

1-1 By: Kacal, Guillen (Senate Sponsor - Springer) H.B. No. 2850
 1-2 (In the Senate - Received from the House May 10, 2021;
 1-3 May 12, 2021, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 21, 2021, reported favorably by
 1-5 the following vote: Yeas 8, Nays 0; May 21, 2021, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the liability of certain volunteers who provide
 1-21 veterinary care or treatment and certain confidential or privileged
 1-22 information related to veterinary care or treatment.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 4, Civil Practice and Remedies Code, is
 1-25 amended by adding Chapter 91B to read as follows:

1-26 CHAPTER 91B. LIABILITY OF VOLUNTEER VETERINARY PRACTITIONERS

1-27 Sec. 91B.001. DEFINITIONS. In this chapter, "certified
 1-28 veterinary assistant," "licensed veterinary technician," and
 1-29 "veterinarian" have the meanings assigned by Section 801.002,
 1-30 Occupations Code.

1-31 Sec. 91B.002. IMMUNITY FROM LIABILITY. (a) Except as
 1-32 provided by Section 91B.003, a certified veterinary assistant,
 1-33 licensed veterinary technician, or veterinarian who in good faith
 1-34 and as a volunteer provides veterinary care or treatment to an
 1-35 injured animal is immune from civil liability for an act or omission
 1-36 that occurs in providing that care or treatment if the care or
 1-37 treatment is provided:

1-38 (1) in response to an incident that is a man-made or
 1-39 natural disaster that injures, endangers, or threatens to endanger
 1-40 the animal;

1-41 (2) at the request of the owner of the animal or an
 1-42 authorized representative of a local, state, or federal agency,
 1-43 including a fire department, a police department, an emergency
 1-44 management agency, or a disaster response agency; and

1-45 (3) within the scope of practice authorized and level
 1-46 of supervision required under Chapter 801, Occupations Code.

1-47 (b) This section does not apply to a certified veterinary
 1-48 assistant, licensed veterinary technician, or veterinarian giving
 1-49 veterinary care or treatment for or in expectation of compensation
 1-50 from or on behalf of the owner of the animal in excess of
 1-51 reimbursement for expenses incurred.

1-52 Sec. 91B.003. APPLICABILITY. This chapter does not apply
 1-53 to an act or omission that is grossly negligent or intentional
 1-54 misconduct.

1-55 SECTION 2. Section 801.353, Occupations Code, is amended by
 1-56 adding Subsections (d-2) and (f-1) and amending Subsection (g) to
 1-57 read as follows:

1-58 (d-2) The privilege provided by this section is waived by
 1-59 the client or the owner of the animal treated by the veterinarian
 1-60 with respect to information regarding the animal's care and
 1-61 treatment by the veterinarian that the client or owner publishes in

2-1 a public forum if:

2-2 (1) the information shared by the client or owner in
2-3 the public forum is false with respect to the veterinarian;

2-4 (2) any information shared by the veterinarian in
2-5 response is limited to factual information of which the
2-6 veterinarian has knowledge that directly refutes the false
2-7 information shared by the client or owner in the public forum; and

2-8 (3) the veterinarian does not share any personally
2-9 identifiable information of a client or owner other than the full
2-10 name of the client or owner.

2-11 (f-1) A veterinarian does not violate this section by
2-12 providing to a veterinarian or an appropriate governmental entity
2-13 information regarding:

2-14 (1) the prescribing, dispensing, or requesting of a
2-15 controlled substance; or

2-16 (2) cruelty to or an attack of an animal.

2-17 (g) A public health authority or other governmental entity
2-18 that receives information under Subsection (f) or (f-1) shall
2-19 maintain the confidentiality of the information, may not disclose
2-20 the information under Chapter 552, Government Code, and may not use
2-21 the information for a purpose that does not directly relate to law
2-22 enforcement or the protection of public health and safety.

2-23 SECTION 3. Chapter 91B, Civil Practice and Remedies Code,
2-24 as added by this Act, does not apply to a cause of action that
2-25 accrued before the effective date of this Act. A cause of action
2-26 that accrued before the effective date of this Act is governed by
2-27 the law applicable to the cause of action immediately before the
2-28 effective date of this Act, and that law is continued in effect for
2-29 that purpose.

2-30 SECTION 4. Section 801.353, Occupations Code, as amended by
2-31 this Act, applies only to the disclosure or release of information
2-32 under that section on or after the effective date of this Act. The
2-33 disclosure or release of information before that date is governed
2-34 by the law in effect on the date of the disclosure or release, and
2-35 the former law is continued in effect for that purpose.

2-36 SECTION 5. This Act takes effect September 1, 2021.

2-37

* * * * *