

TITLE 25
ANIMALS

CHAPTER 8

ARTIFICIAL INSEMINATION OF DOMESTIC ANIMALS -- LICENSE TO PRACTICE

25-801. SCOPE OF ACT. The practice of artificial insemination of domestic animals in the state of Idaho is subject to the regulations prescribed in this act. Nothing herein shall be held to apply to, interfere with or prohibit the activities of duly licensed veterinarians, or to permit persons licensed under this act to use or prescribe medicine, including chemical drugs, perform surgical operations or practice obstetrics.

[25-801, added 1945, ch. 180, sec. 1, p. 274.]

25-802. DEFINITION. Artificial insemination as used in this act shall for the purposes herein mean the fertilization of or the attempt to fertilize the female domestic animal by placing and implanting by artificial means in the vagina of the female domestic animal the seminal fluid obtained from the male animal.

[25-802, added 1945, ch. 180, sec. 2, p. 274.]

25-803. LICENSE REQUIRED. It is unlawful for any person to practice artificial insemination of domestic animals unless he shall first obtain a license so to do as provided in this act. Provided, no license shall be required of or by any person to perform artificial insemination upon his own domestic animals.

[25-803, added 1945, ch. 180, sec. 3, p. 274.]

25-804. DIVISION OF ANIMAL INDUSTRIES -- POWERS AND DUTIES. This act shall be administered by the division of animal industries and in addition to any powers now conferred by law shall have the following powers and duties:

a. To conduct examinations to ascertain the qualifications and fitness of applicants to practice artificial insemination in the state of Idaho.

b. To prescribe rules and regulations for a fair and wholly impartial examination of candidates to practice artificial insemination.

c. To prescribe rules and regulations defining a course on artificial insemination and sanitation and to determine the sufficiency of any such course for the purpose of qualifying persons to be licensed under this act.

d. To conduct hearings on proceedings to revoke licenses of persons practicing under this act and to revoke such licenses for due cause, or upon such hearing to refuse a renewal of license to any person practicing artificial insemination for due cause.

e. To formulate such rules and regulations not contrary to the provisions of this act when required as may be necessary for the proper administration of this act.

[25-804, added 1945, ch. 180, sec. 4, p. 274; am. 1974, ch. 18, sec. 138, p. 364.]

25-805. PREREQUISITE QUALIFICATIONS OF APPLICANTS FOR LICENSE. Every applicant for a license to practice artificial insemination as in this act

defined shall be a person of good moral character and a graduate of a course on artificial insemination and sanitation, or of an equivalent course, as defined and approved by the division of animal industries.

[25-805, added 1945, ch. 180, sec. 5, p. 274; am. 1974, ch. 18, sec. 139, p. 364.]

25-806. APPLICATION FOR LICENSE. Application for a license shall be made in writing by the applicant under oath at such time, in such form and accompanied by such proof of applicant's fitness to practice as the division of animal industries of the state of Idaho may from time to time prescribe.

[25-806, added 1945, ch. 180, sec. 6, p. 274; am. 1974, ch. 18, sec. 140, p. 364.]

25-807. FEES. The division of animal industries of the state of Idaho is authorized to charge every applicant for a license a fee of twenty-five dollars (\$25.00) which shall accompany the application. A license shall be issued to each successful applicant without the payment of an additional fee. The request of each person so licensed for an annual renewal license shall be accompanied by a fee of five dollars (\$5.00).

All receipts from the above mentioned license payments shall be placed in the livestock disease control fund.

[25-807, added 1945, ch. 180, sec. 7, p. 274; am. 1947, ch. 6, sec. 1, p. 7; am. 1974, ch. 18, sec. 141, p. 364; am. 1984, ch. 17, sec. 1, p. 19.]

25-808. EXAMINATIONS. Each applicant shall be examined in writing by the division of animal industries. Such written examination shall be given to determine the knowledge of such applicant of the practice of artificial insemination. Such examination shall consist of such questions and cover such phases of the practice as may be prescribed from time to time by the said division of animal industries.

No applicant shall be granted a license who shall fail to answer correctly seventy-five percent (75%) of all questions asked.

In addition to such written examination, the applicant shall be examined in the art and skill of artificial insemination in such manner and by such methods as shall reveal applicant's ability to practice artificial insemination.

Should an applicant who is required to procure a license as a prerequisite for engaging in the practice of artificial insemination fail to pass the required examination, the applicant may be reexamined at any regular or special examination thereafter upon the payment of ten dollars (\$10.00) reexamination fee.

[25-808, added 1945, ch. 180, sec. 8, p. 274; am. 1974, ch. 18, sec. 142, p. 364.]

