

1980 WL 121010 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 22, 1980

\*1 Brunson M. Westbury, D.V.M.

South Carolina State Board of Veterinary Medical Examiners

Post Office Box 608

Summerville, South Carolina 29483

Dear Dr. Westbury:

You have asked the opinion of this Office on whether a person who is not currently licensed as a veterinarian may treat animals purchased, or adopted, from a local humane society of private individuals. As I understand the circumstances, or arrangement, the person would treat the animals at the facilities of the local humane society pursuant to an agreement between the society and the individuals purchasing the animals.

[Section 40-69-20\(4\) of the Code of Laws of South Carolina](#), 1976, defines the practice of veterinarian medicine in part as follows:

(a) To diagnose, prescribe or administer any drug, medicine, biologic, appliance or application or treatment of whatever nature for the cure, prevention or relief of any wound, fracture or bodily injury or disease of an animal;

(b) To perform any surgical operation, including cosmetic surgery, upon any animal;

(c) To perform any manual procedure for the diagnosis or treatment for sterility or infertility of animals.

Unless a person has a current license to practice veterinary medicine as required by Section 40-69-80 or qualifies for one of the exemptions from being licensed set forth in section 40-69-220, it is unlawful for him to practice veterinary medicine as defined by [Section 40-69-20](#). In the event of such unlawful practice, the Board of Veterinary Medical Examiners may seek injunctive relief or the person may be subject to criminal prosecution. See Sections 40-69-200, 210.

It should be noted that the circumstances as I understand them do not indicate that the exemption set forth in subsection (4), or any of the other subsections, of Section 40-69-220 is applicable. Subsection (4) applies to '[a]ny person or his regular employee who administers to the ills and injuries of his own or wild animals . . .'

Based on the foregoing, it is the opinion of this Office that a person not currently licensed to practice veterinary medicine could not lawfully treat animals, as defined by [Section 40-69-20](#), under the circumstances described hereinabove. In the event additional information indicates that one of the exemptions listed in § 40-69-220 may be applicable, the foregoing opinion would be reconsidered.

Sincerely,

James M. Holly

Assistant Attorney General

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