

By: Cortez

H.B. No. 801

A BILL TO BE ENTITLED

AN ACT

relating to a certification program for assistance animals;
authorizing fees; imposing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 822, Health and Safety Code, is amended
by adding Subchapter F to read as follows:

SUBCHAPTER F. ASSISTANCE ANIMAL CERTIFICATION PROGRAM

Sec. 822.151. DEFINITIONS. In this subchapter:

(1) "Assistance animal" means an animal that works, provides assistance, or performs tasks for the benefit of an individual with a disability or that provides to an individual with a disability emotional support to alleviate one or more medically identified symptoms or effects of the individual's disability, as determined in accordance with the Fair Housing Amendments Act of 1988 (42 U.S.C. Section 3601 et seq.). The term does not include a canine that qualifies under federal or state laws or regulations as a service animal for purposes of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

(2) "Board" means the Texas Medical Board.

(3) "Program" means the assistance animal certification program established under this subchapter.

Sec. 822.152. ESTABLISHMENT OF CERTIFICATION PROGRAM. The board shall establish and implement the assistance animal certification program to certify assistance animals in this state.

1 The program must require:

2 (1) an assistance animal to successfully complete an
3 obedience training course that meets the minimum standards
4 established by board rule;

5 (2) an assistance animal to be evaluated in accordance
6 with board rules by a licensed veterinarian who has determined that
7 the assistance animal:

8 (A) has all necessary vaccinations;

9 (B) does not have any internal or external
10 parasites; and

11 (C) has good oral health; and

12 (3) the primary owner of the assistance animal to be
13 evaluated in accordance with board rules by a mental health
14 professional licensed in this state with expertise in emotional
15 health to determine whether the owner has a disability that
16 necessitates the services of an assistance animal.

17 Sec. 822.153. CERTIFICATION REQUIRED. An individual may
18 not claim or represent an animal is an assistance animal that allows
19 the individual to access benefits provided by law to individuals
20 with disabilities who use assistance animals unless the primary
21 owner of the animal holds a certificate issued under this
22 subchapter for the animal.

23 Sec. 822.154. EXEMPTION FROM CERTIFICATION REQUIREMENT.
24 This subchapter does not apply to a canine that qualifies under
25 federal or state laws or regulations as a service animal for
26 purposes of the Americans with Disabilities Act of 1990 (42 U.S.C.
27 Section 12101 et seq.).

1 Sec. 822.155. CERTIFICATE ISSUANCE. (a) The board shall
2 issue a certificate for an animal if the animal and primary owner of
3 the animal meet the requirements for certification under this
4 subchapter, including the requirements established under Section
5 822.152, and the owner applicant:

6 (1) submits an application in the form prescribed by
7 the board;

8 (2) submits evidence in the form prescribed by the
9 board demonstrating the animal and owner satisfy the requirements
10 for certification under this subchapter;

11 (3) pays the required application fee; and

12 (4) meets any other requirements established by board
13 rule.

14 (b) The board shall:

15 (1) assign to each assistance animal certified under
16 the program a unique identification number; and

17 (2) issue to the primary owner of an assistance animal
18 certified under the program a certificate that includes:

19 (A) the name and identification number of the
20 owner's assistance animal; and

21 (B) the name of the owner.

22 Sec. 822.156. CERTIFICATE TERM AND RENEWAL. (a) A
23 certificate issued under this subchapter expires on the first
24 anniversary of the date of issuance.

25 (b) An individual may renew an unexpired certificate under
26 this subchapter by:

27 (1) submitting the appropriate renewal form;

1 (2) paying the required renewal fee;

2 (3) presenting evidence in the form prescribed by the
3 board demonstrating the assistance animal certified under the
4 program has been examined by a licensed veterinarian who determined
5 the assistance animal:

6 (A) is physically capable of providing
7 assistance animal services; and

8 (B) meets the physical health requirements
9 described by Section 822.152(2) and established by board rule;

10 (4) presenting evidence in the form prescribed by the
11 board demonstrating the primary owner of the assistance animal has
12 been evaluated by a licensed mental health professional with
13 expertise in emotional health who determined the owner has a
14 disability that necessitates the services of an assistance animal;
15 and

16 (5) meeting any other requirements established by
17 board rule.

18 Sec. 822.157. ASSISTANCE ANIMAL REGISTRY. The board shall
19 establish and maintain on the board's Internet website a statewide
20 registry for each assistance animal certified under the program.
21 The registry must be accessible to the public and allow individuals
22 to search by the identification number assigned to an assistance
23 animal under Section 822.155.

24 Sec. 822.158. MASTER PLANNED COMMUNITIES. (a) An
25 assistance animal is not permitted in the common recreational areas
26 of a master planned community that is subject to restrictive
27 covenants limiting residency in the community to persons 55 years

1 of age or older or households with at least one person 55 years of
2 age or older unless:

3 (1) the assistance animal is certified as required by
4 this subchapter; and

5 (2) the primary owner of the assistance animal obtains
6 permission from administrators of the community for the assistance
7 animal to be in the common recreational areas.

8 (b) A master planned community described by Subsection (a)
9 shall post outside each common recreational area notice:

10 (1) that permission is required before an assistance
11 animal is permitted in the area; and

12 (2) of the procedure for obtaining the permission.

13 Sec. 822.159. RULES; FEES. (a) The board shall adopt rules
14 necessary to implement this subchapter.

15 (b) The board shall impose fees in an amount reasonable and
16 necessary to cover the costs of administering this subchapter.

17 Sec. 822.160. DISCIPLINARY ACTION; CIVIL PENALTY. (a) The
18 board may suspend, revoke, or refuse to issue or renew a certificate
19 for a violation of this subchapter or a rule adopted or order issued
20 under this subchapter.

21 (b) A person who violates this subchapter or a rule adopted
22 or order issued under this subchapter is liable to this state for a
23 civil penalty not to exceed \$1,000 a day. At the request of the
24 board, the attorney general shall bring an action to recover a civil
25 penalty authorized under this subsection and may recover reasonable
26 investigation costs, attorney's fees, and witness and deposition
27 fees incurred by the attorney general or board in the civil action.

1 SECTION 2. (a) As soon as practicable after the effective
2 date of this Act but not later than May 1, 2022, the Texas Medical
3 Board shall:

4 (1) establish and implement the assistance animal
5 certification program as required by Subchapter F, Chapter 822,
6 Health and Safety Code, as added by this Act; and

7 (2) establish the assistance animal registry as
8 required by Section 822.157, Health and Safety Code, as added by
9 this Act.

10 (b) Notwithstanding Subchapter F, Chapter 822, Health and
11 Safety Code, as added by this Act, a person is not required to
12 obtain certification for an assistance animal under that subchapter
13 before June 1, 2022.

14 SECTION 3. This Act takes effect September 1, 2021.