

1-1 By: Cook of Colorado (Senate Sponsor-Armbrister) H.B. No. 1767
1-2 (In the Senate - Received from the House May 11, 2005;
1-3 May 13, 2005, read first time and referred to Subcommittee on
1-4 Agriculture and Coastal Resources; May 18, 2005, rereferred to
1-5 Committee on Natural Resources; May 20, 2005, reported adversely,
1-6 with favorable Committee Substitute by the following vote:
1-7 Yeas 10, Nays 0; May 20, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 1767 By: Lindsay

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to the regulation of veterinary medicine.

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

1-13 SECTION 1. Section 801.351, Occupations Code, is amended by
1-14 amending Subsection (a) and adding Subsection (c) to read as
1-15 follows:

1-16 (a) A person may not practice veterinary medicine unless a
1-17 veterinarian-client-patient relationship exists. A
1-18 veterinarian-client-patient relationship exists if the
1-19 veterinarian:

1-20 (1) assumes responsibility for medical judgments
1-21 regarding the health of an animal and a client, who is the owner or
1-22 other caretaker of the animal, agrees to follow the veterinarian's
1-23 instructions;

1-24 (2) possesses sufficient knowledge of the animal to
1-25 initiate at least a general or preliminary diagnosis of the
1-26 animal's medical condition; and

1-27 (3) is readily available to provide, or has provided,
1-28 follow-up medical care in the event of an adverse reaction to, or a
1-29 failure of, the regimen of therapy provided by the veterinarian.

1-30 (c) A veterinarian-client-patient relationship may not be
1-31 established solely by telephone or electronic means.

1-32 SECTION 2. Section 801.353, Occupations Code, is amended by
1-33 adding Subsection (f) to read as follows:

1-34 (f) A veterinarian does not violate this section by
1-35 providing the name or address of a client to a health authority,
1-36 veterinarian, or physician who requests the identity of the client
1-37 to obtain information for:

1-38 (1) the verification of a rabies vaccination; or

1-39 (2) other treatment involving a life-threatening
1-40 situation.

1-41 SECTION 3. Sections 801.357(a) and (d), Occupations Code,
1-42 are amended to read as follows:

1-43 (a) A veterinarian may dispose of an animal that is
1-44 abandoned in the veterinarian's care if the veterinarian:

1-45 (1) gives the client, by certified mail to the client's
1-46 last known address, notice of the veterinarian's intention to
1-47 dispose of the animal; and

1-48 (2) allows the client to retrieve the animal during
1-49 the 10 [~~12~~] days after the date the veterinarian mails the notice.

1-50 (d) An animal is considered abandoned on the 11th [~~13th~~] day
1-51 after the date the veterinarian mails the notice under Subsection
1-52 (a) unless an agreement is made to extend the care for the animal.

1-53 SECTION 4. Subchapter H, Chapter 801, Occupations Code, is
1-54 amended by adding Section 801.3585 to read as follows:

1-55 Sec. 801.3585. LIABILITY FOR REPORTING ANIMAL CRUELTY;
1-56 IMMUNITY. A veterinarian who in good faith and in the normal course
1-57 of business reports to the appropriate governmental entity a
1-58 suspected incident of animal cruelty under Section 42.09, Penal
1-59 Code, is immune from liability in a civil or criminal action brought
1-60 against the veterinarian for reporting the incident.

1-61 SECTION 5. Subchapter H, Chapter 801, Occupations Code, is
1-62 amended by adding Section 801.362 to read as follows:

1-63 Sec. 801.362. AUTHORITY TO DISPENSE DRUGS PRESCRIBED BY

2-1 ANOTHER VETERINARIAN IN EMERGENCY. (a) A veterinarian may
2-2 dispense a drug, other than a controlled substance, prescribed by
2-3 another veterinarian if:

2-4 (1) failure to dispense the drug could interrupt a
2-5 therapeutic regimen or cause a patient to suffer;

2-6 (2) the prescribing veterinarian informs the
2-7 dispensing veterinarian that the drug is appropriate and necessary
2-8 for the animal;

2-9 (3) the quantity of the dispensed drug does not exceed
2-10 a five-day supply for each animal annually;

2-11 (4) the annual total of dosage units of drugs
2-12 dispensed under this subsection is not more than five percent of the
2-13 total dosage units of drugs the veterinarian dispenses in a year;
2-14 and

2-15 (5) the veterinarian maintains records of dispensing
2-16 activities under this section consistent with board rules.

2-17 (b) A veterinarian does not violate Section 801.402 by
2-18 ordering a prescription drug in compliance with this section for
2-19 the treatment of an animal without first establishing a
2-20 veterinarian-client-patient relationship.

2-21 (c) The board may adopt rules to implement this section.

2-22 SECTION 6. Section 801.504, Occupations Code, is amended by
2-23 adding Subsection (c) to read as follows:

2-24 (c) Venue for the prosecution of an offense under this
2-25 section that consists of the violation of Section 801.251 is in a
2-26 district court in Travis County or the county in which the offense
2-27 occurred.

2-28 SECTION 7. A veterinarian is not required to maintain the
2-29 records required by Section 801.362(a), Occupations Code, as added
2-30 by this Act, until September 1, 2006.

2-31 SECTION 8. (a) Section 801.504(c), Occupations Code, as
2-32 added by this Act, applies only to an offense committed on or after
2-33 the effective date of this Act.

2-34 (b) An offense committed before the effective date of this
2-35 Act is covered by the law in effect when the offense was committed,
2-36 and the former law is continued in effect for that purpose.

2-37 (c) For purposes of this section, an offense is committed
2-38 before the effective date of this Act if any element of the offense
2-39 occurs before that date.

2-40 SECTION 9. This Act takes effect September 1, 2005.

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