

AN ACT

relating to the regulation of veterinary medicine.

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

SECTION 1. Section 801.351, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) A person may not practice veterinary medicine unless a veterinarian-client-patient relationship exists. A veterinarian-client-patient relationship exists if the veterinarian:

(1) assumes responsibility for medical judgments regarding the health of an animal and a client, who is the owner or other caretaker of the animal, agrees to follow the veterinarian's instructions;

(2) possesses sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal's medical condition; and

(3) is readily available to provide, or has provided, follow-up medical care in the event of an adverse reaction to, or a failure of, the regimen of therapy provided by the veterinarian.

(c) A veterinarian-client-patient relationship may not be established solely by telephone or electronic means.

SECTION 2. Section 801.353, Occupations Code, is amended by adding Subsection (f) to read as follows:

1        (f) A veterinarian does not violate this section by  
2 providing the name or address of a client to a health authority,  
3 veterinarian, or physician who requests the identity of the client  
4 to obtain information for:

- 5            (1) the verification of a rabies vaccination; or  
6            (2) other treatment involving a life-threatening  
7 situation.

8        SECTION 3. Sections 801.357(a) and (d), Occupations Code,  
9 are amended to read as follows:

10        (a) A veterinarian may dispose of an animal that is  
11 abandoned in the veterinarian's care if the veterinarian:

12            (1) gives the client, by certified mail to the client's  
13 last known address, notice of the veterinarian's intention to  
14 dispose of the animal; and

15            (2) allows the client to retrieve the animal during  
16 the 10 [~~12~~] days after the date the veterinarian mails the notice.

17        (d) An animal is considered abandoned on the 11th [~~13th~~] day  
18 after the date the veterinarian mails the notice under Subsection  
19 (a) unless an agreement is made to extend the care for the animal.

20        SECTION 4. Subchapter H, Chapter 801, Occupations Code, is  
21 amended by adding Section 801.3585 to read as follows:

22        Sec. 801.3585. LIABILITY FOR REPORTING ANIMAL CRUELTY;  
23 IMMUNITY. A veterinarian who in good faith and in the normal course  
24 of business reports to the appropriate governmental entity a  
25 suspected incident of animal cruelty under Section 42.09, Penal  
26 Code, is immune from liability in a civil or criminal action brought  
27 against the veterinarian for reporting the incident.

1 SECTION 5. Subchapter H, Chapter 801, Occupations Code, is  
2 amended by adding Section 801.362 to read as follows:

3 Sec. 801.362. AUTHORITY TO DISPENSE DRUGS PRESCRIBED BY  
4 ANOTHER VETERINARIAN IN EMERGENCY. (a) A veterinarian may  
5 dispense a drug, other than a controlled substance, prescribed by  
6 another veterinarian if:

7 (1) failure to dispense the drug could interrupt a  
8 therapeutic regimen or cause a patient to suffer;

9 (2) the prescribing veterinarian informs the  
10 dispensing veterinarian that the drug is appropriate and necessary  
11 for the animal;

12 (3) the quantity of the dispensed drug does not exceed  
13 a five-day supply for each animal annually;

14 (4) the annual total of dosage units of drugs  
15 dispensed under this subsection is not more than five percent of the  
16 total dosage units of drugs the veterinarian dispenses in a year;  
17 and

18 (5) the veterinarian maintains records of dispensing  
19 activities under this section consistent with board rules.

20 (b) A veterinarian does not violate Section 801.402 by  
21 ordering a prescription drug in compliance with this section for  
22 the treatment of an animal without first establishing a  
23 veterinarian-client-patient relationship.

24 (c) The board may adopt rules to implement this section.

25 SECTION 6. Section 801.504, Occupations Code, is amended by  
26 adding Subsection (c) to read as follows:

27 (c) Venue for the prosecution of an offense under this

1 section that consists of the violation of Section 801.251 is in a  
2 district court in Travis County or the county in which the offense  
3 occurred.

4 SECTION 7. A veterinarian is not required to maintain the  
5 records required by Section 801.362(a), Occupations Code, as added  
6 by this Act, until September 1, 2006.

7 SECTION 8. (a) Section 801.504(c), Occupations Code, as  
8 added by this Act, applies only to an offense committed on or after  
9 the effective date of this Act.

10 (b) An offense committed before the effective date of this  
11 Act is covered by the law in effect when the offense was committed,  
12 and the former law is continued in effect for that purpose.

13 (c) For purposes of this section, an offense is committed  
14 before the effective date of this Act if any element of the offense  
15 occurs before that date.

16 SECTION 9. This Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1767 was passed by the House on May 10, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1767 on May 27, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 1767 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor