

BILL ANALYSIS

C.S.H.B. 3364
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Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Virtual doctor-patient relationships are legal in all 50 states, allowing patients to receive care without an initial in-person visit. However, Texas law has prohibited the establishment of a veterinarian-client-patient relationship (VCPR) through electronic means, effectively banning veterinary telemedicine without an initial physical examination. In *Hines v. Pardue*, 117 F.4th 769 (5th Cir. 2024), the United States Court of Appeals for the Fifth Circuit ruled that Texas' ban on electronic VCPRs was unconstitutional as applied, holding that the state's requirement for an in-person exam violated a veterinarian's First Amendment rights. The court found that Texas imposed stricter telemedicine requirements for veterinarians treating animals than for physicians treating human patients. Writing for the court, Judge Don Willett observed: "Exam-free telehealth, turns out, is fine for your Uncle Bernard, but not for your Saint Bernard."

C.S.H.B. 3364 seeks to update Texas law in the wake of the *Hines* decision to recognize the growing role of telemedicine in veterinary care and to provide a legal framework for how veterinarians may practice remotely while maintaining quality care standards and appropriate oversight.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3364 amends the Occupations Code to provide for the practice of veterinary medicine by telephone or electronic means. The bill establishes that veterinary medicine, after a veterinarian-client-patient relationship is established, may be practiced by telephone or electronic means if otherwise practiced in accordance with the requirements of the Veterinary Licensing Act. The bill authorizes a veterinarian who, in a medical emergency, reasonably believes an animal's condition would result in irreparable harm or suffering to provide care by telephone or electronic means without establishing a veterinarian-client-patient relationship if that care is otherwise provided in accordance with the act's requirements.

C.S.H.B. 3364 requires a veterinarian who practices veterinary medicine by telephone or electronic means to do the following:

- possess a valid license to practice veterinary medicine in Texas;
- be routinely engaged in the practice of veterinary medicine in Texas;
- practice in accordance with the act and rules adopted under the act; and

- comply with all federal laws applicable to the practice of veterinary medicine.

The bill establishes that the State Board of Veterinary Medical Examiners (TBVME) has jurisdiction over a veterinarian's practice of veterinary medicine in Texas by telephone or electronic means regardless of where the veterinarian is physically located.

C.S.H.B. 3364 prohibits a veterinarian from prescribing for the treatment of an animal a controlled substance, as defined by the Texas Controlled Substances Act, by telephone or electronic means unless the veterinarian has examined the animal in person or made medically appropriate and timely visits to the premises on which the animal is kept.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3364 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced replaced the prohibition against a veterinarian-client-patient relationship being established solely by telephone or electronic means with an authorization for such a relationship to be established by those means, the substitute does the following:

- establishes that veterinary medicine, after a veterinarian-client-patient relationship is established, may be practiced by telephone or electronic means if otherwise practiced in accordance with the requirements of the Veterinary Licensing Act; and
- authorizes a veterinarian who, in a medical emergency, reasonably believes an animal's condition would result in irreparable harm or suffering to provide care by telephone or electronic means without establishing a veterinarian-client-patient relationship if that care is otherwise provided in accordance with the act's requirements.

The substitute includes provisions absent from the introduced relating to the following:

- standards for veterinary practice by telephone or electronic means and the jurisdiction of the TBVME; and
- a veterinarian's authority to prescribe controlled substances by telephone or electronic means.