

By: King of Parker

H.B. No. 633

Substitute the following for H.B. No. 633:

By: Berman

C.S.H.B. No. 633

A BILL TO BE ENTITLED

AN ACT

relating to animal control officer training.

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

SECTION 1. Title 10, Health and Safety Code, is amended by adding Chapter 829 to read as follows:

CHAPTER 829. ANIMAL CONTROL OFFICER TRAINING

Sec. 829.001. DEFINITIONS. In this chapter:

(1) "Animal control officer" means a person who:

(A) is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control; and

(B) is not a peace officer.

(2) "Department" means the Department of State Health Services.

Sec. 829.002. TRAINING REQUIRED. A person may not perform the duties of an animal control officer unless:

(1) the person:

(A) 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

(B) 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

(2) the person completes 30 hours of continuing education under this chapter during each three-year period

following:

(A) the date the person completes the basic animal control course; or

(B) June 30, 2008, if the person completed a personnel training course under Subdivision (1)(B).

Sec. 829.003. TRAINING COURSES. (a) The department shall prescribe the standards and curriculum for basic and continuing education animal control courses. The curriculum for both the basic and continuing education courses must include the following topics:

(1) state laws governing animal control and protection and animal cruelty;

(2) animal health and disease recognition, control, and prevention;

(3) the humane care and treatment of animals;

(4) standards for care and control of animals in an animal shelter;

(5) standards and procedures for the transportation of animals;

(6) principles and procedures for capturing and handling stray domestic animals and wildlife;

(7) first aid for injured animals;

(8) the documentation of animal cruelty evidence and courtroom procedures;

(9) animal shelter operations and administration;

(10) spaying and neutering, microchipping, and adoption;

1           (11) communications and public relations;

2           (12) state and federal laws for possession of  
3 controlled substances and other medications; and

4           (13) any other topics pertinent to animal control and  
5 animal shelter personnel.

6           (b) In prescribing the standards and curriculum of courses  
7 under this chapter, the department shall:

8           (1) determine what is considered satisfactory  
9 completion of a course;

10           (2) determine what is considered a passing grade on  
11 any postcourse tests and practical applications; and

12           (3) require that a person attend all sessions of a  
13 course.

14           (c) A basic animal control course must be at least 12 hours.

15           (d) In developing and approving the criteria and curriculum  
16 for animal control courses, the department shall consult with the  
17 Texas Animal Control Association and other animal control and  
18 animal protection organizations as the department considers  
19 appropriate.

20           Sec. 829.004. AVAILABILITY OF COURSES. (a) The department  
21 or the department's designee shall offer at least two basic animal  
22 control courses every calendar year in each of the department's  
23 zoonosis control regions.

24           (b) The department or the department's designee shall offer  
25 at least 12 hours of continuing education animal control courses  
26 each calendar year in each of the department's zoonosis control  
27 regions.

1       (c) The department shall ensure the additional availability  
2 of animal control courses through sponsors approved by the  
3 department, which may include the Texas Animal Control Association.

4       Sec. 829.005. FEE. The department and any authorized animal  
5 control course sponsor may charge reasonable fees to cover the cost  
6 of arranging and conducting an animal control course.

7       Sec. 829.006. ISSUANCE OF CERTIFICATE. (a) The department  
8 or the department's designee shall:

9           (1) maintain the training records for each person  
10 satisfactorily completing any course offered under this chapter for  
11 the purpose of documenting and ensuring that the person is in  
12 compliance with the requirements of this chapter; and

13           (2) issue a certificate to each person satisfactorily  
14 completing a course offered under this chapter that contains:

15                   (A) the person's name;

16                   (B) the name of the course; and

17                   (C) the date the course was completed.

18       (b) The department or the department's designee may charge a  
19 reasonable fee to cover the cost of issuing a certificate required  
20 by Subsection (a).

21       Sec. 829.007. FACILITY CERTIFICATE. The department shall  
22 issue a certificate to an animal shelter inspected under Section  
23 823.003 or a quarantine or impoundment facility inspected under  
24 Section 826.052 that the department or the veterinarian conducting  
25 the inspection, as applicable, determines complies with this  
26 chapter.

27       Sec. 829.008. PAYMENT OF FEE. A political subdivision of

1 this state may require that an individual pay a fee for a course or  
2 certificate under this chapter.

