

By: Larson

H.B. No. 1274

A BILL TO BE ENTITLED

AN ACT

relating to the medical treatment and care of animals by certain persons in animal shelters and releasing agencies.

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

SECTION 1. The heading to Chapter 823, Health and Safety Code, is amended to read as follows:

CHAPTER 823. ANIMAL SHELTERS AND RELEASING AGENCIES

SECTION 2. Chapter 823, Health and Safety Code, is amended by designating Sections 823.001 through 823.009 as Subchapter A and adding a subchapter heading to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS; ANIMAL SHELTERS

SECTION 3. Section 823.001, Health and Safety Code, is amended by adding Subdivision (5) to read as follows:

(5) "Releasing agency" has the meaning assigned by Section 828.001.

SECTION 4. Chapter 823, Health and Safety Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. TREATMENT AND CARE OF ANIMALS

Sec. 823.051. ANIMAL TREATMENT PROTOCOL. At the time an animal shelter or releasing agency takes possession of an animal, an agent for the shelter or agency may administer a nonprescription vaccine, nonprescription medicine, or medicine that is not a controlled substance if:

(1) the medicine is necessary to prevent or control

1 communicable diseases or internal or external parasites; and

2 (2) the medicine is administered in accordance with a  
3 protocol developed under Section 801.366, Occupations Code.

4 SECTION 5. Section 828.012(a), Health and Safety Code, is  
5 amended to read as follows:

6 (a) Surgery or nonsurgical sterilization performed in  
7 accordance with this chapter must also be performed in accordance  
8 with Section 801.365 [~~by a veterinarian or a full-time student of an~~  
9 ~~accredited college of veterinary medicine as provided by Chapter~~  
10 ~~801~~], Occupations Code.

11 SECTION 6. Subchapter A, Chapter 801, Occupations Code, is  
12 amended by amending Section 801.004 and adding Section 801.005 to  
13 read as follows:

14 Sec. 801.004. APPLICATION OF CHAPTER. Except as provided  
15 by Section 801.005, this [~~This~~] chapter does not apply to:

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

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

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

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

26 (C) dehorning cattle;

27 (D) aiding in the nonsurgical birth process of a

1 large animal, as defined by board rule;

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

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

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

9 (H) shoeing a horse;

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

13 (4) the performance of a duty by a veterinarian's  
14 employee if:

15 (A) the duty involves food production animals;

16 (B) the duty does not involve diagnosis,  
17 prescription, or surgery;

18 (C) the employee is under the direction and  
19 general supervision of the veterinarian; and

20 (D) the veterinarian is responsible for the  
21 employee's performance;

22 (5) the performance of an act by a person who is a  
23 full-time student of an accredited college of veterinary medicine  
24 if the act is performed under the direct supervision of a  
25 veterinarian;

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 Health and Safety Code;

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

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

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

11 (A) resides in another state; and

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

14 Sec. 801.005. TREATMENT OF ANIMAL IN ANIMAL SHELTER OR  
15 RELEASING AGENCY. This chapter applies to a veterinarian when  
16 treating an animal on behalf of or in:

17 (1) an animal shelter, as defined by Section 823.001,  
18 Health and Safety Code; or

19 (2) a releasing agency, as defined by Section 828.001,  
20 Health and Safety Code.

21 SECTION 7. Subchapter H, Chapter 801, Occupations Code, is  
22 amended by adding Sections 801.365 and 801.366 to read as follows:

23 Sec. 801.365. STERILIZATION. Surgery or nonsurgical  
24 sterilization performed in accordance with Chapter 828, Health and  
25 Safety Code, must be performed by a veterinarian or a person who is  
26 a full-time student of an accredited college of veterinary  
27 medicine.

1 Sec. 801.366. ANIMAL SHELTER OR RELEASING AGENCY TREATMENT

2 PROTOCOL. (a) A veterinarian who makes medically appropriate and  
3 timely visits to an animal shelter or releasing agency may, in  
4 consultation with the animal shelter or releasing agency, develop a  
5 written animal treatment protocol to authorize an agent of the  
6 animal shelter or releasing agency to administer a nonprescription  
7 vaccine, nonprescription medicine, or medicine that is not a  
8 controlled substance as necessary to prevent or control  
9 communicable diseases or internal or external parasites.

10 (b) A written animal treatment protocol developed under  
11 Subsection (a) must meet the minimum acceptable standard of care  
12 for the administration of a nonprescription vaccine,  
13 nonprescription medicine, or medicine that is not a controlled  
14 substance used to prevent or control communicable diseases or  
15 internal or external parasites.

16 (c) A veterinarian who develops a written animal treatment  
17 protocol under this section does not violate Section [801.351](#).

18 (d) In this section:

19 (1) "Animal shelter" has the meaning assigned by  
20 Section [823.001](#), Health and Safety Code; and

21 (2) "Releasing agency" has the meaning assigned by  
22 Section [828.001](#), Health and Safety Code.

23 SECTION 8. This Act takes effect September 1, 2015.