

By: Zaffirini

S.B. No. 811

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of veterinary medicine.

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

SECTION 1. Section 801.004, Occupations Code, is amended to read as follows:

Sec. 801.004. APPLICATION OF CHAPTER. This chapter does not apply to:

(1) the treatment or care of an animal in any manner by the owner of the animal, an employee of the owner, or a designated caretaker of the animal, unless the ownership, employment, or designation is established with the intent to violate this chapter;

(2) a person who performs an act prescribed by the board as an accepted livestock management practice, including:

(A) castrating a male animal raised for human consumption;

(B) docking or earmarking an animal raised for human consumption;

(C) dehorning cattle;

(D) aiding in the nonsurgical birth process of a large animal, as defined by board rule;

(E) treating an animal for disease prevention with a nonprescription medicine or vaccine;

(F) branding or identifying an animal in any manner;

1 (G) artificially inseminating an animal,
2 including training, inseminating, and compensating for services
3 related to artificial insemination; and

4 (H) shoeing a horse;

5 (3) the performance of a cosmetic or production
6 technique to reduce injury in poultry intended for human
7 consumption;

8 (4) the performance of a duty by a veterinarian's
9 employee if:

10 (A) the duty involves food production animals;

11 (B) the duty does not involve diagnosis,
12 prescription, or surgery;

13 (C) the employee is under the direction and
14 general supervision of the veterinarian; and

15 (D) the veterinarian is responsible for the
16 employee's performance;

17 (5) the performance of an act by a person who is a
18 full-time student of an accredited college of veterinary medicine
19 ~~[or is a foreign graduate of a board-approved equivalent competency~~
20 ~~program for foreign veterinary graduates and who is participating~~
21 ~~in a board-approved extern or preceptor program]~~ if the act is
22 performed under the direct supervision of a veterinarian ~~[employing~~
23 ~~the person]~~;

24 (6) an animal shelter employee who performs euthanasia
25 in the course and scope of the person's employment if the person has
26 successfully completed training in accordance with Chapter 829,
27 Health and Safety Code;

1 (7) a person who is engaged in a recognized
2 state-federal cooperative disease eradication or control program
3 or an external parasite control program while the person is
4 performing official duties required by the program;

5 (8) a person who, without expectation of compensation,
6 provides emergency care in an emergency or disaster; or

7 (9) a consultation given to a veterinarian in this
8 state by a person who:

9 (A) resides in another state; and

10 (B) is lawfully qualified to practice veterinary
11 medicine under the laws of that state.

12 SECTION 2. Section 801.157, Occupations Code, is amended to
13 read as follows:

14 Sec. 801.157. PEER ASSISTANCE PROGRAM. (a) The board shall
15 establish or approve a peer assistance program for veterinarians.
16 The peer assistance program must comply with Chapter 467, Health
17 and Safety Code.

18 (b) The board may order a veterinarian who is subject to
19 disciplinary action under this chapter based on a finding that the
20 veterinarian is impaired by chemical dependency or mental illness
21 to submit to care, counseling, or treatment through the peer
22 assistance program.

23 SECTION 3. Subchapter D, Chapter 801, Occupations Code, is
24 amended by adding Section 801.164 to read as follows:

25 Sec. 801.164. PEACE OFFICERS. (a) The board may commission
26 as a peace officer to enforce this chapter an employee who has been
27 certified as qualified to be a peace officer by the Commission on

1 Law Enforcement Officer Standards and Education.

2 (b) An employee commissioned as a peace officer under this
3 chapter has the powers, privileges, and immunities of a peace
4 officer while carrying out duties as a peace officer under this
5 chapter.

6 SECTION 4. Section 801.253(a), Occupations Code, is amended
7 to read as follows:

8 (a) The board shall ~~[hold a regular meeting at least twice~~
9 ~~each year to]~~ conduct licensing examinations at least twice each
10 year as provided by board rule. The ~~[board shall conduct the]~~
11 examination shall be conducted at a time and place the board
12 determines is convenient for applicants.

13 SECTION 5. Section 801.254(a), Occupations Code, is amended
14 to read as follows:

15 (a) The board shall conduct, or may contract with a
16 board-approved entity to conduct, the licensing examination on
17 subjects relating to veterinary medicine, including anatomy,
18 pathology, chemistry, obstetrics, public health, veterinary
19 practice, veterinary jurisprudence, physiology and bacteriology,
20 and other subjects regularly taught in reputable schools of
21 veterinary medicine. In this chapter, a reference to an
22 examination conducted by the board includes an examination
23 conducted by a board-approved entity as permitted by this
24 subsection.

25 SECTION 6. Section 801.258, Occupations Code, is amended to
26 read as follows:

27 Sec. 801.258. TEMPORARY LICENSE. The board by rule may

1 provide for the issuance of a temporary license to an applicant who:

2 (1) is licensed in good standing as a veterinarian in
3 another state or foreign country;

4 (2) meets the eligibility requirements under Sections
5 801.252(1) and (2); and

6 (3) is not subject to denial of a license or to
7 disciplinary action for a ground listed in Section 801.402.

