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A BILL

TO AMEND SECTION 40-69-295 OF THE 1976 CODE, RELATING TO MOBILE VETERINARY FACILITIES, TO PROVIDE THAT A MOBILE VETERINARY PRACTICE OR FACILITY MUST IDENTIFY THE CLOSEST LOCAL EMERGENCY SERVICES FACILITY AND POST THE CONTACT INFORMATION OF THAT FACILITY, AND TO DEFINE “MOBILE VETERINARY PRACTICE” AND “PET” FOR PURPOSES OF THAT SECTION; TO AMEND CHAPTER 69, TITLE 40 OF THE 1976 CODE, RELATING TO VETERINARIANS, TO PROVIDE FOR THE DEFINITION OF “ANIMAL SHELTER” AND “VETERINARY SERVICES”, TO PROVIDE THAT ANIMAL SHELTERS SHALL BE SUBJECT TO THE SUPERVISION AND REGULATION OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, TO PROVIDE THAT VETERINARIANS AND ANIMAL SHELTERS SHALL PREPARE MEDICAL RECORDS FOR ANIMALS IN THEIR CARE AND MAINTAIN THOSE RECORDS FOR A MINIMUM OF THREE YEARS, TO PROVIDE THAT ANIMAL SHELTERS SHALL MAINTAIN RECORDS THAT DOCUMENT THE NUMBER OF ANIMALS ADMITTED AND THE METHOD BY WHICH THEY EXIT THE FACILITY, AND TO PROVIDE FOR THE SCOPE OF PRACTICE FOR ANIMAL SHELTERS; TO AMEND CHAPTER 69, TITLE 40 OF THE 1976 CODE, RELATING TO VETERINARIANS, TO PROVIDE THAT THE DISPENSING OF A PRESCRIPTION DRUG TO THE OWNER OF AN END USER FOR THE TREATMENT OF A BODILY INJURY OR DISEASE OF AN ANIMAL SHALL BE UNLAWFUL, UNLESS PROPERLY LABELED AND PRESCRIBED BY A LICENSED VETERINARIAN, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS THEREOF.

1 Be it enacted by the General Assembly of the State of South
2 Carolina:

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4 SECTION 1. The General Assembly finds that the proper care,
5 treatment and maintenance of pets is characteristic of a humane
6 and beneficent society and is crucial to protecting public
7 health. Furthermore, it is a matter of public policy that the laws of
8 this state should encourage the development and maintenance of
9 adequate pet care resources accessible to all pet owners in the
10 state. As pets require veterinary health services, particularly as it
11 relates to controlling the pet population and basic public health
12 protection services, the General Assembly finds that all
13 practitioners of veterinary medicine, as well as the facilities in
14 which their services are offered to the public, should reflect the
15 highest practical and ethical standards of veterinary health care.

16
17 Section 40-69-295 of the 1976 Code is amended to read:

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19 “Section 40-69-295. (A) Regardless of mode of transportation,
20 a mobile veterinary practice or facility must have a permanent base
21 of operation with a published address and telephone facilities for
22 making appointments or responding to emergency situations. The
23 mobile practice or facility must identify the closest local emergency
24 veterinary services facility to the mobile location. The contact
25 information of the local emergency veterinary services facility must
26 be posted at the mobile location and be included in the paperwork
27 given to the pet owner documenting the services rendered.

28 (B) Any mobile practice affiliated with, operated by, or
29 supported by a public or private, ~~non-profit~~ animal shelter ~~or other~~
30 animal group shall be prohibited from operating within seven miles
31 of the nearest privately owned veterinarian practice as follows:

32 (1) In counties defined by Section 12-6-3360(B)(1) and (2)
33 within two miles of the nearest privately owned veterinarian practice

34 (2) In counties defined by Section 12-6-3360(B)(3) and (4)
35 within one mile of the nearest privately owned veterinarian practice

36 (C) As used in this section, ‘mobile veterinary practice’ means
37 any form of clinical veterinary practice that may be transported or
38 moved from one location to another for delivery of services to a pet.
39 ‘Pet’ means a domesticated animal kept as a pet but does not include
40 livestock.”

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42 SECTION 2. Chapter 69, Title 40 of the 1976 Code is amended by
43 adding:

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2 “Section 40-69-300. (A) For purposes of this section:

3 (1) ‘Animal shelter’ means:

4 (a) a facility operated by or under contract with the State or
5 a county, a municipal corporation, or other political subdivision of
6 the State for the purpose of impounding, care, adoption or harboring
7 seized, stray, homeless, abandoned, or unwanted dogs, cats, and
8 other animals;

9 (b) a veterinary hospital or clinic operated by a veterinarian
10 or veterinarians which operates for the purpose set forth in subitem
11 (a) in addition to its customary purposes;

12 (c) a facility operated, owned, or maintained by an
13 incorporated humane society, animal welfare society, or other
14 nonprofit organization for the purpose of providing for and
15 promoting the welfare, protection, and humane treatment of
16 animals, and for the purpose of impounding, care, adoption or
17 harboring seized, stray, homeless, abandoned, or unwanted dogs,
18 cats, and other animals.

