

BILL ANALYSIS

Senate Research Center
87R7432 JES-F

H.B. 2850
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Water, Agriculture & Rural Affairs
5/19/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties have raised concerns that many veterinarians are unsure about disciplinary action they may face in certain situations regarding their veterinary practice. The bill seeks to address this issue by establishing and clarifying provisions relating to certain confidential or privileged information regarding veterinary care or treatment and providing immunity from civil liability to veterinarians, licensed veterinary technicians, and certified veterinary assistants who volunteer under certain circumstances.

H.B. 2850 amends current law relating to the liability of certain volunteers who provide veterinary care or treatment and certain confidential or privileged information related to veterinary care or treatment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 91B, as follows:

CHAPTER 91B. LIABILITY OF VOLUNTEER VETERINARY PRACTITIONERS

Sec. 91B.001. DEFINITIONS. Defines, for purposes of this chapter, "certified veterinary assistant," "licensed veterinary technician," and "veterinarian."

Sec. 91B.002. IMMUNITY FROM LIABILITY. (a) Provides that except as provided by Section 91B.003, a certified veterinary assistant, licensed veterinary technician, or veterinarian who in good faith and as a volunteer provides veterinary care or treatment to an injured animal is immune from civil liability for an act or omission that occurs in providing that care or treatment if the care or treatment is provided:

- (1) in response to an incident that is a man-made or natural disaster that injures, endangers, or threatens to endanger the animal;
- (2) at the request of the owner of the animal or an authorized representative of a local, state, or federal agency, including a fire department, a police department, an emergency management agency, or a disaster response agency; and
- (3) within the scope of practice authorized and level of supervision required under Chapter 801 (Veterinarians), Occupations Code.

(b) Provides that this section does not apply to a certified veterinary assistant, licensed veterinary technician, or veterinarian giving veterinary care or treatment for or in expectation of compensation from or on behalf of the owner of the animal in excess of reimbursement for expenses incurred.

Sec. 91B.003. APPLICABILITY. Provides that this chapter does not apply to an act or omission that is grossly negligent or intentional misconduct.

SECTION 2. Amends Section 801.353, Occupations Code, by adding Subsections (d-2) and (f-1) and amending Subsection (g), as follows:

(d-2) Provides that the privilege provided by Section 801.353 (Confidentiality; Waiver) is waived by the client or the owner of the animal treated by the veterinarian with respect to information regarding the animal's care and treatment by the veterinarian that the client or owner publishes in a public forum if:

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

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

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

(f-1) Provides that a veterinarian does not violate Section 801.353 by providing to a veterinarian or an appropriate governmental entity information regarding the prescribing, dispensing, or requesting of a controlled substance or cruelty to or an attack of an animal.

(g) Provides that a public health authority or other governmental entity that receives information under Subsection (f) (relating to the non-violation of this section by a veterinarian by providing certain information) or (f-1), rather than information under Subsection (f), is required to maintain the confidentiality of the information, is prohibited from disclosing the information under Chapter 552 (Public Information), Government Code, and is prohibited from using the information for a purpose that does not directly relate to law enforcement or the protection of public health and safety, rather than directly relate to the protection of public health and safety.

SECTION 3. Provides that Chapter 91B, Civil Practice and Remedies Code, as added by this Act, does not apply to a cause of action that accrued before the effective date of this Act. Provides that a cause of action that accrued before the effective date of this Act is governed by the law applicable to the cause of action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Makes application of Section 801.353, Occupations Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2021.