25-809. LICENSES -- ISSUANCE, RENEWALS AND REINSTATEMENT. If the applicant shall pass such examination as is herein provided to be given and shall show that he is a person of good moral character and that he possesses the qualifications required by this act to entitle him to a license to practice artificial insemination, he shall be entitled to a license authorizing him to practice such artificial insemination within the state of Idaho.

All such licenses shall expire on the 30th day of June of each year, and all persons who practice artificial insemination within the meaning of this act are entitled to renew and shall renew their licenses on or before the 1st day of July of each year, and shall make application for such renewal to the division of animal industries. In case of failure so to renew a license, the division shall cancel the same on the 1st day of October, following the date of delinquency: provided, however, that the division may reinstate any license cancelled for failure to renew the same on payment of twenty-five dollars (\$25.00). Provided, further, that where a license has been cancelled for a period of more than five (5) years, the person so affected shall be required to make application to the division, using the same forms and furnishing the same information as required of a person originally applying for a license, and pay the same fee that is required of a person taking the examination for the first time. Such applicant for reinstatement whose license has been cancelled for a period of more than five (5) years shall appear in person before the division at any regular or special meeting for an examination the nature of which shall be determined by the division. If after such examination the division is of the opinion that the person examined is the bona fide holder of a cancelled license, is of good moral character and, if found capable of again practicing artificial insemination, the license shall be reinstated and the holder thereof entitled to practice subject to the laws of this state.

[25-809, added 1945, ch. 180, sec. 9, p. 274; am. 1974, ch. 18, sec. 143, p. 364; am. 1984, ch. 17, sec. 2, p. 20.]

25-810. REFUSAL, REVOCATION OR SUSPENSION OF LICENSE. The division of animal industries may either refuse to issue, or refuse to review, or suspend or revoke any license upon any of the following grounds:

- a. Fraud or deception in procuring the license.
- b. The publication or use of any untruthful or improper statements or representations with the view of deceiving or defrauding the public or any client or customer in connection with the practice of artificial insemination.
- c. The conviction of a felony as shown by a certified copy of the record of the court of conviction.
- d. Habitual intemperance in the use of intoxicating liquors, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.
- e. Immoral, unprofessional or dishonorable conduct manifestly disqualifying the licensee for practicing artificial insemination.
- f. Gross malpractice.
- g. Continued practice by a person knowingly having an infectious or contagious disease communicable to domestic animals.

The division may neither refuse to issue, nor refuse to renew, nor suspend nor revoke any license, however, for any such cause, unless the person accused has been given at least twenty (20) days notice in writing of the charge against him, and a public hearing by the division is first had.

Upon the hearing of any such proceeding the administrator may administer oaths and may procure, by subpoena of the division of animal industries, the attendance of witnesses and the production of relevant books and papers.

Any district court, or any judge of a district court, either in terms or in vacation, upon the application of the division may, by order duly entered require the attendance of witnesses and the production of relevant books and papers before the said division in any hearing relating to the refusal, sus-

pension or revocation of license hereunder. Upon refusal or neglect to obey the order of the court or the said judge, the court or judge may compel, by proceedings for contempt of court, obedience of its or his order.

[25-810, added 1945, ch. 180, sec. 10, p. 274; am. 1974, ch. 18, sec. 144, p. 364.]

25-811. REGISTER. The division of animal industries shall keep on file a register of all applicants for licenses, rejected applicants and persons licensed to practice under this act.

[25-811, added 1945, ch. 180, sec. 11, p. 274; am. 1974, ch. 18, sec. 145, p. 364.]

25-812. RECORDS OF PRACTITIONERS -- INSPECTION BY DIVISION. Every person practicing artificial insemination as herein defined in the state of Idaho must make and keep a record showing each artificial insemination performed by him, the date thereof, the owner of the animal so inseminated, and the source of the semen used by him for such purpose. Such records shall at all times be open to the division for examination and inspection and in addition thereto the method and procedure used by any person in the practice of artificial insemination under this act may be examined, inspected and investigated by the division at any time.

[25-812, added 1945, ch. 180, sec. 12, p. 274; am. 1974, ch. 18, sec. 146, p. 364.]

25-813. UNLAWFUL PRACTICE A MISDEMEANOR. Any person who practices or attempts to practice artificial insemination, who publicly advertises for the purpose of practicing artificial insemination, or who uses any word or designation, title, or abbreviation calculated to induce belief that he is qualified to practice artificial insemination, without a license as provided in this act, is guilty of a misdemeanor.

[25-813, added 1945, ch. 180, sec. 13, p. 274.]