19 (2) ‘Veterinary services’ means the examination, diagnosis,
20 and treatment of animal patients, administration of vaccines,
21 diagnostic, imaging, surgery, laboratory, pharmacology, and
22 provision of hospitalization and emergency treatment.

23 (B) Notwithstanding any other provision of law, all animal
24 shelters operating in this State that provide veterinary services shall
25 be subject to the supervision and regulation of the Department of
26 Labor, Licensing and Regulation ~~and the Board of Veterinary~~
27 ~~Medical Examiners.~~

28 (C) Veterinarians providing veterinary services in an animal
29 shelter, and all animal shelters, shall prepare, or cause to be
30 prepared, a written or electronic record concerning the animals in its
31 care. The shelter shall maintain records for a minimum of three
32 years after the last entry. A copy of any records relating to an animal
33 being ~~fostered or adopted~~ whose ownership is being transferred shall
34 be provided to the owner at the time of adoption or fostering.

35 (D) Animal shelters shall prepare and maintain records
36 documenting the number of animals admitted to the facility and the
37 method by which they exit the facility, whether by adoption,
38 fostering, natural death, euthanasia, transfer to another state, or other
39 means of discharge. This data shall be compiled in a report and
40 submitted to the ~~Board of Veterinary Medical Examiners~~
41 Department of Labor, Licensing and Regulation by January 31st of
42 each year and made available on the Department’s website.. The
43 report shall also contain the mailing address, street address of the

1 current place of business, and working telephone number of the
2 animal shelter.

3 (E)(1) Nothing in this section shall prohibit an animal shelter
4 from providing veterinary services to pets they own ~~and are, are~~
5 ~~fostering, or holding for adoption. Nothing in this section prevents~~
6 ~~a veterinarian working in a shelter from providing any veterinary~~
7 ~~medical services to their own pet using shelter facilities.~~ All animal
8 shelters, consistent with this chapter and the related regulations, may
9 offer and provide the following services to any member of the
10 public:

11 (a) Sterilization, pursuant to Section 47-3-480 and any
12 procedures deemed necessary by the attending veterinarian at the
13 time of sterilization ~~as well as any necessary follow-up;~~

14 (b) Microchip implantation, pursuant to Section
15 47-3-55(C);

16 (c) Vaccinations; ~~and~~

17 ~~(d) Parasite treatment, including but not limited to,~~
18 ~~treatments for heartworm, fecals, flea control, and mange.~~
19 ~~Prevention of all parasites and the treatment of intestinal parasites,~~
20 ~~fleas, ticks and mange;~~

21 ~~(e) emergent and life threatening services; and~~

22 ~~(f) for pets adopted from an animal shelter, for 30 days after~~
23 ~~the date of adoption, any wellness follow-up services or recheck of~~
24 ~~a condition that existed at the time of adoption .~~

25 (2) Other than veterinary services provided pursuant to
26 subitem (1), an animal shelter shall only provide veterinary services
27 to low-income pet owners. Animal shelters must post these criteria
28 in a conspicuous location inside the facility. An animal shelter must
29 maintain a record of the number of pet owners receiving free or
30 reduced cost veterinary services, excluding services provided
31 pursuant to subitem (1), and that record must be available for review
32 upon request by the Department of Labor, Licensing and
33 Regulation.

34 (3) To demonstrate low-income status a pet owner must
35 provide the animal shelter, and the animal shelter must retain a copy
36 of written documentation of low-income status from one of the
37 following source:

38 (a) Medicaid;

39 (b) SNAP/TANF;

40 (c) Pay stub or proof income demonstrating income below
41 the federal poverty guidelines published by the U.S. Department of
42 Health and Human Services; or

1 ~~(d) Other documentation, including proof of~~
2 ~~unemployment.~~

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4 SECTION 3. Chapter 69, Title 40 of the 1976 Code is amended by
5 adding:

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7 “Section 40-69-305. (A) The dispensing of a prescription drug
8 to the owner of an end user for the treatment of a bodily injury or
9 disease of an animal shall be unlawful, unless labeled with all
10 information required by state and federal law and prescribed by a
11 veterinarian licensed under this Chapter.

