

AN ACT

relating to treatment of certain animals and training for animal control officers; creating an offense.

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. 829.0015. APPLICABILITY OF CHAPTER. The commissioners court of a county that has a population of 75,000 or less may adopt an order exempting the county from the application of this chapter. 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 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

1 person assumes animal control duties; or

2 (B) completed a personnel training course on or  
3 before June 30, 2008, under Section 823.004 as it existed on that  
4 date; and

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

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

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

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

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

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

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

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

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

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

1           (7) first aid for injured animals;

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

4           (9) animal shelter operations and administration;

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

7           (11) communications and public relations;

8           (12) state and federal laws for possession of  
9 controlled substances and other medications; and

10           (13) any other topics pertinent to animal control and  
11 animal shelter personnel.

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

14           (1) determine what is considered satisfactory  
15 completion of a course;

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

18           (3) require that a person attend all sessions of a  
19 course.

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

21           (d) In developing and approving the criteria and curriculum  
22 for animal control courses, the department shall consult with the  
23 Texas Animal Control Association and other animal control and  
24 animal protection organizations as the department considers  
25 appropriate.

26           Sec. 829.004. AVAILABILITY OF COURSES. (a) The department  
27 or the department's designee shall offer at least two basic animal

1 control courses every calendar year in each of the department's  
2 zoonosis control regions.

3 (b) The department or the department's designee shall offer  
4 at least 12 hours of continuing education animal control courses  
5 each calendar year in each of the department's zoonosis control  
6 regions.

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

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

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

15 (1) maintain the training records for each person  
16 satisfactorily completing any course offered under this chapter for  
17 the purpose of documenting and ensuring that the person is in  
18 compliance with the requirements of this chapter; and

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

21 (A) the person's name;

22 (B) the name of the course; and

23 (C) the date the course was completed.

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

27 Sec. 829.007. FACILITY CERTIFICATE. The department shall

1 issue a certificate to an animal shelter inspected under Section  
2 823.003 or a quarantine or impoundment facility inspected under  
3 Section 826.052 that the department or the veterinarian conducting  
4 the inspection, as applicable, determines complies with this  
5 chapter.

6 Sec. 829.008. PAYMENT OF FEE. A political subdivision of  
7 this state may require that an individual pay a fee for a course or  
8 certificate under this chapter.

9 Sec. 829.009. CIVIL REMEDY. A person may sue for  
10 injunctive relief to prevent or restrain a substantial violation of  
11 this chapter.

12 SECTION 2. Subsections (a) and (d), Section 823.003, Health  
13 and Safety Code, are amended to read as follows:

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

16 (1) housing and sanitation existing on September 1,  
17 1982, and adopted under Chapter 826; and

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

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

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

1           Sec. 826.052. INSPECTIONS. An employee of the department,  
2 on the presentation of appropriate credentials to the local rabies  
3 control authority or the authority's designee, may conduct a  
4 reasonable inspection of a quarantine or impoundment facility at a  
5 reasonable hour to determine if the facility complies with:

6           (1) the minimum standards adopted by the board for  
7 those facilities; and

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

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

12          Sec. 801.004. APPLICATION OF CHAPTER. This chapter does  
13 not apply to:

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

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

20                   (A) castrating a male animal raised for human  
21 consumption;

22                   (B) docking or earmarking an animal raised for  
23 human consumption;

24                   (C) dehorning cattle;

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

27                   (E) treating an animal for disease prevention

1 with a nonprescription medicine or vaccine;

2 (F) branding or identifying an animal in any  
3 manner;

4 (G) artificially inseminating an animal,  
5 including training, inseminating, and compensating for services  
6 related to artificial insemination; and

7 (H) shoeing a horse;

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

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

13 (A) the duty involves food production animals;

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

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

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

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

27 (6) an animal shelter employee who performs euthanasia

1 in the course and scope of the person's employment if the person has  
2 successfully completed training in accordance with Chapter 829  
3 ~~[offered by the Texas Department of Health under Section 823.004]~~,  
4 Health and Safety Code;

5 (7) a person who is engaged in a recognized  
6 state-federal cooperative disease eradication or control program  
7 or an external parasite control program while the person is  
8 performing official duties required by the program;

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

11 (9) a consultation given to a veterinarian in this  
12 state by a person who:

13 (A) resides in another state; and

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

16 SECTION 5. Subsection (c), Section 38.151, Penal Code, is  
17 amended to read as follows:

18 (c) An offense under this section is:

19 (1) a Class C misdemeanor if the person commits an  
20 offense under Subsection (b)(1);

21 (2) a Class B misdemeanor if the person commits an  
22 offense under Subsection (b)(2);

23 (3) a Class A misdemeanor if the person commits an  
24 offense under Subsection (b)(3), (4), or (5);

25 (4) except as provided by Subdivision (5), a state  
26 jail felony if the person commits an offense under Subsection  
27 (b)(6) or (7) by injuring a police service animal or by engaging in

1 conduct likely to injure the animal; or

2 (5) a felony of the second [~~third~~] degree if the person  
3 commits an offense under Subsection (b)(6) or (7) by:

4 (A) killing a police service animal or [~~by~~]  
5 engaging in conduct likely to kill the animal;

6 (B) injuring a police service animal in a manner  
7 that materially and permanently affects the ability of the animal  
8 to perform as a police service animal; or

9 (C) engaging in conduct likely to injure a police  
10 service animal in a manner that would materially and permanently  
11 affect the ability of the animal to perform as a police service  
12 animal.

13 SECTION 6. Effective July 1, 2008, Section 823.004, Health  
14 and Safety Code, is repealed.

15 SECTION 7. Not later than December 1, 2007, the Department  
16 of State Health Services shall prescribe the standards and  
17 curriculum to be used in an animal control course required under  
18 Chapter 829, Health and Safety Code, as added by this Act.

19 SECTION 8. The changes in law made to Subsection (c),  
20 Section 38.151, Penal Code, by this Act apply only to an offense  
21 committed on or after the effective date of this Act. An offense  
22 committed before the effective date of this Act is covered by the  
23 law in effect when the offense was committed, and the former law is  
24 continued in effect for that purpose. For purposes of this section,  
25 an offense was committed before the effective date of this Act if  
26 any element of the offense was committed before that date.

27 SECTION 9. (a) Except as provided by Subsection (b) of

1 this section, this Act takes effect September 1, 2007.

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

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1562 passed the Senate on May 4, 2007, by the following vote: Yeas 31, Nays 0; May 21, 2007, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2007, House granted request of the Senate; May 26, 2007, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1562 passed the House, with amendments, on May 15, 2007, by the following vote: Yeas 136, Nays 7, one present not voting; May 22, 2007, House granted request of the Senate for appointment of Conference Committee; May 27, 2007, House adopted Conference Committee Report by the following vote: Yeas 136, Nays 6, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor