. EFFECTIVE DATE.--

A. The effective date of the provisions of  
Sections 1 through 6 and 8 through 16 of this act is July 1,  
2018.

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