

- SUBJECT:** Regulating entities that provide assistance animals for veterans
- COMMITTEE:** Defense and Veterans' Affairs — favorable, without amendment
- VOTE:** 5 ayes — Flynn, Tinderholt, Lopez, Lozano, Reynolds
- 1 nays — Romero
- 3 absent — Ashby, Hinojosa, Ramos
- WITNESSES:** For — Lori Stevens, Patriot PAWS Service Dogs; Jim Brennan, Texas Coalition of Veterans Organizations; Edwin Montalvo; Jill Tate;
(*Registered, but did not testify*: Marisa Finley, Baylor Scott and White Health; Cheri Siegelin)
- Against — Bart Sherwood, Train a Dog Save a Warrior, Inc.; (*Registered, but did not testify*: Ginger Mayeaux, The Arc of Texas; Jim Baxa)
- On — Jeff Miller, Disability Rights Texas
- BACKGROUND:** Some have called for the establishment of requirements for providers or trainers of assistance animals for veterans to ensure that these dogs meet the high functional standards necessary to serve the needs of their owners.
- DIGEST:** HB 3840 would require an individual or business entity that provided, by sale or donation, or trained assistance animals for veterans to:
- provide an average of 30 or more hours of one-on-one training over a 90-day or longer period to each assistance animal provided or trained;
 - obtain during that period a wellness verification from a licensed veterinarian for each animal;
 - work with each veteran using an assistance animal for at least 10 days and provide the veteran at least 30 hours of training with the animal;

- make follow-up services available to each veteran for the life of the animal; and
- ensure that each assistance animal had passed the American Kennel Club Canine Good Citizen and the Assistance Dogs International Public Access tests or tests with similar standards.

An "assistance animal" would mean a canine that was specially trained or equipped to help a veteran diagnosed with post-traumatic stress disorder and that was used by such a veteran.

An individual or business entity that violated the bill would be liable for a civil penalty of up to \$500 for each violation. In the case of a continuing violation, the individual or entity would be liable for up to the same amount for each subsequent day the violation occurred. The attorney general or a prosecuting attorney could sue to collect a civil penalty under the bill.

The attorney general could bring an action in the name of the state to restrain or enjoin a violation or threatened violation.

A business entity that sold an assistance animal to a person in violation of the bill would be liable to the person for the amount paid for the animal, and a person who prevailed in an action brought under the bill also would be entitled to recover court costs and reasonable attorney's fees.

The bill would take effect September 1, 2019.

NOTES:

The author intends to offer a floor amendment that would specify that the bill could not be construed to:

- prohibit a veteran from training the veteran's own assistance animal or subject such a veteran to the bill's requirements; or
- conflict with or limit any right afforded to a veteran or other person with a disability under any applicable state or federal law.

The amendment would require the assistance animal to pass either the

American Kennel Club Canine Good Citizen Test or Assistance Dogs
International Public Access Test or tests with similar standards rather than
requiring the animal to pass both.

Under the amendment, the civil penalty for subsequent violations could
not be less than \$500 instead of being capped at \$500.