

# California 2011-12 Assembly Bill 2304 Version 99

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CALIFORNIA LEGISLATURE—2011-12 REGULAR SESSION

## ASSEMBLY BILL

No. 2304

Introduced by Assembly Member **Garrick**

February 24, 2012

An act to amend **Section 4826** of the Business and Professions Code, relating to veterinary medicine.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2304, as introduced, **Garrick**. Pets: cosmetic teeth cleaning.

Existing law provides for licensing of veterinarians by the Veterinary Medical Board. Existing law provides that a person is practicing veterinary medicine, surgery, and dentistry when engaged in various actions and procedures with respect to animals, including the performance of a surgical or dental operation.

This bill would provide that "dental operation" for these purposes does not include a service whereby a person utilizes nonmotorized instruments to remove calculus, soft deposits, plaque, or stains from an exposed area of a household pet's tooth above the gum line, provided that the service is performed exclusively for cosmetic purposes and the person performing the service first obtains written permission from the person requesting the service.

Vote: majority. Appropriation: no. Fiscal Committee: no. Local Program: no.

The people of the State of California do enact as follows:

**SECTION 1.** **Section 4826** of the Business and Professions Code is amended to read:

**4826.** A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

- (a) Represents himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.
- (b) Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, bodily injury, or disease of animals.
- (c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or an unregistered assistant at the direction of and under the direct supervision of a licensed veterinarian subject to **Article 2.5 (commencing with Section 4832)** or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or an unregistered assistant pursuant to **Section 4836.1**. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

(d) Performs a surgical or dental operation upon an animal. *As used in this subdivision, "dental operation" does not include a service whereby a person utilizes nonmotorized instruments, including, but not limited to, a scaler, to remove calculus, soft deposits, plaque, or stains from an exposed area of a household pet's tooth above the gum line, provided that the service is performed exclusively for cosmetic purposes and the person performing the service first obtains written permission from the person requesting the service. Completion of a form substantially in compliance with the following shall constitute the giving of written permission:*

*"I hereby give permission to \_\_\_\_\_ to clean my pet's teeth. I understand that this is a cosmetic procedure involving only that portion of the teeth that is exposed above the gum line, and is not intended to treat disease of the teeth or gums or as a substitute for regular veterinary dental care.*

*Pet's name: \_\_\_\_\_  
Owner's name (or name of person requesting service): \_\_\_\_\_  
Signature: \_\_\_\_\_*

Date: "

(e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock or Equidae.

(f) Uses any words, letters or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry. This use shall be prima facie evidence of the intention to represent himself or herself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry.

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