

By: Hinojosa

S.B. No. 1562

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 as it existed on that date; and

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

1 following:

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

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

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

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

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

15 (3) the humane care and treatment of animals;

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

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

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

22 (7) first aid for injured animals;

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

25 (9) animal shelter operations and administration;

26 (10) spaying and neutering, microchipping, and
27 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
5 animal control course sponsor may charge reasonable fees to cover
6 the cost 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. Subsections (a) and (d), Section 823.003, Health
7 and Safety 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 earmarking 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

1 (H) shoeing a horse;

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

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

7 (A) the duty involves food production animals;

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

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

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

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

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

26 (7) a person who is engaged in a recognized
27 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
17 this 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.