

- SUBJECT:** Allowing some veterinary clinics to operate inside stores
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 7 ayes — Gonzalez Toureilles, Anderson, B. Brown, Crabb, Hardcastle, Kleinschmidt, Swinford
- 0 nays
- 2 absent — Heflin, Rios Ybarra
- WITNESSES:** For — Mark Cushing, Banfield, The Pet Hospital; (*Registered, but did not testify:* Pamela Cockrum, Mike Dunavant, Banfield)
- Against — None
- BACKGROUND:** Occupations Code, sec. 801.355 sets requirements for veterinary clinics that lease spaces from commercial establishments. The doors of such clinics cannot open to the inside of a store. Patients must be able to enter directly into the clinic without passing through a store first. Clinics that were open and operating before January 1, 1993, are exempt from the requirement that their doors be open to the outside.
- DIGEST:** HB 1615 would extend the exemption from the requirement that veterinary clinics have doors that open to the outside to clinics that were opened, designed or engineered before December 31, 2009.
- This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.
- SUPPORTERS SAY:** In 2002, Texas State Board of Veterinary Medical Examiners approved the placement of a number of veterinary clinics inside pet stores. After experiencing a transition in leadership in 2008, the board reversed its approval stance, citing a conflict with statute. HB 1615 would facilitate a compromise between the clinics that had been approved for operation inside stores and the new leadership of the Texas State Board of Veterinary Medical Examiners. Clinics that had been previously approved

would continue their operations, and all clinics opened after December 31, 2009 would be required to meet the statutory guidelines.

The statute requiring veterinary clinics to be separate from commercial establishments and open their doors to the outside originally was intended to ensure that veterinarians practiced sound medicine in adequate facilities. The clinics that would be exempted by this bill are highly professional establishments that were constructed from state-of-the-art designs. All medical services are performed in patient rooms that are closed off from the pet store. The statutory restriction was designed to prevent veterinarians from operating behind curtains and performing surgeries in the middle of stores, not to hinder the operations of reputable clinics.

HB 1615 would protect the largest employer of graduates from Texas A&M's veterinary program from financial hardship. If a lawsuit were to determine that clinics inside pet stores were not legal, Bansfield Pet Hospital would be forced to spend tens of millions of dollars in construction redesign efforts. Furthermore, many clinics would have to be shut down altogether because of their location in malls and strip shopping centers that have designs or restrictions that preclude tearing down a wall to the outdoors.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute differs from the original bill in that it would apply to clinics that were opened, designed or engineered before December 31, 2009, while the original bill would apply only to clinics that were open and operating prior to that date.

The companion bill, SB 523 by Averitt, has been referred to the Senate Natural Resources Committee.