8 SECTION 7. Section 801.353, Occupations Code, is amended by
9 adding Subsection (d-1) to read as follows:

10 (d-1) The privilege provided by this section is waived by
11 the client or the owner of the animal treated by the veterinarian in
12 a proceeding to substantiate and collect on a claim for the
13 provision of veterinary services.

14 SECTION 8. Article 2.12, Code of Criminal Procedure, is
15 amended to read as follows:

16 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
17 officers:

18 (1) sheriffs, their deputies, and those reserve
19 deputies who hold a permanent peace officer license issued under
20 Chapter 1701, Occupations Code;

21 (2) constables, deputy constables, and those reserve
22 deputy constables who hold a permanent peace officer license issued
23 under Chapter 1701, Occupations Code;

24 (3) marshals or police officers of an incorporated
25 city, town, or village, and those reserve municipal police officers
26 who hold a permanent peace officer license issued under Chapter
27 1701, Occupations Code;

1 (4) rangers and officers commissioned by the Public
2 Safety Commission and the Director of the Department of Public
3 Safety;

4 (5) investigators of the district attorneys', criminal
5 district attorneys', and county attorneys' offices;

6 (6) law enforcement agents of the Texas Alcoholic
7 Beverage Commission;

8 (7) each member of an arson investigating unit
9 commissioned by a city, a county, or the state;

10 (8) officers commissioned under Section 37.081,
11 Education Code, or Subchapter E, Chapter 51, Education Code;

12 (9) officers commissioned by the General Services
13 Commission;

14 (10) law enforcement officers commissioned by the
15 Parks and Wildlife Commission;

16 (11) airport police officers commissioned by a city
17 with a population of more than 1.18 million that operates an airport
18 that serves commercial air carriers;

19 (12) airport security personnel commissioned as peace
20 officers by the governing body of any political subdivision of this
21 state, other than a city described by Subdivision (11), that
22 operates an airport that serves commercial air carriers;

23 (13) municipal park and recreational patrolmen and
24 security officers;

25 (14) security officers and investigators commissioned
26 as peace officers by the comptroller;

27 (15) officers commissioned by a water control and

1 improvement district under Section 49.216, Water Code;

2 (16) officers commissioned by a board of trustees
3 under Chapter 54, Transportation Code;

4 (17) investigators commissioned by the Texas Medical
5 Board;

6 (18) officers commissioned by the board of managers of
7 the Dallas County Hospital District, the Tarrant County Hospital
8 District, or the Bexar County Hospital District under Section
9 281.057, Health and Safety Code;

10 (19) county park rangers commissioned under
11 Subchapter E, Chapter 351, Local Government Code;

12 (20) investigators employed by the Texas Racing
13 Commission;

14 (21) officers commissioned under Chapter 554,
15 Occupations Code;

16 (22) officers commissioned by the governing body of a
17 metropolitan rapid transit authority under Section 451.108,
18 Transportation Code, or by a regional transportation authority
19 under Section 452.110, Transportation Code;

20 (23) investigators commissioned by the attorney
21 general under Section 402.009, Government Code;

22 (24) security officers and investigators commissioned
23 as peace officers under Chapter 466, Government Code;

24 (25) an officer employed by the Department of State
25 Health Services under Section 431.2471, Health and Safety Code;

26 (26) officers appointed by an appellate court under
27 Subchapter F, Chapter 53, Government Code;

1 (27) officers commissioned by the state fire marshal
2 under Chapter 417, Government Code;

3 (28) an investigator commissioned by the commissioner
4 of insurance under Section 701.104, Insurance Code;

5 (29) apprehension specialists and inspectors general
6 commissioned by the Texas Youth Commission as officers under
7 Sections 61.0451 and 61.0931, Human Resources Code;

8 (30) officers appointed by the inspector general of
9 the Texas Department of Criminal Justice under Section 493.019,
10 Government Code;

11 (31) investigators commissioned by the Commission on
12 Law Enforcement Officer Standards and Education under Section
13 1701.160, Occupations Code;

14 (32) commission investigators commissioned by the
15 Texas Private Security Board under Section 1702.061(f),
16 Occupations Code;

17 (33) the fire marshal and any officers, inspectors, or
18 investigators commissioned by an emergency services district under
19 Chapter 775, Health and Safety Code;

20 (34) officers commissioned by the State Board of
21 Dental Examiners under Section 254.013, Occupations Code, subject
22 to the limitations imposed by that section;

23 (35) investigators commissioned by the Texas Juvenile
24 Probation Commission as officers under Section 141.055, Human
25 Resources Code; ~~and~~

26 (36) the fire marshal and any related officers,
27 inspectors, or investigators commissioned by a county under

1 Subchapter B, Chapter 352, Local Government Code; and
2 (37) officers commissioned by the State Board of
3 Veterinary Medical Examiners under Section 801.164, Occupations
4 Code, subject to the limitations imposed by that section.

5 SECTION 9. This Act takes effect September 1, 2011.