

STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

July 14, 1978

ATTORNEY GENERAL OPINION NO. 78- 230

Earle D. Binford, D.V.M.
Board of Veterinary Medical Examiners
Box 96
Uniontown, Kansas 66779

Re: Livestock and Domestic Animals--Registration, Licensing
and Advertising--Prohibited Activities

Synopsis: The Kansas Veterinary Practice Act prohibits the performance of post mortem operations and the procedures of dehorning, castration, vaccinations, implanting and deworming by any individual who is not a licensed veterinarian or the holder of a valid temporary permit. However, under the exceptions provided by the act, a commercial feedlot may render services such as deworming if administered as part of the feeding operations.

* * *

Dear Dr. Binford:

In your letter of January 14, 1978, you question whether certain operations conducted by employees of a commercial feed yard, e.g., post mortem operations, dehorning, castration, vaccinations, implanting and deworming, constitute violations of the "Kansas Veterinary Practice Act" K.S.A. 47-814 *et seq.*

The "practice of veterinary medicine" is defined at K.S.A. 47-816(f) to include:

"(1) To diagnose, treat, correct, change, relieve, or prevent disease, deformity, defect, injury or other physical or mental condition of any animal.

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(2) To prescribe or administer any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique on any animal."

It is reasonable to assume that procedures such as vaccinations, implanting and deworming fall within the definitional purview of K.S.A. 47-816(f)(2), *supra*, in that such procedures involve administering a "drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique on any animal." Castration and dehorning operations affect a "change" of a "physical or mental condition" under K.S.A. 47-816(f)(1), and, performing a post mortem operation violates this same provision for the reasons that the manifest purpose of such an operation is to "diagnose" a dead animal's condition and section 816(a) extends the definition of "animal" to include those "living or dead." Therefore, it is the opinion of this office that all the aforementioned activities constitute the "practice of veterinary medicine" within the clear statutory language of the Act.

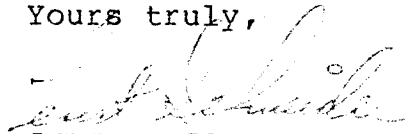
K.S.A. 47-817 authorizes only a licensed veterinarian or holder of a valid temporary permit to practice veterinary medicine in this state unless the person so practicing falls within one of the ten exceptions numbered therein. One exception, K.S.A. 47-817(b), permits the performance of acts which are "accepted livestock management practices." This seemingly broad exception to the Act has been construed by the Attorney General in Opinion No. 76-213 to refer only to activities not specifically delineated by the legislature in the Act. Therefore, services such as dehorning, castration, vaccinations, implanting and deworming cannot be classified as falling beyond the express scope of the act. Moreover, a post mortem conducted by feedlot personnel would also constitute the practice of veterinary medicine.

However, the procedures for deworming and similar services may be exempted from the acts prohibited under certain circumstances. K.S.A. 47-817(d) provides, *inter alia*, the Act shall not be construed to prohibit ". . . any feeder from utilizing and mixing antibiotics or other disease or parasite preventing drugs as a part of his feeding operations." This provision allows commercial feedlots and other "feeders" to administer worming preparations in the course of feeding only. Alternate methods are not provided for under the Act unless the individual qualifies under another exception. The remaining exemptions to the act found at K.S.A. 47-817(d), however, appear inapposite to the instant issues.

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In summary, it is the opinion of the Attorney General that the Kansas Veterinary Practice Act prohibits the performance of post mortem operations and the procedures of dehorning, castration, vaccinations, implanting and deworming by any person who is not a licensed veterinarian or the holder of a valid temporary permit with the exception that deworming services may be rendered by a commercial feedlot if the worming preparation is mixed as part of the feeding operation.

Yours truly,



CURT T. SCHNEIDER
Attorney General

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