

1-1 By: Zaffirini, Hinojosa S.B. No. 216  
1-2 (In the Senate - Filed January 17, 2003; February 3, 2003,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; May 2, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 2, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 216 By: Zaffirini

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the disposal by a veterinarian of animal remains and  
1-11 associated medical waste.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 801.361, Occupations Code, is amended to  
1-14 read as follows:

1-15 Sec. 801.361. DISPOSAL OF ANIMAL REMAINS. (a) In this  
1-16 section, "medical waste" includes animal waste, blood, gloves,  
1-17 sleeves, newspapers, and plastic bags, but does not include sharps.

1-18 (b) A veterinarian may dispose of the remains of an animal  
1-19 and medical waste associated with the animal by burial or burning  
1-20 if:

1-21 (1) the burial or burning occurs on property owned by  
1-22 the veterinarian that is located:

1-23 (A) outside the corporate boundaries of a  
1-24 municipality; or

1-25 (B) within the corporate boundaries of a  
1-26 municipality as a result of an annexation that occurs on or after  
1-27 September 1, 2003; and

1-28 (2) at least one of the following requirements is met:

1-29 (A) a veterinarian-client-patient relationship  
1-30 existed between the veterinarian, the owner or other caretaker of  
1-31 the animal, and the animal before the animal's death;

1-32 (B) the veterinarian diagnosed, treated,  
1-33 boarded, or otherwise cared for the animal before its death; or

1-34 (C) the veterinarian performed euthanasia or an  
1-35 autopsy on the animal [~~does not charge for the burning or burial~~].

1-36 (c) [~~(b)~~] Notwithstanding any other law, the Texas [~~Natural~~  
1-37 Resource Conservation] Commission on Environmental Quality may not  
1-38 adopt a rule that prohibits conduct authorized by this section.

1-39 (d) [~~(c)~~] This section prevails over any other law that  
1-40 authorizes a governmental entity to:

1-41 (1) prohibit or restrict outdoor burning; or

1-42 (2) abate a public nuisance [~~applies only in a county~~  
1-43 with a population of less than 10,000].

1-44 SECTION 2. This Act takes effect September 1, 2003.

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