

By: Minjarez

H.B. No. 146

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of cats and dogs previously used for research.

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

SECTION 1. Title 10, Health and Safety Code, is amended by adding Chapter 830 to read as follows:

CHAPTER 830. ADOPTION OF CERTAIN RETIRED RESEARCH ANIMALS

Sec. 830.001. DEFINITIONS. In this chapter:

(1) "Animal rescue organization" means a nonprofit charitable organization established primarily to rescue animals and find adoptive homes for the animals.

(2) "Animal shelter" means a facility operated by a nonprofit charitable organization established primarily to shelter and care for stray, homeless, abandoned, or unwanted animals and find adoptive homes for those animals.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "Research facility" means a facility as defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), that is licensed by or registered with the United States Department of Agriculture under that Act to conduct experiments on dogs or cats for education, research, science, or testing purposes.

(5) "Retired animal" means a cat or dog previously used by a research facility in experiments conducted for education,

1 research, science, or testing purposes that is no longer needed for
2 those purposes.

3 Sec. 830.002. LIMITATION. This chapter does not apply to a
4 retired animal with a substantial medical condition that prevents
5 the animal from successfully integrating into an adoptive home.

6 Sec. 830.003. ADOPTION OF RETIRED ANIMALS. (a) A research
7 facility, or its authorized employee or an authorized student of an
8 institution of higher education associated with the facility, on
9 retirement of a retired animal shall offer the animal for adoption:

10 (1) through an animal rescue organization or animal
11 shelter; or

12 (2) by an individual through an arrangement between
13 the facility and individual.

14 (b) A research facility may not offer any retired animal to
15 an animal rescue organization or animal shelter unless the facility
16 has a written agreement with the organization or shelter addressing
17 the transfer of the facility's retired animals to the organization
18 or shelter.

19 Sec. 830.004. IMMUNITY FROM CIVIL LIABILITY. A research
20 facility that in good faith and in compliance with this chapter and
21 rules adopted under this chapter provides a research animal to an
22 animal rescue organization, animal shelter, or individual is immune
23 from civil liability with respect to a claim that is based on:

24 (1) the facility's transfer of a retired animal to the
25 organization, shelter, or individual under this chapter; or

26 (2) the adoption of a retired animal by an individual
27 through the organization or shelter.

1 Sec. 830.005. RULES. The executive commissioner may adopt
2 rules necessary to implement this chapter.

3 SECTION 2. This Act takes effect September 1, 2019.