



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WAGGONER CARR  
ATTORNEY GENERAL**

January 27, 1965

Mr. Horace T. Barron, President  
State Board of Veterinary Medical  
Examiners  
Capital National Bank Building  
Austin, Texas

Opinion No. C-384

Re: Whether certain enumerated  
procedures constitute the  
practice of veterinary  
medicine.

Dear Mr. Barron:

You have requested an opinion of this office as to  
whether:

"(1) The performance of pregnancy exami-  
nations in female animals, if done by one un-  
licensed to practice veterinary medicine in the  
State of Texas, is the practice of veterinary  
medicine to the extent that the sanctions pro-  
vided in the Veterinary Medical Act are applicable.

"(2) . . .the performance of fertility  
examinations of male animals for breeding sound-  
ness, if done by one unlicensed by the Board of  
Veterinary Medical Examiners, is the practice  
of veterinary medicine under the applicable Act  
and whether or not a person making such a determina-  
tion must be licensed by this Board."

Article 7465a, Section 2(b) of Vernon's Civil Statutes,  
reads in part as follows:

"Any person shall be deemed in the 'Practice  
of Veterinary Medicine'. . .who diagnoses, treats,  
immunizes or prescribes any drug, medicine, applica-  
tion or veterinary appliance for any physical ailment,

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injury, deformity, or condition of domestic animals for compensation.

". . ." (Emphasis added)

Construction of a license law demands that legislative intent be ascertained and given effect where possible. Every part of the Act should be considered so as to harmonize all parts and give sensible effect to each. Also, a license law will be given a reasonable construction so as to advance the remedies sought by legislative enactment. State v. Pioneer Oil & Refining Co., 292 S.W. 869 (Comm.App. 1927).

In order that the activities in question be adequately performed, technical knowledge of anatomy, symptoms of disease and biological problems of reproducing organs of animals is required for protection of owners as well as the public. It is our opinion that these activities are the diagnosing of conditions of domestic animals within the meaning of Article 7465a, Section 2(b) and not an "operation in aid of the birth process in large animals" as set forth in Section 3 (3).

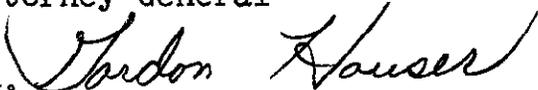
#### S U M M A R Y

The performance of pregnancy examinations of female animals for compensation, if done by one unlicensed to practice veterinary medicine in the State of Texas, is the practice of veterinary medicine to the extent that sanctions provided in the Veterinary Medical Act are applicable.

The performance of fertility examinations of male animals for breeding soundness, for compensation, if done by one unlicensed by the Board of Veterinary Medical Examiners is the practice of veterinary medicine, and a person making such a determination must be licensed by the Board, as provided by Section 4 of Article 7465a, Vernon's Civil Statutes.

Very truly yours,

WAGGONER CARR  
Attorney General

By: 

Gordon Houser  
Assistant

GH:clg:mkh

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APPROVED:  
OPINION COMMITTEE

W. V. Geppert, Chairman  
John Reeves  
Roger Tyler  
Arthur Sandlin  
Malcolm Quick

APPROVED FOR THE ATTORNEY GENERAL  
BY: Stanton Stone