

1-1 By: Hinojosa S.B. No. 1562  
1-2 (In the Senate - Filed March 8, 2007; March 20, 2007, read  
1-3 first time and referred to Subcommittee on Agriculture, Rural  
1-4 Affairs and Coastal Resources; April 30, 2007, reported adversely,  
1-5 with favorable Committee Substitute from Committee on Natural  
1-6 Resources by the following vote: Yeas 10, Nays 0; April 30, 2007,  
1-7 sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 1562 By: Hinojosa

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to animal control officer training.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Title 10, Health and Safety Code, is amended by  
1-14 adding Chapter 829 to read as follows:

1-15 CHAPTER 829. ANIMAL CONTROL OFFICER TRAINING

1-16 Sec. 829.001. DEFINITIONS. In this chapter:

1-17 (1) "Animal control officer" means a person who:

1-18 (A) is employed, appointed, or otherwise engaged  
1-19 primarily to enforce laws relating to animal control; and

1-20 (B) is not a peace officer.

1-21 (2) "Department" means the Department of State Health  
1-22 Services.

1-23 Sec. 829.002. TRAINING REQUIRED. A person may not perform  
1-24 the duties of an animal control officer unless:

1-25 (1) the person:

1-26 (A) completes a basic animal control course under  
1-27 this chapter not later than the first anniversary of the date the  
1-28 person assumes animal control duties; or

1-29 (B) completed a personnel training course on or  
1-30 before June 30, 2008, under Section 823.004 as it existed on that  
1-31 date; and

1-32 (2) the person completes 30 hours of continuing  
1-33 education under this chapter during each three-year period  
1-34 following:

1-35 (A) the date the person completes the basic  
1-36 animal control course; or

1-37 (B) June 30, 2008, if the person completed a  
1-38 personnel training course under Subdivision (1)(B).

1-39 Sec. 829.003. TRAINING COURSES. (a) The department shall  
1-40 prescribe the standards and curriculum for basic and continuing  
1-41 education animal control courses. The curriculum for both the  
1-42 basic and continuing education courses must include the following  
1-43 topics:

1-44 (1) state laws governing animal control and protection  
1-45 and animal cruelty;

1-46 (2) animal health and disease recognition, control,  
1-47 and prevention;

1-48 (3) the humane care and treatment of animals;

1-49 (4) standards for care and control of animals in an  
1-50 animal shelter;

1-51 (5) standards and procedures for the transportation of  
1-52 animals;

1-53 (6) principles and procedures for capturing and  
1-54 handling stray domestic animals and wildlife;

1-55 (7) first aid for injured animals;

1-56 (8) the documentation of animal cruelty evidence and  
1-57 courtroom procedures;

1-58 (9) animal shelter operations and administration;

1-59 (10) spaying and neutering, microchipping, and  
1-60 adoption;

1-61 (11) communications and public relations;

1-62 (12) state and federal laws for possession of  
1-63 controlled substances and other medications; and

2-1 (13) any other topics pertinent to animal control and  
2-2 animal shelter personnel.

2-3 (b) In prescribing the standards and curriculum of courses  
2-4 under this chapter, the department shall:

2-5 (1) determine what is considered satisfactory  
2-6 completion of a course;

2-7 (2) determine what is considered a passing grade on  
2-8 any postcourse tests and practical applications; and

2-9 (3) require that a person attend all sessions of a  
2-10 course.

2-11 (c) A basic animal control course must be at least 12 hours.

2-12 (d) In developing and approving the criteria and curriculum  
2-13 for animal control courses, the department shall consult with the  
2-14 Texas Animal Control Association and other animal control and  
2-15 animal protection organizations as the department considers  
2-16 appropriate.

2-17 Sec. 829.004. AVAILABILITY OF COURSES. (a) The department  
2-18 or the department's designee shall offer at least two basic animal  
2-19 control courses every calendar year in each of the department's  
2-20 zoonosis control regions.

