

AN ACT

relating to the disposal by a veterinarian of animal remains and associated medical waste.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 801.361, Occupations Code, is amended to read as follows:

Sec. 801.361. DISPOSAL OF ANIMAL REMAINS. (a) In this section, "medical waste" includes animal waste, blood, gloves, sleeves, newspapers, and plastic bags, but does not include sharps.

(b) A veterinarian may dispose of the remains of an animal and medical waste associated with the animal by burial or burning if:

(1) the burial or burning occurs on property owned by the veterinarian that is located:

(A) outside the corporate boundaries of a municipality; or

(B) within the corporate boundaries of a municipality as a result of an annexation that occurs on or after September 1, 2003; and

(2) at least one of the following requirements is met:

(A) a veterinarian-client-patient relationship existed between the veterinarian, the owner or other caretaker of the animal, and the animal before the animal's death;

(B) the veterinarian diagnosed, treated,

1 boarded, or otherwise cared for the animal before its death; or

2 (C) the veterinarian performed euthanasia or an
3 autopsy on the animal [~~does not charge for the burning or burial~~].

4 (c) [(b)] Notwithstanding any other law, the Texas [~~Natural~~
5 ~~Resource Conservation~~] Commission on Environmental Quality may not
6 adopt a rule that prohibits conduct authorized by this section.

7 (d) [(e)] This section prevails over any other law that
8 authorizes a governmental entity to:

9 (1) prohibit or restrict outdoor burning; or

10 (2) abate a public nuisance [~~applies only in a county~~
11 ~~with a population of less than 10,000~~].

12 SECTION 2. This Act takes effect September 1, 2003.

David Swihart
President of the Senate

Jim Cusick
Speaker of the House

I hereby certify that S.B. No. 216 passed the Senate on May 13, 2003, by the following vote: Yeas 31, Nays 0.

Ratoy Saw
Secretary of the Senate

I hereby certify that S.B. No. 216 passed the House on May 28, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

Approved:

20 JUN '03
Date

Rick Pery
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:30 PM O'CLOCK

John Shea
JUN 20 2003
Secretary of State