

REFERENCE TITLE: veterinarians; unprofessional conduct; private action

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1202**

Introduced by  
Senators Kavanagh; Shope; Representative Shah

### AN ACT

AMENDING SECTION 32-2232, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 21, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2232.01; RELATING TO VETERINARIANS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2232, Arizona Revised Statutes, is amended to  
3 read:

4 32-2232. Unprofessional or dishonorable conduct

5 As used in this chapter, unprofessional or dishonorable conduct  
6 includes:

7 1. The fraudulent use of any certificate or other official form  
8 used in practice that would increase the hazard of dissemination of  
9 disease, the transportation of diseased animals or the sale of inedible  
10 food products of animal origin for human consumption.

11 2. Inadequate methods in violation of meat inspection procedures  
12 prescribed by the federal government and Arizona meat inspection laws or  
13 wilful neglect or misrepresentation in the inspection of meat.

14 3. Misrepresentation of services rendered.

15 4. Failure to report, or the negligent handling of, the serious  
16 epidemic diseases of animals, such as anthrax, rabies, glanders,  
17 brucellosis, tuberculosis, foot and mouth disease, hog cholera, and other  
18 communicable diseases known to medical science as being a menace to human  
19 or animal health.

20 5. The dispensing or giving to anyone of live culture or attenuated  
21 live virus vaccines to be administered by a layman without providing  
22 instruction as to their administration and use.

23 6. Having professional connection with, or lending one's name to,  
24 any illegal practitioner of veterinary medicine and the various branches  
25 thereof OF VETERINARY MEDICINE.

26 7. Chronic inebriety or THE unlawful use of narcotics, dangerous  
27 drugs or controlled substances.

28 8. Fraud or dishonesty in applying or reporting on any test or  
29 vaccination for disease in animals.

30 9. False, deceptive or misleading advertising, having for its  
31 purpose or intent deception or fraud.

32 10. Conviction of a crime involving moral turpitude, or conviction  
33 of a felony.

34 11. Malpractice, gross incompetence or gross negligence in the  
35 practice of veterinary medicine.

36 12. Violation of the ethics of the profession as defined by rules  
37 adopted by the board.

38 13. Fraud or misrepresentation in procuring a license.

39 14. Knowingly signing a false affidavit.

40 15. Distribution of narcotics, dangerous drugs, prescription-only  
41 drugs or controlled substances for other than legitimate purposes.

42 16. Violation of or failure to comply with any state or federal laws  
43 or regulations relating to the storing, labeling, prescribing or  
44 dispensing of controlled substances or prescription-only drugs as defined  
45 in section 32-1901.

1 17. Offering, delivering, receiving or accepting any rebate, refund,  
2 commission, preference, patronage, dividend, discount or other  
3 consideration, whether in the form of money or otherwise, as compensation  
4 or inducement for referring animals or services to any person.

5 18. Violating or attempting to violate, directly or indirectly, or  
6 assisting or abetting the violation or conspiracy to violate ~~any of the~~  
7 ~~provisions of~~ this chapter, a rule adopted by the board or a written order  
8 of the board.

9 19. Failing to dispense drugs and devices in compliance with  
10 article 7 of this chapter.

11 20. Performing veterinary services without adequate equipment and  
12 sanitation considering the type of veterinary services provided.

13 21. Failure to maintain adequate records of veterinary services  
14 provided.

15 22. Medical incompetence in the practice of veterinary medicine.

16 23. Cruelty to or neglect of animals. For the purposes of this  
17 paragraph, "cruelty to or neglect of animals" means knowingly or  
18 negligently torturing, beating or mutilating an animal, killing an animal  
19 in an inhumane manner or depriving an animal of necessary food, water or  
20 shelter.

21 24. Representing that the veterinarian is a specialist if the  
22 veterinarian lacks the credentials to be a specialist.

23 25. Performing veterinary services without having a valid  
24 veterinarian client patient relationship.

25 26. Releasing, prescribing or dispensing any prescription drugs in  
26 the absence of a valid veterinarian client patient relationship.

27 27. DELEGATING PROFESSIONAL RESPONSIBILITIES TO A PERSON WHEN  
28 KNOWING OR HAVING REASON TO KNOW THAT THE PERSON IS NOT QUALIFIED, BY  
29 TRAINING, EXPERIENCE OR CERTIFICATION, TO PERFORM THOSE RESPONSIBILITIES.

30 Sec. 2. Title 32, chapter 21, article 3, Arizona Revised Statutes,  
31 is amended by adding section 32-2232.01, to read:

32 32-2232.01. Private right of action; damages

33 A. A PERSON HAS A PRIVATE RIGHT OF ACTION IN COURT AGAINST A  
34 LICENSED VETERINARIAN IF THE PERSON IS IN A VETERINARIAN CLIENT PATIENT  
35 RELATIONSHIP WITH THE LICENSED VETERINARIAN AND THE LICENSED VETERINARIAN  
36 EITHER:

37 1. DOES NOT FULLY DISCLOSE INFORMATION ABOUT THE ANIMAL'S MEDICAL  
38 CONDITION TO THE PERSON, RESULTING IN THE PERSON DELAYING PURSUIT OF  
39 ADDITIONAL VETERINARY CARE FOR THE ANIMAL TO SAVE THE ANIMAL'S LIFE OR  
40 DIMINISH THE ANIMAL'S SUFFERING.

41 2. ALLOWS AN UNLICENSED PERSON TO PERFORM ANY INVASIVE PROCEDURE ON  
42 AN ANIMAL WITHOUT THE DIRECT SUPERVISION OF THE LICENSED VETERINARIAN AND  
43 THE PROCEDURE RESULTS IN SERIOUS INJURY TO OR DEATH OF THE ANIMAL.

1           B. A PERSON WHO PREVAILS IN A PRIVATE RIGHT OF ACTION UNDER THIS  
2 CHAPTER IS ENTITLED TO THE FOLLOWING:

3           1. FOR THE DEATH OF AN ANIMAL, THE FAIR MARKET VALUE OF THE ANIMAL  
4 OR THE REASONABLE REPLACEMENT COST OF THE ANIMAL, WHICHEVER IS GREATER,  
5 AND THE COST OF ALL MEDICAL EXPENSES FOR THE ANIMAL RELATING TO THE ACTION  
6 DESCRIBED IN SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION.

7           2. FOR SERIOUS INJURY TO AN ANIMAL, THE COST OF ALL MEDICAL  
8 EXPENSES FOR THE ANIMAL RELATING TO THE ACTION DESCRIBED IN SUBSECTION A,  
9 PARAGRAPH 1 OR 2 OF THIS SECTION, INCLUDING ONGOING CARE.