

# Veterinary policy updates

The latest on telemedicine, noncompete clauses and non-economic damages.

By Mark Cushing

It's June (believe it or not) and state legislatures are starting to wind down for the year, while a handful run through the fourth quarter. Here are updates on three issues: telemedicine, noncompete bans or limitations, and non-economic damages.

## Telemedicine and the telemedicine VCPR

The California Assembly (House) passed AB 1399 by a margin of 76-0, and now the bill moves to the California Senate for action this summer with final passage anticipated. AB 1399 was sponsored by a group of animal welfare organizations, shelters and the Veterinary Virtual Care Association (VVCA). The bill was opposed by the AVMA and the California VMA.

The Arizona legislature passed SB 1053 by a margin of 57-1 in the House of Representatives and 26-3 in the Senate. The bill was supported by animal welfare organizations, the Veterinary Virtual Care Association, PetSmart Charities and the Farm Bureau. The Arizona governor has signed SB 1053 into law, and it takes effect in August.

The Florida House passed a similar bill 109-0, but a single senator blocked a hearing in the Senate before adjournment. The total votes in California, Arizona and Florida of 268-4 would appear to be signs of where telemedicine and the telemedicine VCPR are going.

## Bans on noncompete provisions in employment agreements

This issue drew much attention in late 2022 in veterinary and employment circles. Thirty-six general noncompete bills were introduced around the country, plus three veterinary industry-specific bills in Massachusetts, New Mexico and Maine. Here are the states:

- > Arkansas
- > California
- > Connecticut
- > Iowa
- > Massachusetts
- > Maine
- > Mississippi
- > Minnesota
- > Missouri
- > North Carolina
- > New Jersey
- > New Mexico
- > New York
- > Oklahoma
- > Pennsylvania
- > Texas
- > Utah
- > West Virginia

Two of these bills passed: Maine LD 688 (veterinary-specific) and Minnesota SF 3035. Two bills passed over from the Assembly in California and SB 699 would codify existing regulations barring noncompetes.

## Non-economic damages

There are two non-economic damages bills in New York, but neither has received any action since February, and the legislature adjourns June 8. Massachusetts S 1126 also hasn't had any movement recently. This is a significant decline in activity surrounding this contentious issue over previous years.

## Highlights:

- A law recently passed in Arizona and another one moving through the California legislature could be signs of where telemedicine and the telemedicine VCPR are headed.
- More than 30 general bills and three veterinary industry-specific bills have been introduced around the country aiming to restrict noncompete contract clauses, and laws have passed in Maine and Minnesota.
- Activity on noneconomic damages has largely declined in recent years.



**Mark Cushing** is the founder and managing partner of the Animal Policy Group LLC, based in Scottsdale, Arizona; Portland, Oregon; and

Los Angeles. He's a frequent speaker at veterinary medicine and other animal policy conferences. Mark is a former partner of major regional and national law firms and served as an adjunct professor of law at the Lincoln Memorial University Duncan School of Law in Knoxville, Lewis & Clark Law School in Portland and the University of Oregon School of Law. Most recently, he's the author of "Pet Nation," a book released by Penguin Random House that illustrates an inside look at the forces behind how our pets transformed American society and culture. Mark can be reached at [mark@animalpolicygroup.com](mailto:mark@animalpolicygroup.com).