

By: Capriglione

H.B. No. 996

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of business entities that provide assistance animals; providing a civil penalty.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. BUSINESS ENTITIES PROVIDING ASSISTANCE ANIMALS

Sec. 113.001. DEFINITION. In this chapter, "assistance animal" has the meaning assigned by Section 121.002, Human Resources Code.

Sec. 113.002. REQUIREMENTS FOR BUSINESS ENTITIES PROVIDING ASSISTANCE ANIMALS. A business entity that provides, by sale or donation, assistance animals shall:

(1) provide an average of 30 or more hours of one-on-one training over a 90-day or longer period to each assistance animal provided by the entity;

(2) obtain a wellness verification from a licensed veterinarian during the period described by Subdivision (1) for each assistance animal provided by the entity;

(3) maintain an in-house residential facility in which each individual using an assistance animal provided by the entity stays for 10 or more days while receiving at least 30 hours of training with the assistance animal;

(4) ensure that each assistance animal provided by the

1 entity has passed the American Kennel Club Canine Good Citizen
2 test, or a test having standards substantially similar to the
3 standards of the American Kennel Club Canine Good Citizen test in
4 effect on September 1, 2017; and

5 (5) make available follow-up services to each
6 individual using an assistance animal provided by the entity for
7 the life of the assistance animal.

8 Sec. 113.003. CIVIL PENALTY; INJUNCTION. (a) A business
9 entity that violates a provision of this chapter is liable to the
10 state for a civil penalty in an amount not to exceed \$500 for each
11 separate violation and, in the case of a continuing violation, an
12 amount not to exceed \$500 for each subsequent day on which the
13 violation occurs.

14 (b) The attorney general or an appropriate prosecuting
15 attorney may sue to collect a civil penalty under this section.

16 (c) The attorney general may bring an action in the name of
17 the state to restrain or enjoin a violation or threatened violation
18 of this chapter.

19 Sec. 113.004. CIVIL LIABILITY. (a) A business entity that
20 sells an assistance animal to a person in violation of this chapter
21 is liable to the person for the amount the person paid for the
22 assistance animal.

23 (b) A person who prevails in an action brought under this
24 section is also entitled to recover court costs and reasonable
25 attorney's fees.

26 SECTION 2. This Act takes effect September 1, 2017.