

BILL ANALYSIS

Senate Research Center
78R2457 SMH-D

S.B. 216
By: Zaffirini
Health and Human Services
3/17/2003
As Filed

DIGEST AND PURPOSE

Veterinarians across Texas treat animals infected with dangerous pathogens. The 77th Texas Legislature authorized veterinarians to burn or bury a carcass, provided that the burial or burning occurs on property owned by the veterinarian and the veterinarian does not charge for the disposal. However, some veterinarians who believed they were complying with the law were cited and fined by the Texas Commission on Environmental Quality for burning medical waste as they destroyed contaminated carcasses. As proposed, S.B. 216 would allow veterinarians to burn associated medical waste along with an animal carcass.

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 Section 801.361, Occupations Code, as follows:

Sec. 801.361. DISPOSAL OF ANIMAL REMAINS. (a) Defines "medical waste."

(b) Authorizes a veterinarian under certain circumstances to dispose of the remains of an animal and medical waste associated with the animal by burial or burning. Creates a new Subsection (b) from existing and proposed text.

(c) Prohibits the Texas Commission on Environment Quality (TCEQ) from adopting a rule that prohibits conduct authorized by this section, notwithstanding any other laws. Relettered from existing Subsection (b).

(d) Provides that this section prevails over any other law that authorizes a governmental entity to prohibit or restrict outdoor burning or abate a public nuisance. Deletes text referencing a county with a population of less than 10,000. Relettered from existing Subsection (c).

SECTION 2. Effective date: September 1, 2003.