

By: Oliverson

H.B. No. 4546

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(b) Notwithstanding Section 101.106(e), Civil Practice and Remedies Code, if a plaintiff files suit under Chapter 101, Civil Practice and Remedies Code, against both a governmental unit and an employee of the governmental unit who is a veterinarian, the court shall require the plaintiff to promptly amend the plaintiff's pleadings to dismiss either:

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.