

By: Estes, Campbell

S.B. No. 1395

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of dangerous wild animals.

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

4 SECTION 1. Section 822.101, Health and Safety Code, is  
5 amended by adding Subdivision (8) to read as follows:

6 (8) "Wildlife sanctuary" means a public charitable  
7 organization that:

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

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

13 (C) operates a place of refuge where an abused,  
14 neglected, unwanted, impounded, abandoned, orphaned, or displaced  
15 wild animal is:

16 (i) provided care for the animal's  
17 lifetime;

18 (ii) transferred to another wildlife  
19 sanctuary; or

20 (iii) released back to the animal's natural  
21 habitat; and

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

24 (i) conduct any commercial activity; or

1                   (ii) breed the animal.

2           SECTION 2. Section 822.102, Health and Safety Code, is  
3 amended by amending Subsection (a) and adding Subsection (c) to  
4 read as follows:

5           (a) Except as otherwise provided by Subsection (c), this  
6 ~~[This]~~ subchapter does not apply to:

7                   (1) a county, municipality, or agency of the state or  
8 an agency of the United States or an agent or official of a county,  
9 municipality, or agency acting in an official capacity;

10                   (2) a research facility, as that term is defined by  
11 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its  
12 subsequent amendments, that is licensed by the secretary of  
13 agriculture of the United States under that Act;

14                   (3) an organization that is an accredited member of  
15 the ~~[American Zoo and Aquarium]~~ Association of Zoos and Aquariums;

16                   (4) an injured, infirm, orphaned, or abandoned  
17 dangerous wild animal while being transported for care or  
18 treatment;

19                   (5) a sick or ~~[an]~~ injured~~[, infirm, orphaned, or~~  
20 ~~abandoned]~~ dangerous wild animal while being rehabilitated or~~[,]~~  
21 treated~~[, or cared for]~~ by and in the temporary possession of a  
22 licensed veterinarian~~[, an incorporated humane society or animal~~  
23 ~~shelter,]~~ or a person who holds a rehabilitation permit issued  
24 under Subchapter C, Chapter 43, Parks and Wildlife Code, for the  
25 animal being rehabilitated or treated;

26                   (6) a dangerous wild animal owned by and in the custody  
27 and control of a transient circus company that is not based in this

1 state if:

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

4 (B) the animal is kept within this state only  
5 during the time the circus is performing in this state or for a  
6 period not to exceed 30 days while the circus is performing outside  
7 the United States;

8 (7) a dangerous wild animal while in the temporary  
9 custody or control of a television or motion picture production  
10 company during the filming of a television or motion picture  
11 production in this state;

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

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

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

26 (11) a dangerous wild animal that is:

27 (A) owned by or in the possession, control, or

1 custody of a person who is a participant in a species survival plan  
2 of the [~~American Zoo and Aquarium~~] Association of Zoos and  
3 Aquariums for that species; and

4 (B) an integral part of that species survival  
5 plan; [~~and~~]

6 (12) in a county west of the Pecos River that has a  
7 population of less than 25,000, a cougar, bobcat, or coyote in the  
8 possession, custody, or control of a person that has trapped the  
9 cougar, bobcat, or coyote as part of a predator or depredation  
10 control activity;

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

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

15 (A) the Global Federation of Animal Sanctuaries;

16 (B) the American Sanctuary Association; or

17 (C) a successor nonprofit organization that is  
18 similar to the Global Federation of Animal Sanctuaries or the  
19 American Sanctuary Association and is designated by the Department  
20 of State Health Services if the Global Federation of Animal  
21 Sanctuaries or the American Sanctuary Association ceases to exist.

22 (c) Section 822.1025 applies to an organization described  
23 by Subsection (a)(13) and a wildlife sanctuary described by  
24 Subsection (a)(14).

25 SECTION 3. Subchapter E, Chapter 822, Health and Safety  
26 Code, is amended by adding Section 822.1025 to read as follows:

27 Sec. 822.1025. DUTIES OF CERTAIN ENTITIES. (a) Not later

1 than December 31 of each year, an organization described by Section  
2 822.102(a)(13) or a wildlife sanctuary described by Section  
3 822.102(a)(14) shall provide to the animal registration agency and  
4 the department an annual notification, on a form provided by the  
5 department, that includes:

6 (1) the name, address, and telephone number of the  
7 organization or sanctuary;

8 (2) a complete identification of each dangerous wild  
9 animal in the custody and control of the organization or sanctuary,  
10 including species, sex, and age, if known; and

11 (3) the exact location where each animal is to be kept.

12 (b) Not later than the 10th day after the date on which an  
13 organization described by Section 822.102(a)(13) or a wildlife  
14 sanctuary described by Section 822.102(a)(14) acquires a dangerous  
15 wild animal, the organization or sanctuary shall provide to the  
16 animal registration agency and the department an update to the  
17 annual notification described by Subsection (a).

18 (c) The animal registration agency may establish and charge  
19 reasonable fees for the notification under this section in order to  
20 recover the costs associated with the administration and  
21 enforcement of this section. The fee under this subsection may not  
22 exceed \$50 for each animal listed in the notice and may not exceed  
23 \$500, regardless of the number of animals listed in the notice.

24 (d) The department may charge a reasonable fee in an amount  
25 sufficient to recover the costs associated with accepting and  
26 processing a notification under this section.

27 (e) Sections 822.107 and 822.110 apply to an organization

1 described by Section 822.102(a)(13) or a wildlife sanctuary  
2 described by Section 822.102(a)(14).

3 (f) An organization described by Section 822.102(a)(13) or  
4 a wildlife sanctuary described by Section 822.102(a)(14) that  
5 violates Subsections (a)-(d) is subject to Sections  
6 822.113-822.115 as if the organization or sanctuary had violated  
7 Section 822.103(a). An organization or sanctuary that violates  
8 Subsection (e) is subject to Sections 822.113 and 822.115, as  
9 applicable.

10 SECTION 4. (a) Except as otherwise provided by Subsection  
11 (b) of this section, each animal registration agency in this state  
12 and the Department of State Health Services shall establish  
13 procedures to comply with Section 822.1025, Health and Safety Code,  
14 as added by this Act, not later than January 1, 2014.

15 (b) An animal registration agency is not required to  
16 establish procedures under Subsection (a) of this section if the  
17 municipality or county in which the agency is located prohibits the  
18 ownership, possession, or confinement of dangerous wild animals as  
19 defined by Section 822.101, Health and Safety Code.

20 SECTION 5. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2013.