

BILL ANALYSIS

Senate Research Center

S.B. 1562
By: Hinojosa
Natural Resources
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It is important to ensure quality training for professionals who are responsible for protecting Texas residents from disease or injury caused by animals. It is necessary to provide the incentives for animal welfare professionals to continue their education so that they are better prepared to do their job.

S.B. 1562 prohibits a person from performing the duties of an animal control officer on behalf of a county or municipality unless the person completes a basic animal control course by a certain date. The bill requires the Department of State Health Services (DSHS) to prescribe the standards and curriculum for basic and continuing education animal control courses, and authorizes DSHS and any authorized animal control course sponsor to charge reasonable fees to cover the cost of arranging and conducting an animal control course. The bill authorizes a county commissioners court in a county with a population of 75,000 or less to adopt an order exempting the county from the application of Chapter 829.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 10, Health and Safety Code, by adding Chapter 829, as follows:

CHAPTER 829. ANIMAL CONTROL OFFICER TRAINING

Sec. 829.001. DEFINITIONS. Defines "animal control officer" and "department."

Sec. 829.0015. APPLICABILITY OF CHAPTER. Authorizes the commissioners court of a county that has a population of 75,000 or less to adopt an order exempting the county from the application of this chapter. Provides that this chapter does not apply within the boundaries of a county for which an order is adopted under this section.

Sec. 829.002. TRAINING REQUIRED. (a) Prohibits a person from performing the duties of an animal control officer unless the person completes a basic animal control course under this chapter not later than the first anniversary of the date the person assumes animal control duties, or completed a personnel training course on or before June 30, 2008, under Section 823.004, Health and Safety Code, as it existed on that date, and the person completes 30 hours of continuing education under this chapter during each three-year period following the date the person either completed the basic animal control course or June 30, 2008, if the person completed a personal training course on or before that date.

Sec. 829.003. TRAINING COURSES. (a) Requires the Department of State Health Services (DSHS) to prescribe the standards and curriculum for basic and continuing education animal control courses. Requires both the basic and continuing education courses to include certain topics.

(b) Requires DSHS in prescribing standards and curriculum of courses under this chapter to determine what is considered satisfactory completion of a course;

determine what is considered a passing grade on any postcourse tests and practical applications; and require that a person attend all sessions of a course.

(c) Requires that a basic control course be at least 12 hours.

(d) Requires DSHS, in developing and approving the criteria and curriculum for animal control courses, to consult with the Texas Animal Control Association and other animal control and animal protection organization as DSHS considers appropriate.

Sec. 829.004. AVAILABILITY OF COURSES. (a) Requires DSHS or its designee to offer at least one basic animal control course every calendar year in each of its zoonosis control regions.

(b) Requires DSHS or its designee to offer at least 12 hours of continuing education animal control courses each calendar year in each of its zoonosis control regions.

(c) Requires DSHS to ensure the additional availability of animal control courses through sponsors approved by DSHS, which may include certain associations.

Sec. 829.005. FEE. Authorizes DSHS and any authorized animal control course sponsor to charge reasonable fees to cover the cost of arranging and conducting an animal control course.

Sec. 829.006. ISSUANCE OF CERTIFICATE. (a) Requires DSHS or its designee to maintain the training records for each person satisfactorily completing any course offered under this chapter for the purpose of documenting and ensuring that the person is in compliance with the requirements of this chapter, and issue a certificate to each person satisfactorily completing a course offered under this chapter that contains certain information, including the person's name, the name of the course, and the date the course was completed.

(b) Requires DSHS or its designee to charge a reasonable fee to cover the cost of issuing a certificate required by Subsection (a).

Sec. 829.007. FACILITY CERTIFICATE. Requires DSHS to issue a certificate to an animal shelter inspected under Section 823.003 (Standards for Animal Shelters; Criminal Penalty) or a quarantine or impoundment facility inspected under Section 826.052 (Inspections) that it or the veterinarian conducting the inspection, as applicable, determines complies with this chapter.

Sec. 829.008. PAYMENT OF FEE. Authorizes a political subdivision of this state to require that an individual pay a fee for a course or certificate under this chapter.

Sec. 829.009. CIVIL REMEDY. Authorizes a person to sue for injunctive relief to prevent or restrain a substantial violation of this chapter.

SECTION 2. Amends Sections 823.003(a) and (d), Health and Safety Code, as follows:

(a) Requires each animal shelter operated in this state to comply with the standards for animal control officer training adopted under Chapter 829, rather than the Rabies Control Act of 1981.

(d) Make conforming and nonsubstantive changes.

SECTION 3. Amends Section 826.052, Health and Safety Code, as follows:

Sec. 826.052. INSPECTIONS. Authorizes an employee of DSHS, on the presentation of appropriate credentials to the local rabies control authority or the authority's designee, to conduct a reasonable inspection of a quarantine or impoundment facility at a

reasonable hour to determine if the facility complies with the requirements for animal control officer training adopted under Chapter 829.

SECTION 4. Amends Section 801.004, Occupations Code, as follows:

Sec. 801.004. APPLICATION OF CHAPTER. Makes a conforming change.

SECTION 5. Amends Section 38.151(c), Penal Code, to provide that an offense under this section (Interference with Police Service Animals) is a felony of the second, rather than third, degree if the person commits an offense under Subsection (b)(6) or (7) by killing a police service animal or engaging in conduct likely to kill the animal, injuring a police service animal in a manner that materially and permanently affects the ability of the animal to perform as a police service animal, or engaging in conduct likely to injure a police service animal in a manner that would materially and permanently affect the ability of the animal to perform as a police service animal.

SECTION 6. Repealer, effective July 1, 2008: Section 823.004 (Personal Training), Health and Safety Code.

SECTION 7. Requires DSHS, not later than December 1, 2007, to prescribe the standards and curriculum to be used in an animal control course required under Chapter 829, Health and Safety Code, as added by this Act.

SECTION 8. Makes application of Section 38.151(c), Penal Code, as amended by this Act, prospective.

SECTION 9. (a) Provides that except as provided by Subsection (b) of this section, this Act takes effect September 1, 2007.

(b) Provides that Sections 829.002 and 829.009, Health and Safety Code, as added by this Act, take effect July 1, 2008.