

By: Wentworth

S.B. No. 35

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain animals.

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

SECTION 1. Section 822.007, Health and Safety Code, is amended to read as follows:

Sec. 822.007. LOCAL REGULATION OF DOGS. (a) Except as provided by Subsection (c), this ~~[This]~~ subchapter does not prohibit a municipality or county from adopting leash or registration requirements applicable to dogs.

(b) A volunteer search and rescue service dog that is part of a volunteer search and rescue team is not considered a dangerous wild animal for purposes of this chapter.

(c) In this section, "volunteer search and rescue team" means an individual or an organized group of volunteers issued a written document by a law enforcement department that recognizes the individual or group as a person or group that trains dogs to assist in the location of a lost or missing person or for law enforcement purposes. A municipality may not adopt or enforce an ordinance, including a leash law, that restricts the ability of a volunteer search and rescue team to train a service dog for search and rescue or law enforcement purposes.

SECTION 2. Section 822.101, Health and Safety Code, is amended by adding Subdivision (8) to read as follows:

(8) "Wildlife sanctuary" means a public charitable

1 organization that:

2 (A) is exempt from taxation under Section 501(a),
3 Internal Revenue Code of 1986, by being listed as an exempt
4 organization under Section 501(c)(3) of that code;

5 (B) is described by Section 170(b)(1)(A)(vi),
6 Internal Revenue Code of 1986;

7 (C) operates a place of refuge where an abused,
8 neglected, unwanted, impounded, abandoned, orphaned, or displaced
9 wild animal is:

10 (i) provided care for the animal's
11 lifetime;

12 (ii) transferred to another wildlife
13 sanctuary; or

14 (iii) released back to the animal's natural
15 habitat; and

16 (D) with respect to a wild animal owned by the
17 organization, does not:

18 (i) conduct any commercial activity; or

19 (ii) breed the animal.

20 SECTION 3. Section 822.102(a), Health and Safety Code, is
21 amended to read as follows:

22 (a) This subchapter does not apply to:

23 (1) a county, municipality, or agency of the state or
24 an agency of the United States or an agent or official of a county,
25 municipality, or agency acting in an official capacity;

26 (2) a research facility, as that term is defined by
27 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its

1 subsequent amendments, that is licensed by the secretary of
2 agriculture of the United States under that Act;

3 (3) an organization that is an accredited member of
4 the American Zoo and Aquarium Association;

5 (4) an injured, infirm, orphaned, or abandoned
6 dangerous wild animal while being transported for care or
7 treatment;

8 (5) a sick or ~~[an]~~ injured~~[, infirm, orphaned, or~~
9 ~~abandoned]~~ dangerous wild animal while being rehabilitated or~~[,]~~
10 treated~~[, or cared for]~~ by and in the temporary possession of a
11 licensed veterinarian~~[, an incorporated humane society or animal~~
12 ~~shelter,]~~ or a person who holds a rehabilitation permit issued
13 under Subchapter C, Chapter 43, Parks and Wildlife Code, for the
14 animal being rehabilitated or treated;

15 (6) a dangerous wild animal owned by and in the custody
16 and control of a transient circus company that is not based in this
17 state if:

18 (A) the animal is used as an integral part of the
19 circus performances; and

20 (B) the animal is kept within this state only
21 during the time the circus is performing in this state or for a
22 period not to exceed 30 days while the circus is performing outside
23 the United States;

24 (7) a dangerous wild animal while in the temporary
25 custody or control of a television or motion picture production
26 company during the filming of a television or motion picture
27 production in this state;

1 (8) a dangerous wild animal owned by and in the
2 possession, custody, or control of a college or university solely
3 as a mascot for the college or university;

4 (9) a dangerous wild animal while being transported in
5 interstate commerce through the state in compliance with the Animal
6 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent
7 amendments and the regulations adopted under that Act;

8 (10) a nonhuman primate owned by and in the control and
9 custody of a person whose only business is supplying nonhuman
10 primates directly and exclusively to biomedical research
11 facilities and who holds a Class "A" or Class "B" dealer's license
12 issued by the secretary of agriculture of the United States under
13 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its
14 subsequent amendments;

15 (11) a dangerous wild animal that is:

16 (A) owned by or in the possession, control, or
17 custody of a person who is a participant in a species survival plan
18 of the American Zoo and Aquarium Association for that species; and

19 (B) an integral part of that species survival
20 plan; ~~and~~

21 (12) in a county west of the Pecos River that has a
22 population of less than 25,000, a cougar, bobcat, or coyote in the
23 possession, custody, or control of a person that has trapped the
24 cougar, bobcat, or coyote as part of a predator or depredation
25 control activity;

26 (13) an organization that is an accredited member of
27 the Zoological Association of America; and

1 (14) a wildlife sanctuary that is verified or
2 accredited by:

3 (A) the Global Federation of Animal Sanctuaries;

4 (B) the American Sanctuary Association and that
5 received initial verification or accreditation from that
6 association before May 1, 2011; or

7 (C) a successor nonprofit organization that is
8 similar to the Global Federation of Animal Sanctuaries and is
9 designated by the Department of State Health Services if the Global
10 Federation of Animal Sanctuaries ceases to exist.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect on the 91st day after the last day of the
16 legislative session.