

By: Phelan

H.B. No. 3229

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use of an assistance animal that provides
3 assistance to a person with a disability; providing a criminal
4 penalty.

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

6 SECTION 1. Section [121.002](#), Human Resources Code, is
7 amended by amending Subdivision (1) and adding Subdivision (5-a) to
8 read as follows:

9 (1) "Assistance animal" means an animal that works,
10 provides assistance, or performs tasks for the benefit of a person
11 with a disability or that provides to a person with a disability
12 emotional support that alleviates one or more medically identified
13 symptoms or effects of the person's disability. The term includes a
14 service animal [~~and "service animal" mean a canine that is~~
15 ~~specially trained or equipped to help a person with a disability and~~
16 ~~that is used by a person with a disability~~].

17 (5-a) "Service animal" means a canine that is
18 specially trained or equipped to do work or perform tasks for a
19 person with a disability and that is used by a person with a
20 disability.

21 SECTION 2. Section [121.003](#)(h), Human Resources Code, is
22 amended to read as follows:

23 (h) A person with a total or partial disability who has or
24 obtains an assistance [~~a service~~] animal is entitled to full and

1 equal access to all housing accommodations provided for in this
2 section, and may not be required to pay extra compensation or make a
3 deposit for the animal but is liable for damages done to the
4 premises by the animal except for reasonable wear and tear.

5 SECTION 3. Section 121.006(a), Human Resources Code, is
6 amended to read as follows:

7 (a) A person who uses a canine [~~service animal~~] with a
8 harness or leash of the type commonly used by persons with
9 disabilities who use trained animals[~~r~~] in order to represent that
10 the canine [~~his or her animal~~] is a specially trained service animal
11 when training has not in fact been provided, or who misrepresents
12 the disability-related need for an assistance animal to a landlord
13 or a landlord's agent or employee, is guilty of a misdemeanor and on
14 conviction shall be punished by:

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

16 (2) 30 hours of community service to be performed for a
17 governmental entity or nonprofit organization that primarily
18 serves persons with visual impairments or other disabilities, or
19 for another entity or organization at the discretion of the court,
20 to be completed in not more than one year.

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