

1 HOUSE BILL NO. 418

2 INTRODUCED BY G. KMETZ, K. LOVE, T. SHARP, E. BYRNE, C. COCHRAN, Z. WIRTH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE ADMINISTRATION OF GENE-BASED
5 VACCINES INTO ANIMALS IN THE STATE OF MONTANA; PROHIBITING THE IMPORTATION OF ANIMALS
6 TREATED WITH OR EXPOSED TO GENE-BASED VACCINES; PROVIDING A PENALTY; AND AMENDING
7 SECTIONS 37-18-102, 37-18-104, 37-18-804, AND 81-2-703, MCA."

8
9 WHEREAS, no long-term safety studies regarding a vaccinated animal's health or fertility have been
10 done; and

11 WHEREAS, no studies have been done to ascertain the exact proteins that are created, their
12 biodistribution, or their concentration within an animal after vaccination; and

13 WHEREAS, no human studies have been done to assure the health and safety of those who consume
14 meat, organs, milk, or eggs from a vaccinated animal; and

15 WHEREAS, no studies have been done regarding the shedding of self-amplifying messenger
16 ribonucleic acid vaccines to humans or other animals.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19
20 **Section 1.** Section 37-18-102, MCA, is amended to read:

21 **"37-18-102. Veterinary medicine defined.** (1) A person is considered to be practicing veterinary
22 medicine when the person does any of the following:

23 (a) represents to the public that the person is a veterinarian or is engaged in the practice of
24 veterinary medicine in any of its branches, either directly or indirectly;

25 (b) uses words, titles, or letters in this connection or on a display or advertisement or under
26 circumstances so as to induce the belief the person using them is engaged in the practice of veterinary
27 medicine. This use is prima facie evidence of the intention to represent oneself as engaged in the practice of
28 veterinary medicine in any of its branches.

(c) diagnoses, prescribes, or administers a drug, medicine, appliance, application, or treatment of whatever nature or performs a surgical operation or manipulation for the prevention, cure, or relief of a pain, deformity, wound, fracture, bodily injury, physical condition, or disease of animals;

(d) instructs, demonstrates, or solicits by a notice, sign, or other indication, with contract either express or implied, or otherwise, with or without the necessary instruments, for the administration of biologics or medicines or animal disease cures for the prevention and treatment of disease of animals and remedies for the treatment of internal parasites in animals;

(e) performs a manual or laboratory procedure on livestock for the diagnosis of pregnancy, sterility, or infertility for remuneration or hire;

(f) performs acupuncture, ova or embryo transfer, or dentistry on animals;

(g) instructs others, except those covered under the provisions of 37-18-104(4), for compensation, in any manner how to perform any acts that constitute the practice of veterinary medicine.

(2) Subsection (1)(e) may not in any way be construed to prohibit the pregnancy testing by any person of the person's own farm animals or by the person's employees regularly employed in the conduct of the person's business or by other persons whose services are rendered gratuitously.

(3) (a) A person practicing veterinary medicine may not purposefully or knowingly prescribe or dispense any gene-based vaccines, including:

(i) messenger ribonucleic acid vaccines;

(ii) modified messenger ribonucleic acid vaccines;

(iii) self-amplifying messenger ribonucleic acid vaccines; or

(iv) deoxyribonucleic acid vaccines.

(b) A person violating subsection (3)(a) is guilty of a misdemeanor and shall be fined \$500 for each incident. Fines collected pursuant to this subsection (3)(b) must be deposited in the animal health enterprise fund account established in 81-2-116.

(3)(4) A licensed veterinary technician engaged in tasks as provided in 37-18-702 is practicing only those forms of veterinary medicine allowed by law or by rule and must be under the direct, immediate, or indirect supervision of a licensed veterinarian as provided by law or by rule promulgated by the board or working under written instructions within the scope of practice allowed under 37-18-702 or by rule.

1 ~~(4)~~(5) This section may not be construed as modifying, amending, altering, or repealing any part of
2 37-18-104."

3
4 **Section 2.** Section 37-18-104, MCA, is amended to read:

5 **"37-18-104. Exemptions -- rules.** (1) This chapter does not apply to:

6 (a) a veterinarian in the performance of the veterinarian's official duties, either civil or military, in
7 the service of the United States unless the veterinarian is engaged in the practice of veterinary medicine in a
8 private capacity;

9 (b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in
10 the employ of this state or the United States and engaged in labors in laboratories under the direct supervision
11 of the board of livestock, Montana state university-Bozeman, or the United States;

12 (c) a veterinarian practicing in another state or country and authorized under the laws of that state
13 or country to practice veterinary medicine, whose practice in this state is limited to an occasional case as that
14 term is defined in board rule. The board may, by rule, define conditions in which a veterinary technician
15 licensed or registered in another state may engage in occasional veterinary technician tasks in this state, as
16 provided in 37-18-702.

17 (d) the employment of a veterinary medical student who has successfully completed 3 years of the
18 professional curriculum in veterinary medicine at a college having educational standards equal to those
19 approved by the American veterinary medical association, if the student is employed by and works under the
20 immediate supervision of a veterinarian licensed and registered under this chapter;

21 (e) a person advising with respect to or performing acts that the board defines by rule as accepted
22 livestock management practices; or

23 (f) a veterinary dispensing technician who is registered and subject to Title 37, chapter 18, part 8.

