

AN ACT

relating to the improper use and treatment of an assistance animal or service animal; increasing a criminal penalty.

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

SECTION 1. Section 121.006, Human Resources Code, is amended to read as follows:

Sec. 121.006. [~~PENALTIES FOR~~] IMPROPER USE OF ASSISTANCE AND SERVICE ANIMALS; OFFENSE. (a) A person commits an offense if the person intentionally or knowingly represents [~~who uses a service animal with a harness or leash of the type commonly used by persons with disabilities who use trained animals, in order to represent~~] that an [~~his or her~~] animal is an assistance animal or a [~~specially trained~~] service animal when the animal is not specially trained or equipped to help a person with a disability. An offense under this subsection [~~training has not in fact been provided,~~] is [~~guilty of~~] a misdemeanor punishable [~~and on conviction shall be punished~~] by:

(1) a fine of not more than \$1,000 [~~\$300~~]; and

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

(b) A person who habitually abuses or neglects to feed or

1 otherwise neglects to properly care for the person's [~~his or her~~]  
2 assistance animal or service animal is subject to seizure of the  
3 animal under Subchapter B, Chapter 821, Health and Safety Code.

4 SECTION 2. Section 121.006(a), Human Resources Code, as  
5 amended by this Act, applies only to an offense committed on or  
6 after the effective date of this Act. An offense committed before  
7 the effective date of this Act is governed by the law in effect when  
8 the offense was committed, and the former law is continued in effect  
9 for that purpose. For purposes of this section, an offense was  
10 committed before the effective date of this Act if any element of  
11 the offense occurred before that date.

12 SECTION 3. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4164 was passed by the House on May 12, 2023, by the following vote: Yeas 130, Nays 14, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4164 was passed by the Senate on May 24, 2023, by the following vote: Yeas 29, Nays 2.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor