

By: Kacal, Guillen

H.B. No. 2850

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 91B to read as follows:

CHAPTER 91B. LIABILITY OF VOLUNTEER VETERINARY PRACTITIONERS

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

Sec. 91B.002. IMMUNITY FROM LIABILITY. (a) 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,

1 including a fire department, a police department, an emergency
2 management agency, or a disaster response agency; and

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

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

10 Sec. 91B.003. APPLICABILITY. This chapter does not apply
11 to an act or omission that is grossly negligent or intentional
12 misconduct.

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

16 (d-2) The privilege provided by this section is waived by
17 the client or the owner of the animal treated by the veterinarian
18 with respect to information regarding the animal's care and
19 treatment by the veterinarian that the client or owner publishes in
20 a public forum if:

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

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

27 (3) the veterinarian does not share any personally

1 identifiable information of a client or owner other than the full
2 name of the client or owner.

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

6 (1) the prescribing, dispensing, or requesting of a
7 controlled substance; or

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

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

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

22 SECTION 4. Section 801.353, Occupations Code, as amended by
23 this Act, applies only to the disclosure or release of information
24 under that section on or after the effective date of this Act. The
25 disclosure or release of information before that date is governed
26 by the law in effect on the date of the disclosure or release, and
27 the former law is continued in effect for that purpose.

1 SECTION 5. This Act takes effect September 1, 2021.