

By: Miller of Erath

H.B. No. 3637

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of equine dental technicians; providing penalties.

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

SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.045 to read as follows:

Sec. 12.045. REGISTRATION OF EQUINE DENTAL TECHNICIAN. (a)

In this section:

(1) "Equine dental technician" means a person who performs tooth floating.

(2) "Tooth floating" means the performance of a dental procedure on bovine, equine, porcine, or other livestock, without the administration of a sedative, tranquilizer, or general anesthetic that is available only by prescription, to:

(A) remove enamel points;

(B) smooth, contour, or level incisors or dental arcades; or

(C) extract deciduous or vestigial teeth.

(b) The department by rule shall establish:

(1) a registration program for equine dental technicians;

(2) qualifications for registration as an equine dental technician;

(3) reasonable fees for an applicant for registration;

1 and

2 (4) standards of practice for an equine dental
3 technician, including standards to ensure the health, safety, and
4 welfare of animals under the care of an equine dental technician.

5 (c) A person may not perform or offer to perform tooth
6 floating unless the person is:

7 (1) registered under this section; or

8 (2) a veterinarian licensed under Chapter 801,
9 Occupations Code.

10 (d) A person who violates this section or a rule adopted by
11 the department under this section is liable for a civil penalty not
12 to exceed \$1,000 for each occurrence. At the request of the
13 commissioner, the attorney general shall bring an action to recover
14 a civil penalty authorized by this section.

15 (e) If it appears to the department that a person is
16 engaging in tooth floating without complying with this section, the
17 commissioner, after notice and opportunity for a hearing, may issue
18 a cease and desist order prohibiting the person from engaging in the
19 activity.

20 SECTION 2. Not later than December 1, 2011, the Department
21 of Agriculture shall adopt rules to implement Section 12.045,
22 Agriculture Code, as added by this Act.

23 SECTION 3. This Act takes effect September 1, 2011.