

By: Estes, et al.
(Larson)

S.B. No. 1395

Substitute the following for S.B. No. 1395:

By: Kuempel

C.S.S.B. No. 1395

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of dangerous wild animals.

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

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

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

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

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

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

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

(ii) transferred to another wildlife sanctuary; or

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

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

(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, ~~[an]~~ injured, infirm, orphaned, or
20 abandoned dangerous wild animal while being rehabilitated or ~~[r]~~
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) In this

1 section, "department" means the Department of State Health
2 Services.

3 (b) Not later than December 31 of each year, an organization
4 described by Section 822.102(a)(13) or a wildlife sanctuary
5 described by Section 822.102(a)(14) shall provide to the animal
6 registration agency and the department:

7 (1) an annual notification, on a form provided by the
8 department, that includes:

9 (A) the name, address, and telephone number of
10 the organization or sanctuary;

11 (B) a complete identification of each dangerous
12 wild animal in the custody and control of the organization or
13 sanctuary, including species, sex, and age, if known; and

14 (C) the exact location where each animal is to be
15 kept; and

16 (2) a written, notarized certification from the
17 organization or sanctuary that the organization or sanctuary holds
18 a current verification or accreditation and is complying with the
19 standards of the verification or accreditation organization for:

20 (A) possession and confinement of each dangerous
21 wild animal;

22 (B) facilities and operations;

23 (C) animal health and husbandry; and

24 (D) veterinary care.

25 (c) Not later than the 15th business day after the date on
26 which an organization described by Section 822.102(a)(13) or a
27 wildlife sanctuary described by Section 822.102(a)(14) acquires a

1 dangerous wild animal, the organization or sanctuary shall provide
2 to the animal registration agency and the department an update to
3 the annual notification described by Subsection (b)(1).

4 (d) The animal registration agency may establish and charge
5 a reasonable fee for the annual notification under this section to
6 recover the costs associated with the administration and
7 enforcement of this section. The fee under this subsection may not
8 exceed \$50 for each animal listed in the annual notification and may
9 not exceed \$500, regardless of the number of animals listed in the
10 annual notification.

11 (e) Sections 822.107 and 822.110 apply to an organization
12 described by Section 822.102(a)(13) or a wildlife sanctuary
13 described by Section 822.102(a)(14).

14 (f) An organization described by Section 822.102(a)(13) or
15 a wildlife sanctuary described by Section 822.102(a)(14) that:

16 (1) violates Subsections (b)-(d) is subject to
17 Sections 822.113-822.115 as if the organization or sanctuary had
18 violated Section 822.103(a); or

19 (2) violates Subsection (e) is subject to Sections
20 822.113 and 822.115, as applicable.

21 SECTION 4. (a) Except as otherwise provided by Subsection
22 (b) of this section, each animal registration agency in this state
23 and the Department of State Health Services shall establish
24 procedures to comply with Section 822.1025, Health and Safety Code,
25 as added by this Act, not later than December 1, 2013.

26 (b) An animal registration agency is not required to
27 establish procedures under Subsection (a) of this section if the

1 municipality or county in which the agency is located prohibits the
2 ownership, possession, or confinement of dangerous wild animals as
3 defined by Section 822.101, Health and Safety Code.

4 SECTION 5. This Act takes effect September 1, 2013.