3 Sec. 829.009. CIVIL REMEDY. A person may sue for injunctive  
4 relief to prevent or restrain a substantial violation of this  
5 chapter.

6 SECTION 2. Sections 823.003(a) and (d), Health and Safety  
7 Code, are amended to read as follows:

8 (a) Each animal shelter operated in this state shall comply  
9 with the standards for:

10 (1) housing and sanitation existing on September 1,  
11 1982, and adopted under Chapter 826; and

12 (2) animal control officer training adopted under  
13 Chapter 829 [~~Rabies Control Act of 1981~~].

14 (d) Each person who operates an animal shelter shall employ  
15 a veterinarian at least once a year to inspect the shelter to  
16 determine whether it complies with the requirements of this chapter  
17 and Chapter 829. The veterinarian shall file copies of the  
18 veterinarian's [~~his~~] report with the person operating the shelter  
19 and with the department on forms prescribed by the department.

20 SECTION 3. Section 826.052, Health and Safety Code, is  
21 amended to read as follows:

22 Sec. 826.052. INSPECTIONS. An employee of the department,  
23 on the presentation of appropriate credentials to the local rabies  
24 control authority or the authority's designee, may conduct a  
25 reasonable inspection of a quarantine or impoundment facility at a  
26 reasonable hour to determine if the facility complies with:

27 (1) the minimum standards adopted by the board for

1 those facilities; and

2 (2) the requirements for animal control officer  
3 training adopted under Chapter 829.

4 SECTION 4. Section 801.004, Occupations Code, is amended to  
5 read as follows:

6 Sec. 801.004. APPLICATION OF CHAPTER. This chapter does  
7 not apply to:

8 (1) the treatment or care of an animal in any manner by  
9 the owner of the animal, an employee of the owner, or a designated  
10 caretaker of the animal, unless the ownership, employment, or  
11 designation is established with the intent to violate this chapter;

12 (2) a person who performs an act prescribed by the  
13 board as an accepted livestock management practice, including:

14 (A) castrating a male animal raised for human  
15 consumption;

16 (B) docking or ear-marking an animal raised for  
17 human consumption;

18 (C) dehorning cattle;

19 (D) aiding in the nonsurgical birth process of a  
20 large animal, as defined by board rule;

21 (E) treating an animal for disease prevention  
22 with a nonprescription medicine or vaccine;

23 (F) branding or identifying an animal in any  
24 manner;

25 (G) artificially inseminating an animal,  
26 including training, inseminating, and compensating for services  
27 related to artificial insemination; and

(H) shoeing a horse;

(3) the performance of a cosmetic or production technique to reduce injury in poultry intended for human consumption;

(4) the performance of a duty by a veterinarian's employee if:

(A) the duty involves food production animals;

(B) the duty does not involve diagnosis, prescription, or surgery;

(C) the employee is under the direction and general supervision of the veterinarian; and

(D) the veterinarian is responsible for the employee's performance;

(5) the performance of an act by a person who is a full-time student of an accredited college of veterinary medicine or is a foreign graduate of a board-approved equivalent competency program for foreign veterinary graduates and who is participating in a board-approved extern or preceptor program if the act is performed under the direct supervision of a veterinarian employing the person;

(6) an animal shelter employee who performs euthanasia in the course and scope of the person's employment if the person has successfully completed training in accordance with Chapter 829 ~~[offered by the Texas Department of Health under Section 823.004]~~, Health and Safety Code;

(7) a person who is engaged in a recognized state-federal cooperative disease eradication or control program

1 or an external parasite control program while the person is  
2 performing official duties required by the program;

3 (8) a person who, without expectation of compensation,  
4 provides emergency care in an emergency or disaster; or

5 (9) a consultation given to a veterinarian in this  
6 state by a person who:

7 (A) resides in another state; and

8 (B) is lawfully qualified to practice veterinary  
9 medicine under the laws of that state.

10 SECTION 5. Effective July 1, 2008, Section 823.004, Health  
11 and Safety Code, is repealed.

12 SECTION 6. Not later than December 1, 2007, the Department  
13 of State Health Services shall prescribe the standards and  
14 curriculum to be used in an animal control course required under  
15 Chapter 829, Health and Safety Code, as added by this Act.

16 SECTION 7. (a) Except as provided by Subsection (b) of this  
17 section, this Act takes effect September 1, 2007.

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