

By: Hinojosa

S.B. No. 1562

A BILL TO BE ENTITLED

AN ACT

relating to animal control officer training; providing civil and criminal penalties.

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 employed, appointed, or otherwise engaged by or on behalf of a county or municipality to enforce laws relating to animal control or cruelty to animals.

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

Sec. 829.002. TRAINING REQUIRED. (a) A person may not perform the duties of an animal control officer on behalf of a county or municipality unless:

(1) the person:

(A) completes a basic animal control course under this chapter not later than the 120th day after 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

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

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

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

8 (b) A county or municipality, or a person acting on behalf of
9 a county or municipality, may not knowingly employ, appoint, or
10 otherwise engage a person as an animal control officer if the person
11 does not meet the requirements of Subsection (a).

12 (c) A county or municipality, or a person acting on behalf
13 of a county or municipality, shall terminate the service of a person
14 as an animal control officer if the person does not meet the
15 requirements of Subsection (a).

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

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

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

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

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

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

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

5 (7) first aid for injured animals;

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

8 (9) animal shelter operations and administration;

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

11 (11) communications and public relations;

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

14 (13) any other topics pertinent to animal control and
15 animal shelter personnel.

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

18 (1) determine what is considered satisfactory
19 completion of a course;

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

22 (3) require that a person attend all sessions of a
23 course.

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

25 (d) In developing and approving the criteria and curriculum
26 for animal control courses, the department shall consult with the
27 Texas Animal Control Association and other animal control and

1 animal protection organizations as the department considers
2 appropriate.

3 Sec. 829.004. AVAILABILITY OF COURSES. (a) The department
4 shall offer at least one basic animal control course every calendar
5 quarter in each of the department's zoonosis control regions.

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

9 (c) The department shall ensure the additional availability
10 of animal control courses through sponsors approved by the
11 department, which may include the Texas Animal Control Association,
12 the National Animal Control Association, and the Humane Society of
13 the United States.

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

17 Sec. 829.006. ISSUANCE OF CERTIFICATE. (a) The department
18 shall:

19 (1) maintain the training records for each person
20 satisfactorily completing any course offered under this chapter for
21 the purpose of documenting and ensuring that the person is in
22 compliance with the requirements of this chapter; and

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

25 (A) the person's name;

26 (B) the name of the course; and

27 (C) the date the course was completed.

1 (b) The department may charge a reasonable fee to cover the
2 cost of issuing a certificate required by Subsection (a).

3 Sec. 829.007. CRIMINAL PENALTY. (a) A person commits an
4 offense if the person violates Section 829.002(a).

5 (b) An offense under this section is a Class B misdemeanor.

6 Sec. 829.008. CIVIL REMEDY. A person may sue for injunctive
7 relief to prevent or restrain a substantial violation of this
8 chapter.

9 SECTION 2. Section 801.004, Occupations Code, is amended to
10 read as follows:

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

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

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

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

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

23 (C) dehorning cattle;

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

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

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

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

6 (H) shoeing a horse;

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

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

12 (A) the duty involves food production animals;

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

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

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

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

26 (6) an animal shelter employee who performs euthanasia
27 in the course and scope of the person's employment if the person has

1 successfully completed training in accordance with Chapter 829
2 [~~offered by the Texas Department of Health under Section 823.004~~],
3 Health and Safety Code;

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

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

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

12 (A) resides in another state; and

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

15 SECTION 3. Effective July 1, 2008, Section 823.004, Health
16 and Safety Code, is repealed.

17 SECTION 4. Not later than December 1, 2007, the Department
18 of State Health Services shall prescribe the standards and
19 curriculum to be used in an animal control course required under
20 Chapter 829, Health and Safety Code, as added by this Act.

21 SECTION 5. (a) Except as provided by Subsection (b) of this
22 section, this Act takes effect September 1, 2007.

23 (b) Sections 829.002, 829.007, and 829.008, Health and
24 Safety Code, as added by this Act, take effect July 1, 2008.