

1-1 By: Estes, Campbell S.B. No. 1395
 1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read
 1-3 first time and referred to Committee on Agriculture, Rural Affairs,
 1-4 and Homeland Security; March 27, 2013, reported favorably by the
 1-5 following vote: Yeas 5, Nays 0; March 27, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the regulation of dangerous wild animals.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Section 822.101, Health and Safety Code, is
 1-18 amended by adding Subdivision (8) to read as follows:

1-19 (8) "Wildlife sanctuary" means a public charitable
 1-20 organization that:

1-21 (A) is exempt from taxation under Section 501(a),
 1-22 Internal Revenue Code of 1986, by being listed as an exempt
 1-23 organization under Section 501(c)(3) of that code;

1-24 (B) is described by Section 170(b)(1)(A)(vi),
 1-25 Internal Revenue Code of 1986;

1-26 (C) operates a place of refuge where an abused,
 1-27 neglected, unwanted, impounded, abandoned, orphaned, or displaced
 1-28 wild animal is:

1-29 (i) provided care for the animal's
 1-30 lifetime;

1-31 (ii) transferred to another wildlife
 1-32 sanctuary; or

1-33 (iii) released back to the animal's natural
 1-34 habitat; and

1-35 (D) with respect to a wild animal owned by the
 1-36 organization, does not:

1-37 (i) conduct any commercial activity; or

1-38 (ii) breed the animal.

1-39 SECTION 2. Subsection (a), Section 822.102, Health and
 1-40 Safety Code, is amended to read as follows:

1-41 (a) This subchapter does not apply to:

1-42 (1) a county, municipality, or agency of the state or
 1-43 an agency of the United States or an agent or official of a county,
 1-44 municipality, or agency acting in an official capacity;

1-45 (2) a research facility, as that term is defined by
 1-46 Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its
 1-47 subsequent amendments, that is licensed by the secretary of
 1-48 agriculture of the United States under that Act;

1-49 (3) an organization that is an accredited member of
 1-50 the [~~American Zoo and Aquarium~~] Association of Zoos and Aquariums;

1-51 (4) an injured, infirm, orphaned, or abandoned
 1-52 dangerous wild animal while being transported for care or
 1-53 treatment;

1-54 (5) a sick or [~~an~~] injured [~~, infirm, orphaned, or~~
 1-55 ~~abandoned~~] dangerous wild animal while being rehabilitated or [~~7~~
 1-56 ~~treated~~] [~~, or cared for~~] by and in the temporary possession of a
 1-57 licensed veterinarian [~~, an incorporated humane society or animal~~
 1-58 ~~shelter,~~] or a person who holds a rehabilitation permit issued
 1-59 under Subchapter C, Chapter 43, Parks and Wildlife Code, for the
 1-60 animal being rehabilitated or treated;

1-61 (6) a dangerous wild animal owned by and in the custody

2-1 and control of a transient circus company that is not based in this
2-2 state if:

2-3 (A) the animal is used as an integral part of the
2-4 circus performances; and

2-5 (B) the animal is kept within this state only
2-6 during the time the circus is performing in this state or for a
2-7 period not to exceed 30 days while the circus is performing outside
2-8 the United States;

2-9 (7) a dangerous wild animal while in the temporary
2-10 custody or control of a television or motion picture production
2-11 company during the filming of a television or motion picture
2-12 production in this state;

2-13 (8) a dangerous wild animal owned by and in the
2-14 possession, custody, or control of a college or university solely
2-15 as a mascot for the college or university;

2-16 (9) a dangerous wild animal while being transported in
2-17 interstate commerce through the state in compliance with the Animal
2-18 Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent
2-19 amendments and the regulations adopted under that Act;

2-20 (10) a nonhuman primate owned by and in the control and
2-21 custody of a person whose only business is supplying nonhuman
2-22 primates directly and exclusively to biomedical research
2-23 facilities and who holds a Class "A" or Class "B" dealer's license
2-24 issued by the secretary of agriculture of the United States under
2-25 the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its
2-26 subsequent amendments;

2-27 (11) a dangerous wild animal that is:

2-28 (A) owned by or in the possession, control, or
2-29 custody of a person who is a participant in a species survival plan
2-30 of the [American Zoo and Aquarium] Association of Zoos and
2-31 Aquariums for that species; and

2-32 (B) an integral part of that species survival
2-33 plan; ~~and~~

2-34 (12) in a county west of the Pecos River that has a
2-35 population of less than 25,000, a cougar, bobcat, or coyote in the
2-36 possession, custody, or control of a person that has trapped the
2-37 cougar, bobcat, or coyote as part of a predator or depredation
2-38 control activity;

2-39 (13) an organization that is an accredited member of
2-40 the Zoological Association of America; and

2-41 (14) a wildlife sanctuary that is verified or
2-42 accredited by:

2-43 (A) the Global Federation of Animal Sanctuaries;

2-44 (B) the American Sanctuary Association; or

2-45 (C) a successor nonprofit organization that is
2-46 similar to the Global Federation of Animal Sanctuaries or the
2-47 American Sanctuary Association and is designated by the Department
2-48 of State Health Services if the Global Federation of Animal
2-49 Sanctuaries or the American Sanctuary Association ceases to exist.

2-50 SECTION 3. This Act takes effect immediately if it receives
2-51 a vote of two-thirds of all the members elected to each house, as
2-52 provided by Section 39, Article III, Texas Constitution. If this
2-53 Act does not receive the vote necessary for immediate effect, this
2-54 Act takes effect September 1, 2013.

2-55 * * * * *