12 (B) A person who violates the provisions of subsection (A) is
13 guilty of a misdemeanor and, upon conviction, must be punished by
14 a fine of not more than two hundred dollars or imprisonment for not
15 more than thirty days, or both.”

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17 SECTION 4. Section 56-3-9600 of the 1976 Code is amended by
18 adding:

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20 (A) The Department of Motor Vehicles may issue "No More
21 Homeless Pets" special motor vehicle license plates to owners of
22 private passenger motor vehicles as defined in Section 56-3-630
23 registered in their names, which may have imprinted on the plate
24 "No More Homeless Pets". The special license plate must be issued
25 or revalidated for a biennial period which expires twenty-four
26 months from the month it is issued. The fee for this special license
27 plate is the regular motor vehicle registration fee contained in
28 Article 5, Chapter 3 of this title and a special motor vehicle license
29 fee of seventy dollars.

30 (B) Notwithstanding any other provision of law, of the fees
31 collected pursuant to this section, the Comptroller General shall
32 place sufficient funds into a special restricted account to be used
33 by the Department of Motor Vehicles to defray the expenses of the
34 Department of Motor Vehicles in producing and administering the
35 special license plates. The remaining funds collected from the
36 special motor vehicle license fee must be deposited in a special
37 account, separate and apart from the general fund, designated for
38 use by the South Carolina Department of Agriculture to support
39 local animal spaying and neutering programs. The South Carolina
40 Department of Agriculture may use up to ten percent of the fees
41 deposited in the special account for the administration of the
42 program. Local private nonprofit tax exempt organizations offering
43 animal spaying and neutering programs may apply for grants from

1 this fund to further their tax exempt purposes. Grants must be
2 awarded not more than once a year, and an applicant must receive
3 as a grant an amount of the total revenues in the fund multiplied by
4 the percentage that the applicant's caseload in the preceding
5 calendar year was of the total caseload of all applicants in that
6 year. The South Carolina Animal Care and Control Association
7 (SCACCA), or its successor organization, on behalf of the tax
8 exempt organizations shall coordinate the grant program, make the
9 request for reimbursement from the Department of Agriculture,
10 and distribute the individual grants to the participating tax exempt
11 organizations.

12 (C) Before the Department of Motor Vehicles produces and
13 distributes a special license plate pursuant to this section, it must
14 receive:

15 (1) four hundred or more prepaid applications for the special
16 license plate or a deposit of four thousand dollars from the
17 individual or organization seeking issuance of the license plate. If a
18 deposit of four thousand dollars is made by an individual or
19 organization pursuant to this section, the department must refund
20 the four thousand dollars once an equivalent amount of license
21 plate fees is collected for that organization's license plate. If the
22 equivalent amount is not collected within four years of the first
23 issuance of the license plate, the department must retain the
24 deposit; and

25 (2) a plan to market the sale of the special license plate that
26 must be approved by the department.

27 (D) If the department receives less than three hundred biennial
28 applications and renewals for a particular special license plate
29 authorized under this section, it shall not produce additional
30 special license plates in that series. The department shall continue
31 to issue special license plates of that series until the existing
32 inventory is exhausted.

33 (E) An annual accounting and summary of this program must be
34 provided by the Department of Agriculture to the Chairman of the
35 Senate Agriculture and Natural Resources Committee and to the
36 Chairman of the House Agriculture, Natural Resources and
37 Environmental Affairs Committee by September 1 of each year.

38 (F) Any local private nonprofit animal spaying and neutering
39 program requesting reimbursement for services related to this
40 program must provide to the South Carolina Animal Care and
41 Control Association the name and address of each person who
42 brought the animal to the program. Before the Department of
43 Agriculture may send the reimbursement to the SCACCA the

1 SCACCA must provide to the Department of Agriculture a list of
2 all the individuals who bought a pet in for spaying or neutering and
3 the number of animals the individual brought in.

4
5 SECTION 5. If any section, subsection, paragraph, subparagraph,
6 sentence, clause, phrase, or word of this act is for any reason held to
7 be unconstitutional or invalid, such holding shall not affect the
8 constitutionality or validity of the remaining portions of this act, the
9 General Assembly hereby declaring that it would have passed this
10 Act, and each and every section, subsection, paragraph,
11 subparagraph, sentence, clause, phrase, and word thereof,
12 irrespective of the fact that any one or more other sections,
13 subsections, paragraphs, subparagraphs, sentences, clauses, phrases,
14 or words hereof may be declared to be unconstitutional, invalid, or
15 otherwise ineffective.

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17 **SECTION 6.** This act takes effect upon approval by the Governor.

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