

By: Capriglione

H.B. No. 3840

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

1 veterinarian during the period described by Subdivision (1) for
2 each assistance animal provided or trained by the individual or
3 entity;

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

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

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

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

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

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

27 (b) The attorney general or an appropriate prosecuting

1 attorney may sue to collect a civil penalty under this section.

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

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

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

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