

BILL ANALYSIS

H.B. 2850
By: Kacal
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been reported that many veterinarians are unsure about disciplinary action they may face in certain situations regarding their veterinary practice. H.B. 2850 seeks to address this issue by establishing and clarifying provisions relating to certain confidential or privileged information regarding veterinary care or treatment and by providing immunity from civil liability to veterinarians, licensed veterinary technicians, and certified veterinary assistants who volunteer under certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2850 amends the Civil Practice and Remedies Code to grant a certified veterinary assistant, licensed veterinary technician, or veterinarian who in good faith and as a volunteer provides veterinary care or treatment to an injured animal immunity from civil liability for an act or omission that occurs in providing that care or treatment under the following conditions:

- the care or treatment is provided in response to an incident that is a man-made or natural disaster that injures, endangers, or threatens to endanger the animal;
- the care or treatment is provided at the request of the animal's owner or an authorized representative of a local, state, or federal agency, including a fire department, a police department, an emergency management agency, or a disaster response agency; and
- the care or treatment is provided within the scope of practice authorized and level of supervision required under the Veterinary Licensing Act.

The immunity does not apply to the following:

- care or treatment given for or in expectation of compensation from or on behalf of the animal's owner in excess of reimbursement for expenses incurred; or
- an act or omission that is grossly negligent or intentional misconduct.

H.B. 2850 amends the Occupations Code to establish that the privilege provided by Veterinary Licensing Act confidentiality and waiver provisions is waived by the client or the owner of the animal treated by the veterinarian with respect to information regarding the animal's care and treatment by the veterinarian that the client or owner publishes in a public forum under the following conditions:

- the information shared by the client or owner in the public forum is false with respect to the veterinarian;

- any information shared by the veterinarian in response is limited to factual information of which the veterinarian has knowledge that directly refutes the false information shared by the client or owner in the public forum; and
- the veterinarian does not share any personally identifiable information of a client or owner other than the full name of the client or owner.

H.B. 2850 provides that a veterinarian does not violate those confidentiality and waiver provisions by providing information to a veterinarian or an appropriate governmental entity regarding the following:

- the prescribing, dispensing, or requesting of a controlled substance; or
- cruelty to or an attack of an animal.

The bill requires a governmental entity that receives such information to maintain the information's confidentiality and prohibits the entity from disclosing the information under state public information law and from using the information for a purpose that does not directly relate to law enforcement.

EFFECTIVE DATE

September 1, 2021.