

## **BILL ANALYSIS**

Senate Research Center  
84R7153 LED-F

S.B. 1911  
By: Perry  
Agriculture, Water, & Rural Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The specific problem being addressed by this legislation is the treatment of an animal with a communicable disease that is brought to an animal shelter to prevent the spread of that disease.

Current law restricts the ability of a veterinarian to develop protocols for an employee or agent of an animal shelter to guide the administration of a nonprescription drug or vaccine on animals with a communicable disease that the veterinarian has not personally examined.

S.B. 1911 allows a veterinarian to develop protocols for non-veterinarian staff of an animal shelter to follow in the administration of non-prescription drugs for the treatment of animals with communicable diseases.

As proposed, S.B. 1911 amends current law relating to the medical treatment and care of animals by certain persons in animal shelters and releasing agencies.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 823, Health and Safety Code, to read as follows:

#### **CHAPTER 823. ANIMAL SHELTERS AND RELEASING AGENCIES**

SECTION 2. Amends Chapter 823, Health and Safety Code, by designating Sections 823.001 through 823.009 as Subchapter A and adding a subchapter heading, to read as follows:

#### **SUBCHAPTER A. GENERAL PROVISIONS; ANIMAL SHELTERS**

SECTION 3. Amends Section 823.001, Health and Safety Code, by adding Subdivision (5) to define "releasing agency."

SECTION 4. Amends Chapter 823, Health and Safety Code, by adding Subchapter B, as follows:

#### **SUBCHAPTER B. TREATMENT AND CARE OF ANIMALS**

Sec. 823.051. **ANIMAL TREATMENT PROTOCOL.** Authorizes an agent for the shelter or agency, at the time an animal shelter or releasing agency takes possession of an animal, to administer a nonprescription vaccine, nonprescription medicine, or medicine that is not a controlled substance if the medicine is necessary to prevent or control communicable diseases or internal or external parasites and is administered in accordance with a protocol developed under Section 801.366, Occupations Code.

SECTION 5. Amends Section 828.012(a), Health and Safety Code, to require that surgery or nonsurgical sterilization performed in accordance with this chapter also be performed in

accordance with Section 801.365, Occupations Code, rather than requiring that surgery or nonsurgical sterilization performed in accordance with this chapter be performed by a veterinarian or a full-time student of an accredited college of veterinary medicine as provided by Chapter 801 (Veterinarians), Occupations Code.

SECTION 6. Amends Subchapter A, Chapter 801, Occupations Code, by amending Section 801.004 and adding Section 801.005, as follows:

Sec. 801.004. APPLICATION OF CHAPTER. Creates an exception under Section 801.005 and makes no further change to this section.

Sec. 801.005. TREATMENT OF ANIMAL IN ANIMAL SHELTER OR RELEASING AGENCY. Provides that this chapter applies to a veterinarian when treating an animal on behalf of or in an animal shelter, as defined by Section 823.001 (Definitions), Health and Safety Code, or a releasing agency, as defined by Section 828.001 (Definitions), Health and Safety Code.

SECTION 7. Amends Subchapter H, Chapter 801, Occupations Code, by adding Sections 801.365 and 801.366, as follows:

Sec. 801.365. STERILIZATION. Requires that surgery or nonsurgical sterilization performed in accordance with Chapter 828 (Dog and Cat Sterilization), Health and Safety Code, be performed by a veterinarian or a person who is a full-time student of an accredited college of veterinary medicine.

Sec. 801.366. ANIMAL SHELTER OR RELEASING AGENCY TREATMENT PROTOCOL. (a) Authorizes a veterinarian who makes medically appropriate and timely visits to an animal shelter or releasing agency, in consultation with the animal shelter or releasing agency, to develop a written animal treatment protocol to authorize an agent of the animal shelter or releasing agency to administer a nonprescription vaccine, nonprescription medicine, or medicine that is not a controlled substance as necessary to prevent or control communicable diseases or internal or external parasites.

(b) Requires that a written animal treatment protocol developed under Subsection (a) meet the minimum acceptable standard of care for the administration of a nonprescription vaccine, nonprescription medicine, or medicine that is not a controlled substance used to prevent or control communicable diseases or internal or external parasites.

(c) Provides that a veterinarian who develops a written animal treatment protocol under this section does not violate Section 801.351 (Existence of Veterinarian-Client-Patient Relationship).

(d) Defines “animal shelter” and “releasing agency.”

SECTION 8. Effective date: September 1, 2015.