

By: Estes

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(a), Health and Safety Code, is
3 amended to read as follows:

4 (a) This subchapter does not apply to:

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

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

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

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

17 (5) a sick or ~~[an]~~ injured~~[, infirm, orphaned, or~~
18 ~~abandoned]~~ dangerous wild animal while being rehabilitated or~~[7]~~
19 treated~~[, or cared for]~~ by and in the temporary possession of
20 licensed veterinarian~~[, an incorporated humane society or animal~~
21 ~~shelter,]~~ or a person who holds a rehabilitation permit issued
22 under Subchapter C, Chapter 43, Parks and Wildlife Code, for the
23 animal being rehabilitated or treated;

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

27 (A) the animal is used as an integral part of the

1 circus performances; and

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

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

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

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

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

24 (11) a dangerous wild animal that is:

25 (A) owned by or in the possession, control, or
26 custody of a person who is a participant in a species survival plan
27 of the [~~American Zoo and Aquarium~~] Association of Zoos and

1 Aquariums for that species; and

2 (B) an integral part of that species survival
3 plan; ~~and~~

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

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

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

13 (A) the Global Federation of Animal Sanctuaries;

14 (B) the American Sanctuary Association; or

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

20 SECTION 3. 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.