86R11963 JES-D

By:  Capriglione, Flynn, Tinderholt, Miller, H.B. No. 3840

     Cain

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of individuals or business entities that provide or train assistance animals for veterans; 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 114 to read as follows:

CHAPTER 114. PROVIDERS AND TRAINERS OF ASSISTANCE ANIMALS FOR VETERANS

Sec. 114.001.  DEFINITIONS. In this chapter:

(1) "Assistance animal" means a canine that is specially trained or equipped to help a veteran diagnosed with post-traumatic stress disorder and that is used by a veteran with post-traumatic stress disorder.

(2) "Veteran" has the meaning assigned by Section 53.001, Human Resources Code.

Sec. 114.002.  REQUIREMENTS FOR PROVIDERS OR TRAINERS OF ASSISTANCE ANIMALS FOR VETERANS. An individual or business entity that provides, by sale or donation, or trains 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 or trained by the individual or entity;

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

(3)  work with each veteran using an assistance animal provided or trained by the individual or entity for 10 or more days and provide the veteran at least 30 hours of training with the assistance animal;

(4)  ensure that each assistance animal provided or trained by the individual or entity has passed:

(A)  the American Kennel Club Canine Good Citizen test, or a test having standards substantially similar to the standards of the American Kennel Club Canine Good Citizen test in effect on September 1, 2019; and

(B)  the Assistance Dogs International Public Access Test, or a test having standards substantially similar to the standards of the Assistance Dogs International Public Access Test in effect on September 1, 2019; and

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

Sec. 114.003.  CIVIL PENALTY; INJUNCTION. (a) An individual or business entity that violates a provision of this chapter is liable to the state for a civil penalty in an amount not to exceed $500 for each separate violation and, in the case of a continuing violation, an amount not to exceed $500 for each subsequent day on which the violation occurs.

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

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

Sec. 114.004.  CIVIL LIABILITY. (a) A business entity that sells an assistance animal to a person in violation of this chapter is liable to the person for the amount the person paid for the assistance animal.

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

SECTION 2.  This Act takes effect September 1, 2019.