24 (2) The operations known and designated as castrating or dehorning of cattle, sheep, horses, and
25 swine are not the practice of veterinary medicine within the meaning of this chapter.

26 (3) Nonsurgical embryo transfers in bovines may be performed under the indirect supervision of a
27 veterinarian licensed and residing in Montana. At a minimum, board rules regarding nonsurgical embryo
28 transfers in bovines must address:

1 (a) minimum education requirements;
2 (b) minimum requirements of practical experience;
3 (c) continuing education requirements;
4 (d) limitations on practices and procedures that may be performed by certified individuals;
5 (e) the use of specific drugs necessary for safe and proper practice of certified procedures;
6 (f) content and administration of the certification test, including written and practical testing;
7 (g) application and reexamination procedures; and
8 (h) conduct of certified individuals, including rules for suspension, revocation, and denial of
9 certification.

10 (4) This chapter does not prohibit a person from caring for and treating the person's own farm
11 animals or being assisted in this treatment by the person's full-time employees, as defined in 2-18-601,
12 employed in the conduct of the person's business or by other persons whose services are rendered gratuitously
13 in case of emergency.

14 (5) This chapter does not prohibit the selling of veterinary remedies and instruments by a
15 registered pharmacist at the pharmacist's regular place of business, except that a pharmacist may not
16 purposefully or knowingly sell or distribute any gene-based vaccines for use in animals, subject to 37-18-102.
17 Fines collected pursuant to 37-18-102(3)(b) must be deposited in the animal health enterprise fund account
18 established in 81-2-116.

19 (6) This chapter does not prohibit an employee of a licensed veterinarian from performing activities
20 determined by board rule to be acceptable, when performed under the direct, immediate, or indirect supervision
21 of the employing veterinarian. The board shall adopt rules regarding which veterinary practices may be
22 performed under direct, immediate, or indirect supervision by a licensed veterinary technician.

23 (7) This chapter does not prohibit an employee of a licensed veterinarian from rendering care for
24 that veterinarian's animal patients in cases of emergency. Permissible emergency employee activities under
25 this subsection include activities determined by board rule to be acceptable but do not include the performance
26 of surgery or the rendering of diagnoses.

27 (8) This chapter does not prohibit a certified agency from possessing, or a certified euthanasia
28 technician from administering, any controlled substance authorized by the board for the purpose of euthanasia

1 pursuant to part 6 of this chapter."

2

3 **Section 3.** Section 37-18-804, MCA, is amended to read:

4 **"37-18-804. Standards of veterinary retail facilities.** (1) Veterinary prescription drugs dispensed by
5 a veterinary retail facility pursuant to a licensed veterinarian's prescription must be dispensed by a veterinary
6 dispensing technician and are for use on livestock only, as defined in 81-2-702.

7 (2) An employee of a veterinary retail facility, including a veterinary dispensing technician, may not:

8 (a) dispense controlled substances as defined in 37-18-602;

9 (b) compound veterinary prescription drugs for the dispensing of a prescription;

10 (c) repackage veterinary prescription drugs for the dispensing of a prescription, except that a
11 veterinary dispensing technician may break down case lots of veterinary prescription drugs if the seals on the
12 individual containers are not broken;

13 (d) open a container and count out or measure out any quantity of a veterinary prescription drug;

14 or

15 (e) dispense medication for extralabel use; or

16 (f) dispense any gene-based vaccines as provided in 37-18-102."

17

18 **Section 4.** Section 81-2-703, MCA, is amended to read:

19 **"81-2-703. Documents required for importation -- exemptions.** (1) Animals, animal semen, and
20 animal biologics may not be brought into the state if significant danger to public or animal health will result ~~upon~~
21 on entry into the state.

22 (a) Livestock infected with or exposed to brucellosis, tuberculosis, or any other infectious,
23 contagious, or communicable disease may not enter the state unless destined directly for slaughter at a
24 slaughterhouse under the supervision of the United States department of agriculture.

25 (b) Livestock, poultry, fish, or game animals treated with or exposed to any gene-based vaccines
26 as provided in 37-18-102 may not enter the state.

27 (2) Except as provided in subsection (6), an animal or animal semen may not be brought into the
28 state without a health certificate or other documentation of animal movement approved by the department.

1 Animal semen from an animal that has been vaccinated with a gene-based vaccine as provided in 37-18-102
2 may not be brought into the state.

3 (3) Prior to entry into the state, the department may also require a permit for animals, animal
4 semen, or animal biologics.

5 (4) The department may waive the requirement for a health certificate, permit, or documentation of
6 animal movement as provided in subsection (7).

(5) All required documents must be attached to the waybill or be in possession of the driver of the transporting vehicle or of the person in charge of the animals. When a single permit or health certificate is issued for animals being moved in more than one vehicle, the driver of each vehicle must have in the driver's possession a copy of the permit and, when applicable, a health certificate.

(6) Animals, animal semen, or animal biologics being moved through the state with no intent to unload or deliver in the state are exempted from this part. In an emergency situation, transitory cargo may be unloaded in compliance with the quarantine rules promulgated by the department.

(7) A waiver of the requirement for a health certificate, permit, or documentation of animal movement must be based upon evidence that there will be no significant danger to the public or animal health if the exemption is granted."

17 - END -