

BILL ANALYSIS

H.B. 3840
By: Capriglione
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that because there are no training standards for qualification as a service dog, vulnerable veterans with post-traumatic stress disorder are being exploited by bad actors who receive compensation for providing a dog that has minimal functional training. H.B. 3840 seeks to address these concerns by establishing requirements for providers or trainers of assistance animals for veterans to ensure that these dogs meet the high functional standards to serve the needs of their owners.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3840 amends the Business & Commerce Code to require an individual or business entity that provides by sale or donation or trains assistance animals to do the following:

- provide an average of 30 or more hours of one-on-one training over a 90-day or longer period to each such assistance animal;
- obtain during that period a wellness verification from a licensed veterinarian for each such assistance animal;
- work with each veteran using such an assistance animal for 10 or more days, provide the veteran at least 30 hours of training with the animal, and make follow-up services available to each veteran for the life of the animal; and
- ensure that each such assistance animal has passed a certain specified test.

The bill defines "assistance animal" as a canine that is specially trained or equipped to help a veteran diagnosed with post-traumatic stress disorder and that is used by such a veteran.

H.B. 3840 establishes a civil penalty for an individual or business entity that violates the bill's provisions in an amount capped at \$500 for each separate violation, and in the case of a continuing violation, in that capped amount for each subsequent day on which the violation occurs. The bill provides for the collection of the penalty by the attorney general or an appropriate prosecuting attorney and for injunction by the attorney general. The bill makes a business entity that sells an assistance animal to a person in violation of the bill's provisions liable to the person for the amount the person paid for the animal and entitles a person who prevails in a related civil action to recover court costs and reasonable attorney's fees.

EFFECTIVE DATE

September 1, 2019.