

By: Farrar

H.B. No. 3559

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of certain substances to take nongame wildlife; creating a criminal offense.

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

SECTION 1. Chapter 67, Parks and Wildlife Code, is amended by adding Section 67.0042 to read as follows:

Sec. 67.0042. PROHIBITION AGAINST USE OF CERTAIN SUBSTANCES. (a) In this section, "stupefying, noxious, or toxic chemical or substance" includes:

(1) a substance classified by the United States Environmental Protection Agency as total petroleum hydrocarbons, such as gasoline, kerosene, mineral oil, benzene, toluene, xylene, or naphthalene;

(2) a non-hydrocarbon volatile organic compound, such as acetone, alcohol, ether, formaldehyde, carbon tetrachloride, or a chlorofluorocarbon;

(3) a caustic substance or blistering agent, such as an acid, alkali, phenol, chloride, or ammonia; and

(4) a pesticide, herbicide, fungicide, or detergent.

(b) Except as provided by Subsection (c), no person may:

(1) use a stupefying, noxious, or toxic chemical or substance to take, flush out, or dislodge nongame wildlife; or

(2) knowingly possess any nongame wildlife that has been taken by use of a stupefying, noxious, or toxic chemical or

1 substance.

2 (c) Subsection (b) does not apply to the use of registered
3 pesticides in accordance with labeling instructions by persons
4 licensed under Chapter 1951, Occupations Code, or Chapter 76,
5 Agriculture Code.

6 SECTION 2. Section 67.005, Parks and Wildlife Code, is
7 amended to read as follows:

8 Sec. 67.005. PENALTY. (a) A person who violates Section
9 67.0042 or a regulation of the commission issued under this chapter
10 commits an offense that is a Class C Parks and Wildlife Code
11 misdemeanor.

12 (b) A person who violates Section 67.0042 or a regulation of
13 the commission issued under this chapter and who has been convicted
14 on one previous occasion of a violation of Section 67.0042 or of a
15 commission regulation under this chapter commits an offense that is
16 a Class B Parks and Wildlife Code misdemeanor.

17 (c) A person who violates Section 67.0042 or a regulation of
18 the commission issued under this chapter and who has been convicted
19 on two or more previous occasions of a violation of Section 67.0042
20 or of commission regulations under this chapter commits an offense
21 that is a Class A Parks and Wildlife Code misdemeanor.

22 SECTION 3. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

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1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 4. This Act takes effect September 1, 2019.