

By: Springer, Raymond, Kacal

H.B. No. 2787

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain confidential or privileged information related  
3 to veterinary care or treatment and to the liability of volunteer  
4 certified veterinary assistants, licensed veterinary technicians,  
5 or veterinarians who provide medical assistance to an injured  
6 animal in certain situations.

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

8 SECTION 1. Section 801.353, Occupations Code, is amended by  
9 adding Subsections (d-2) and (f-1) and amending Subsection (g) to  
10 read as follows:

11 (d-2) The privilege provided by this section is waived by  
12 the client or the owner of the animal treated by the veterinarian  
13 with respect to information regarding the animal's care and  
14 treatment by the veterinarian that the client or owner publishes in  
15 a public forum if:

16 (1) the information shared by the client or owner in  
17 the public forum is false with respect to the veterinarian;

18 (2) any information shared by the veterinarian in  
19 response is limited to factual information of which the  
20 veterinarian has knowledge that directly refutes the false  
21 information shared by the client or owner in the public forum; and

22 (3) the veterinarian does not share any personally  
23 identifiable information of a client or owner other than the full  
24 name of the client or owner.

1       (f-1) A veterinarian does not violate this section by  
2 providing to a veterinarian or an appropriate governmental entity  
3 information regarding:

4           (1) the prescribing, dispensing, or requesting of a  
5 controlled substance; or

6           (2) cruelty to or an attack of an animal.

7       (g) A public health authority or other governmental entity  
8 that receives information under Subsection (f) or (f-1) shall  
9 maintain the confidentiality of the information, may not disclose  
10 the information under Chapter 552, Government Code, and may not use  
11 the information for a purpose that does not directly relate to law  
12 enforcement or the protection of public health and safety.

13       SECTION 2. (a) Title 4, Civil Practice and Remedies Code,  
14 is amended by adding Chapter 91B to read as follows:

15       CHAPTER 91B. LIABILITY OF VOLUNTEER VETERINARY PRACTITIONERS

16       Sec. 91B.001. DEFINITIONS. In this chapter, "certified  
17 veterinary assistant," "licensed veterinary technician," and  
18 "veterinarian" have the meanings assigned by Section 801.002,  
19 Occupations Code.

20       Sec. 91B.002. IMMUNITY FROM LIABILITY. (a) Except as  
21 provided by Section 91B.003, a certified veterinary assistant,  
22 licensed veterinary technician, or veterinarian who in good faith  
23 and as a volunteer provides medical assistance to an injured animal  
24 is immune from civil liability for an act or omission that occurs in  
25 providing that medical assistance if the medical assistance is  
26 provided:

27           (1) in response to an incident that is a man-made or

1 natural disaster that injures, endangers, or threatens to endanger  
2 the animal;

3 (2) at the request of the owner of the animal or an  
4 authorized representative of a local, state, or federal agency,  
5 including a fire department, a police department, an emergency  
6 management agency, or a disaster response agency; and

7 (3) within the scope of practice authorized and level  
8 of supervision required under Chapter 801, Occupations Code.

9 (b) This section does not apply to a certified veterinary  
10 assistant, licensed veterinary technician, or veterinarian giving  
11 medical assistance for or in expectation of compensation from or on  
12 behalf of the owner of the animal in excess of reimbursement for  
13 expenses incurred.

14 Sec. 91B.003. APPLICABILITY. This chapter does not apply  
15 to an act or omission that is grossly negligent or intentional  
16 misconduct.

17 (b) Chapter 91B, Civil Practice and Remedies Code, as added  
18 by this Act, does not apply to a cause of action that accrued before  
19 the effective date of this Act. A cause of action that accrued  
20 before the effective date of this Act is governed by the law  
21 applicable to the cause of action immediately before the effective  
22 date of this Act, and that law is continued in effect for that  
23 purpose.

24 SECTION 3. Section 801.353, Occupations Code, as amended by  
25 this Act, applies only to the disclosure or release of information  
26 under that section on or after the effective date of this Act. The  
27 disclosure or release of information before that date is governed

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1 by the law in effect on the date of the disclosure or release, and  
2 the former law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2019.