

HOUSE BILL No. 2834

By Committee on Agriculture

2-7

9 AN ACT concerning the Kansas veterinary practice act; amending K.S.A.
10 47-834 and repealing the existing section.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 47-834 is hereby amended to read as follows: 47-
14 834. (a) ~~No person who shall practice veterinary medicine without a cur-~~
15 ~~rently valid license may receive any compensation for services so ren-~~
16 ~~dered, except for persons exempted under Unlawful practice of~~
17 *veterinary medicine is the practice of veterinary medicine by a person*
18 *without a license regardless of the location of such person unless that*
19 *person is exempt from such requirement pursuant to the provisions of*
20 *K.S.A. 47-817 and amendments thereto.*

21 (b) ~~Any person who shall practice veterinary medicine without a li-~~
22 ~~cence or operate a veterinary premises without registering with the board~~
23 ~~shall be guilty of a misdemeanor and upon conviction shall be fined not~~
24 ~~less than \$250 nor more than \$2,000 or imprisoned for not more than 90~~
25 ~~days, or both. Unlawful operation or management of veterinary premises~~
26 *is the operation or management by a person of a veterinary premises that*
27 *is not registered pursuant to the provisions of K.S.A. 47-840, and amend-*
28 *ments thereto.*

29 (c) (1) *Unlawful practice of veterinary medicine is a class B nonper-*
30 *son misdemeanor.*

31 (2) *Unlawful operation or management of veterinary premises is a*
32 *class B nonperson misdemeanor.*

33 (3) ~~Each act of such unlawful practice shall constitute that violates~~
34 *the provisions of subsection (a) or (b) constitutes a distinct and separate*
35 *offense.*

36 ~~(d)~~ (d) *The board may order the remedying of any violations of any*
37 *provision of this act or any rules and regulations of the board. The board*
38 *may issue a cease and desist order upon board determination that a li-*
39 *cencee, registrant or any veterinarian has violated any provision of this*
40 *act, an order of the board or any rules and regulations of the board. The*
41 *board may bring an action to enjoin any veterinarian from practicing vet-*
42 *erinary medicine without a currently valid license or from operating a*
43 *veterinary premises without registering such premises with the board. If*

1 ~~the court finds that the person is violating this act, it shall enter an in-~~
2 ~~junction restraining such person from such unlawful acts.~~

3 ~~—(d)— The board may order the remedying of any violations of any pro-~~
4 ~~vision of this act or any rules and regulations adopted thereunder and the~~
5 ~~board may issue a cease and desist order upon board determination that~~
6 ~~a licensed veterinarian or the holder of a premises registration has violated~~
7 ~~any order of the board, any provision of this act and any rules and regu-~~
8 ~~lations adopted thereunder.~~

9 (e) *Regardless of the location of a person, if the board determines that*
10 *a person is practicing veterinary medicine without a license or is operating*
11 *or managing a veterinary premises that is not registered pursuant to*
12 *K.S.A. 47-840, and amendments thereto, in addition to any other penalties*
13 *imposed by law, the board may take any or all of the following actions:*

14 (1) *Issue a cease and desist order;*

15 (2) *issue a citation and fine in accordance with the procedures in*
16 *K.S.A. 47-843 and 47-844, and amendments thereto; and*

17 (3) *bring an injunction action in its own name in a court of competent*
18 *jurisdiction.*

19 (f) *For purposes of investigations and proceedings conducted by the*
20 *board, the board may issue subpoenas compelling the attendance and*
21 *testimony of any person or the production for examination or copying of*
22 *documents or any other physical evidence according to the procedures in*
23 *subsection (a)(19) of K.S.A. 74-821, and amendments thereto, if such ev-*
24 *idence relates to practicing veterinary medicine without a license or op-*
25 *erating or managing a veterinary premises that is not registered pursuant*
26 *to K.S.A. 47-840, and amendments thereto.*

27 (g) The successful maintenance of an action based on any one of the
28 remedies set forth in this section shall in no way prejudice the prosecution
29 of an action based on any other of the remedies.

30 Sec. 2. K.S.A. 47-834 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.