

CHAPTER 723

H.B. No. 1429

An Act relating to the sale or distribution of rabies vaccine for animals; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 3.06, Rabies Control Act of 1981 (Article 4477-6a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.06. **USE AND SALE OF [MODIFIED LIVE VIRUS] RABIES VACCINE FOR ANIMALS RESTRICTED.** (a) To prevent improper vaccination of animals against and the accidental exposure of humans to rabies, [modified live virus] rabies vaccine for animals shall be administered only by or under the direct supervision of a veterinarian who is licensed to practice in this state.

(b) *No person may sell or distribute rabies vaccine for animals to any person except a licensed veterinarian or to a person working in a veterinary clinic who accepts the vaccine on behalf of the veterinarian.*

(c) *This Act does not prohibit a pharmacy licensed by the Texas State Board of Pharmacy from supplying rabies vaccine for animals to a licensed veterinarian.*

SECTION 2. Section 5.07, Rabies Control Act of 1981 (Article 4477-6a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 5.07. **VIOLATION OF THE RESTRICTIONS UPON THE USE AND SALE OF [MODIFIED LIVE VIRUS] RABIES VACCINE.** (a) A person commits an offense:

(1) if he administers or attempts to administer [modified live virus] rabies vaccine in a manner not authorized by Section 3.06 of this Act; [or]

(2) if he dispenses or attempts to dispense [modified live virus] rabies vaccine in a manner not authorized by Section 3.01 of this Act; or

(3) *if he sells or distributes rabies vaccine for animals in violation of Section 3.06(b) of this Act.*

(b) An offense under this section is a Class C misdemeanor.

SECTION 3. Section 161.042, Agriculture Code, is amended to read as follows:

Sec. 161.042. **SALE AND DISTRIBUTION OF VETERINARY BIOLOGICS.** The commission may control the sale and distribution of all veterinary biologics except [modified live virus] rabies vaccine. Rabies [Modified live virus rabies] vaccine shall be sold, distributed, dispensed, and administered in compliance with the [Texas] Rabies Control Act of 1981 (Article 4477-6a, Vernon's Texas Civil Statutes) and the rules adopted thereunder by the Texas Board of Health.

SECTION 4. Section 1, Chapter 146, Acts of the 40th Legislature, Regular Session, 1927 (Article 7014a, Vernon's Texas Civil Statutes), is repealed.

SECTION 5. This Act takes effect September 1, 1985.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 9, 1985, by a non-record vote; passed by the Senate on May 27, 1985, by a viva-voce vote.

Approved: June 14, 1985

Effective: September 1, 1985