2-21 (b) The department or the department's designee shall offer  
2-22 at least 12 hours of continuing education animal control courses  
2-23 each calendar year in each of the department's zoonosis control  
2-24 regions.

2-25 (c) The department shall ensure the additional availability  
2-26 of animal control courses through sponsors approved by the  
2-27 department, which may include the Texas Animal Control Association.

2-28 Sec. 829.005. FEE. The department and any authorized  
2-29 animal control course sponsor may charge reasonable fees to cover  
2-30 the cost of arranging and conducting an animal control course.

2-31 Sec. 829.006. ISSUANCE OF CERTIFICATE. (a) The department  
2-32 or the department's designee shall:

2-33 (1) maintain the training records for each person  
2-34 satisfactorily completing any course offered under this chapter for  
2-35 the purpose of documenting and ensuring that the person is in  
2-36 compliance with the requirements of this chapter; and

2-37 (2) issue a certificate to each person satisfactorily  
2-38 completing a course offered under this chapter that contains:

- 2-39 (A) the person's name;
- 2-40 (B) the name of the course; and
- 2-41 (C) the date the course was completed.

2-42 (b) The department or the department's designee may charge a  
2-43 reasonable fee to cover the cost of issuing a certificate required  
2-44 by Subsection (a).

2-45 Sec. 829.007. FACILITY CERTIFICATE. The department shall  
2-46 issue a certificate to an animal shelter inspected under Section  
2-47 823.003 or a quarantine or impoundment facility inspected under  
2-48 Section 826.052 that the department or the veterinarian conducting  
2-49 the inspection, as applicable, determines complies with this  
2-50 chapter.

2-51 Sec. 829.008. PAYMENT OF FEE. A political subdivision of  
2-52 this state may require that an individual pay a fee for a course or  
2-53 certificate under this chapter.

2-54 Sec. 829.009. CIVIL REMEDY. A person may sue for injunctive  
2-55 relief to prevent or restrain a substantial violation of this  
2-56 chapter.

2-57 SECTION 2. Subsections (a) and (d), Section 823.003, Health  
2-58 and Safety Code, are amended to read as follows:

2-59 (a) Each animal shelter operated in this state shall comply  
2-60 with the standards for:

2-61 (1) housing and sanitation existing on September 1,  
2-62 1982, and adopted under Chapter 826; and

2-63 (2) animal control officer training adopted under  
2-64 Chapter 829 [~~Rabies Control Act of 1981~~].

2-65 (d) Each person who operates an animal shelter shall employ  
2-66 a veterinarian at least once a year to inspect the shelter to  
2-67 determine whether it complies with the requirements of this chapter  
2-68 and Chapter 829. The veterinarian shall file copies of the  
2-69 veterinarian's [~~his~~] report with the person operating the shelter

and with the department on forms prescribed by the department.

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

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

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

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

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

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

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

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

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

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

(C) dehorning cattle;

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

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

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

(G) artificially inseminating an animal, including training, inseminating, and compensating for services 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 or an external parasite control program while the person is performing official duties required by the program;

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

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

4-1 (A) resides in another state; and  
4-2 (B) is lawfully qualified to practice veterinary  
4-3 medicine under the laws of that state.

4-4 SECTION 5. Effective July 1, 2008, Section 823.004, Health  
4-5 and Safety Code, is repealed.

4-6 SECTION 6. Not later than December 1, 2007, the Department  
4-7 of State Health Services shall prescribe the standards and  
4-8 curriculum to be used in an animal control course required under  
4-9 Chapter 829, Health and Safety Code, as added by this Act.

4-10 SECTION 7. (a) Except as provided by Subsection (b) of  
4-11 this section, this Act takes effect September 1, 2007.

4-12 (b) Sections 829.002 and 829.009, Health and Safety Code, as  
4-13 added by this Act, take effect July 1, 2008.

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