87R10618 MCF-F

By:  Ordaz Perez H.B. No. 3710

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on public contact with certain animals; imposing a civil penalty; creating a criminal offense.

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

SECTION 1.  Chapter 822, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. PUBLIC CONTACT WITH CERTAIN ANIMALS PROHIBITED

Sec. 822.151.  APPLICABILITY. This subchapter applies only to the following animals:

(A)  a bear;

(B)  a cougar;

(C)  an elephant;

(D)  a jaguar;

(E)  a leopard;

(F)  a lion;

(G)  a nonhuman primate;

(H)  a snow leopard; and

(I)  a tiger.

Sec. 822.152.  DIRECT CONTACT PROHIBITED. A person may not allow a member of the public to have direct contact with an animal described by Section 822.151. For purposes of this subsection, direct contact includes allowing a member of the public to be in close proximity to an animal in an area without a permanent physical barrier preventing contact between the public and the animal.

Sec. 822.153.  CIVIL PENALTY. (a) A person who violates Section 822.152 is liable for a civil penalty of not less than $200 and not more than $2,000 for each animal subject to the violation and for each day the violation continues.

(b)  The attorney general or the appropriate district or county attorney may:

(1)  bring an action on behalf of this state to collect the civil penalty under this section; and

(2)  recover attorney's fees and costs incurred in bringing the action.

Sec. 822.154.  CRIMINAL OFFENSE; PENALTY. (a) A person commits an offense if the person violates Section 822.152. Each animal subject to a violation and each day a violation continues is a separate offense.

(b)  An offense under this section is a Class A misdemeanor.

Sec. 822.155.  EFFECT OF SUBCHAPTER ON OTHER LAW. This subchapter does not preempt a local regulation relating to an animal described by Section 822.151 or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to an animal described by that section if the regulation, ordinance, or requirement:

(1)  is compatible with and equal to or more stringent than a requirement prescribed by this subchapter; or

(2)  relates to an issue not specifically addressed by this subchapter.

SECTION 2.  This Act takes effect September 1, 2021.