

By: Neave

H.B. No. 2992

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to assistance animals used by persons with disabilities  
3 and to the prosecution of the offense of misrepresenting an animal  
4 as an assistance animal.

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

6 SECTION 1. Section 121.002(1), Human Resources Code, is  
7 amended to read as follows:

8 (1) "Assistance animal" and "service animal" mean a  
9 canine that is specially trained or equipped to do work or perform  
10 tasks to help a person with a disability and that is used by a person  
11 with a disability.

12 SECTION 2. Section 121.006, Human Resources Code, is  
13 amended by amending Subsection (a) and adding Subsection (a-1) to  
14 read as follows:

15 (a) A person commits an offense if the person fits an [~~who~~  
16 ~~uses a service~~] animal with a harness, collar, vest, sign, tag, or  
17 leash of the type commonly used by persons with disabilities who use  
18 trained animals so that the person can gain access, permission, or  
19 benefits provided to persons with disabilities who use assistance  
20 animals by representing [~~, in order to represent~~] that the [~~his or~~  
21 ~~her~~] animal is a specially trained service animal or assistance  
22 animal when training has not in fact been provided or is not being  
23 provided.

24 (a-1) An offense under Subsection (a) [~~7~~] is [~~guilty of~~] a

1 misdemeanor punishable [~~and on conviction shall be punished~~] by:

2 (1) a fine of not more than \$300; and

3 (2) 30 hours of community service to be performed for a  
4 governmental entity or nonprofit organization that primarily  
5 serves persons with visual impairments or other disabilities, or  
6 for another entity or organization at the discretion of the court,  
7 to be completed in not more than one year.

8 SECTION 3. The changes in law made by this Act to Section  
9 [121.006](#), Human Resources Code, apply only to an offense committed  
10 on or after the effective date of this Act. An offense committed  
11 before the effective date of this Act is governed by the law in  
12 effect when the offense was committed, and the former law is  
13 continued in effect for that purpose. For purposes of this section,  
14 an offense was committed before the effective date of this Act if  
15 any element of the offense occurred before that date.

16 SECTION 4. This Act takes effect September 1, 2017.