

By: Oliverson

H. B. No. 4546

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the election of remedies in suits against certain
3 veterinarians.

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

5 SECTION 1. Subchapter H, Chapter 801, Occupations Code, is
6 amended by adding Section 801.365 to read as follows:

7 Sec. 801.365. ELECTION OF REMEDIES REQUIRED IN SUITS
8 AGAINST CERTAIN VETERINARIANS; PERSONAL LIABILITY FOR
9 VETERINARIANS. (a) Except as provided by Subsection (a-1), this
10 section applies only to a veterinarian employed by a governmental
11 unit, as that term is defined by Section 101.001, Civil Practice and
12 Remedies Code.

13 (a-1) This section does not apply to a regulatory or public
14 health program of a governmental unit, as defined by Section
15 101.001, Civil Practice and Remedies Code, including a regulatory
16 or public health program operated by the Texas Animal Health
17 Commission, Department of State Health Services, Parks and Wildlife
18 Department, or Texas Racing Commission.

1 (1) the governmental unit; or

2 (2) the employee of the governmental unit.

3 (c) If the plaintiff fails to amend the pleadings as
4 required by Subsection (b), the court shall dismiss the suit.

5 (d) Notwithstanding Section 101.106(f), Civil Practice and
6 Remedies Code, if a suit is filed against a veterinarian employed by
7 a governmental unit based on veterinary services provided by the
8 veterinarian within the general scope of the veterinarian's
9 employment, the court shall require the plaintiff to promptly amend
10 the plaintiff's pleadings to elect whether the suit is against the
11 employee in the employee's official capacity or individual
12 capacity. If the plaintiff fails to amend the pleadings as required
13 by this subsection, the court shall dismiss the suit.

14 SECTION 2. Section 801.365, Occupations Code, as added by
15 this Act, applies only to an action commenced on or after the
16 effective date of this Act. An action commenced before the
17 effective date of this Act is governed by the law as it existed
18 immediately before the effective date of this Act, and that law is
19 continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2025.