

N.D.A.G. Letter to Vogel (Jan. 4, 1991)

January 4, 1991

Ms. Sarah Vogel
Commissioner of Agriculture
State Capitol Building
600 East Boulevard Avenue
Bismarck, North Dakota 58505
Dear Commissioner Vogel:

INSIDE MAIL

Thank you for your October 29, 1990, letter in which you request my opinion regarding the applicability of N.D.C.C. ch. 43-29 to ultrasound devices used for the purposes of detecting pregnancy in livestock by a person who is not licensed to practice veterinary medicine.

The law prohibits testing for pregnancy by a manual procedure by anyone who is not licensed to practice veterinary medicine. Whether the use of an ultrasound device constitutes a manual procedure for determining pregnancy is a question of fact. As the regulatory authority, the Board of Animal Health has the expertise and experience to investigate and decide questions of fact. Because of this, and the requirement that the Attorney General's Office confine its opinions to legal issues, I cannot give you a legal opinion on whether the use of an ultrasound device to determine pregnancy is a manual procedure. It is the Board's responsibility to determine if the use of an ultrasound device by people who are not licensed to practice veterinary medicine violates N.D.C.C. ch. 43-29 and I must defer to that Board's decision on this issue.

I hope this letter has been of assistance to you. Please contact me if you have any further questions.

Sincerely,

Nicholas J. Spaeth

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cc: Randy Gruenich
David L. Evans