

By: Miller of Erath

H.B. No. 378

A BILL TO BE ENTITLED

AN ACT

relating to non-veterinary horse dentistry.

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

SECTION 1. 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;

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

4 (H) shoeing a horse; and

5 (I) floating a horse's teeth;

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

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

11 (A) the duty involves food production animals;

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

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

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

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

25 (6) an animal shelter employee who performs euthanasia
26 in the course and scope of the person's employment if the person has
27 successfully completed training in accordance with Chapter 829,

1 Health and Safety Code;

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

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

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

10 (A) resides in another state; and

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

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.