

By: Springer

H.B. No. 3806

A BILL TO BE ENTITLED

AN ACT

relating to veterinary services provided by releasing agencies.

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

SECTION 1. Section 828.001, Health and Safety Code, is amended by adding Subsections 828.001(5).

Sec. 828.001. DEFINITIONS. In this chapter: (1) "New owner" means a person who is legally competent to enter into a binding contract and who is adopting a dog or cat from a releasing agency.

(2) "Releasing agency" means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

(3) "Sterilization" means the surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

(4) "Veterinarian" means a person licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners.

(5) "Nonprofit" means an organization that provides veterinary medical care to animals that is exempt from taxation under Chapter 22 of the Business Organizations Code or by the

1 Internal Revenue Service under 26 U.S.C. § 501 (c).

2 SECTION 2. Section 828.0035, Health and Safety Code, is  
3 amended by adding Subsections (3) and (4).

4 Sec. 828.0035. STATE BOARD OF VETERINARY MEDICAL EXAMINERS.  
5 The State Board of Veterinary Medical Examiners shall:

6 (1) develop information sheets regarding surgical or  
7 nonsurgical sterilization to be distributed by a releasing agency  
8 to a new owner; and

9 (2) adopt rules requiring an animal that has been  
10 sterilized under this chapter to receive an identification marker  
11 in a manner authorized by the board.

12 (3) enforce Health and Safety Code Section 828.012  
13 under the authority of Occupations Code 801.402, 801.508 and  
14 801.504.

15 (4) establish a list of acceptable programs under Sec.  
16 828.012(b)(1).

17 SECTION 4. Section 828.012, Health and Safety Code, is  
18 amended by amending Subsections (b) and adding (b)(1).

19 Sec. 828.012. SURGERY AND OTHER VETERINARY SERVICES. (a)  
20 Surgery or nonsurgical sterilization performed in accordance with  
21 this chapter must be performed by a veterinarian or a full-time  
22 student of an accredited college of veterinary medicine as provided  
23 by Chapter 801, Occupations Code.

24 (b) A veterinarian employed by a releasing agency or  
25 non-profit may not perform nonemergency veterinary services other  
26 than sterilization and vaccinations on an animal that the releasing  
27 or non-profit agency knows or should know has an owner. However,

1 this subsection does not prevent a veterinarian employed by a  
2 releasing agency or non-profit from performing veterinary services  
3 on an animal whose owner is indigent ~~as determined by;~~

4           (1) enrollment in a state or federal program for which  
5 residents must meet certain low income levels to participate,  
6 including but not limited to Medicaid, Supplemental Nutrition  
7 Assistance Program, Section 8 Federal Public Housing Assistance  
8 (FPHA), Low Income Home Energy Assistance Program (LIHEAP) and  
9 Temporary Assistance for Needy Families (TANF), Veterans  
10 Administration Disability and State Children's Health Insurance  
11 program (SCHIP).

12           (c) A person associated with a releasing agency or  
13 non-profit may not interfere with the independent professional  
14 judgment of a veterinarian employed by or under contract with the  
15 releasing agency.

16           SECTION 5. Section 828.013, Health and Safety Code, is  
17 amended.

18           Sec. 828.013. EXEMPTIONS. Except as provided by Health and  
19 Safety Code 828.012. This other provisions of this chapter ~~does~~ do  
20 not apply to:

21           (1) a dog or cat that is claimed from a releasing  
22 agency by a person who already owns the animal;

23           (2) a releasing agency located in a municipality that  
24 has in effect an ordinance providing standards for dog and cat  
25 sterilization that exceed the requirements provided by this  
26 chapter;

27           (3) an institution of higher education that purchases

1 or otherwise procures a dog or cat for the purpose of biomedical  
2 research, testing, or teaching; or

3 (4) a releasing agency located in:

4 (A) a county with a population of 20,000 or less;

5 or

6 (B) a municipality with a population of 10,000 or  
7 less.

8 SECTION 6. This Act takes effect September 1, 2019.