By: Moody H.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

relating to a permit issued by the Parks and Wildlife Department for possessing a raccoon as a pet; authorizing a fee; providing an administrative penalty.

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

SECTION 1. Section 71.004, Parks and Wildlife Code, is amended by adding Subsection (b) to read as follows:

(b) Subsection (a) does not apply to the possession of a raccoon by the holder of a permit issued under Chapter 72.

SECTION 2. Subtitle C, Title 5, Parks and Wildlife Code, is amended by adding Chapter 72 to read as follows:

CHAPTER 72. PET RACCOON PERMIT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 72.001. DEFINITION. In this chapter, "raccoon" means the species Procyon lotor.

Sec. 72.002. COMMISSION RULES. The commission shall adopt rules as necessary to administer this chapter.

Sec. 72.003. LIMITATION ON MUNICIPAL OR COUNTY REGULATION. Notwithstanding any other law, a municipality or county may not adopt or enforce an ordinance, order, or other regulation that conflicts with or is more stringent than this chapter or a commission rule adopted under this chapter.

Sec. 72.004. RACCOON OWNERSHIP AWARENESS PROGRAM. The department shall implement a raccoon ownership awareness program as

prescribed by commission rule to inform the public of the requirements for raccoon ownership in this state.

SUBCHAPTER B. PET RACCOON PERMIT

Sec. 72.051. PERMIT REQUIRED. A person may not possess a raccoon as a pet unless the person holds a permit issued under this chapter.

Sec. 72.052. PERMIT APPLICATION; FEE. (a) An applicant for a permit under this chapter must apply to the department in the manner prescribed by commission rule.

(b) The permit application must be accompanied by an application fee in the amount set by the commission by rule.

Sec. 72.053. PERMIT ISSUANCE. The department shall issue a permit under this chapter to a person who meets the requirements of this chapter and commission rules adopted under this chapter.

Sec. 72.054. RACCOON OWNERSHIP COURSE REQUIRED. An applicant for a permit under this chapter must have completed a raccoon ownership course approved by the commission by rule.

Sec. 72.055. PERMIT TERM. A permit issued under this chapter is valid for one year.

Sec. 72.056. PERMIT RENEWAL. The holder of a permit issued under this chapter may apply to the department to renew the permit as prescribed by commission rule.

SUBCHAPTER C. RESPONSIBILITIES OF PERMIT HOLDER

Sec. 72.101. SOURCE OF RACCOON POSSESSED UNDER PERMIT. (a) A permit issued under this chapter does not authorize the permit holder to take a raccoon.

(b) A raccoon possessed under this chapter may be acquired

only:

(1) as prescribed by commission rule; and

(2) from:

(A) a person authorized to rescue or rehabilitate raccoons in this state;

(B) a person licensed by the United States Department of Agriculture to breed raccoons; or

(C) another holder of a permit issued under this chapter.

Sec. 72.102. REQUIRED VETERINARY CARE; VACCINES. The holder of a permit issued under this chapter shall arrange for the provision of appropriate veterinary care for a raccoon possessed under the permit as prescribed by commission rule, including administration to the raccoon of vaccines for rabies and other communicable diseases as required by commission rule.

Sec. 72.103. SHELTER, FOOD AND WATER, AND ENRICHMENT. The holder of a permit issued under this chapter shall provide a raccoon possessed under the permit shelter, food and water, and enrichment suitable for the raccoon as prescribed by commission rule.

Sec. 72.104. BREEDING PROHIBITED. The holder of a permit issued under this chapter may not breed a raccoon possessed under the permit unless the person is otherwise authorized to breed raccoons by the United Stated Department of Agriculture.

SUBCHAPTER D. ENFORCEMENT

Sec. 72.151. INSPECTIONS. (a) A game warden or other authorized department employee may inspect as prescribed by commission rule:

(1) a premises where the holder of a permit issued under this chapter possesses a raccoon; and

(2) records the holder of a permit issued under this chapter is required by commission rule to maintain regarding a raccoon possessed under this chapter.

(b) A commission rule adopted under this chapter regarding the inspection of the premises or records of the holder of a permit issued under this chapter may not authorize inspection by the department more than once per year except for an inspection in response to a violation, alleged violation, or complaint received regarding a violation or alleged violation of this chapter or a commission rule adopted under this chapter.

Sec. 72.152. SEIZURE OF RACCOON; TRANSFER OR DISPOSITION. (a) A peace officer or an authorized department employee may seize a raccoon possessed under a permit issued under this chapter if the officer or employee has probable cause to believe the permit holder is violating this chapter or a commission rule adopted under this chapter.

(b) The department may transfer a raccoon seized under this section to the possession of:

(1) another holder of a permit issued under this chapter; or

(2) a person authorized to rescue or rehabilitate raccoons in this state.

(c) The department may destroy a raccoon seized under this section that is determined to be dangerous or harmful as prescribed by commission rule.

(d) If a raccoon is seized under this section, the department may assess against the holder of a permit issued under this chapter an administrative penalty in an amount reasonable to recover the costs of administering this section, not to exceed $1,000.

SECTION 3. As soon as practicable after the effective date of this Act, the Parks and Wildlife Commission shall adopt rules necessary to implement Chapter 72, Parks and Wildlife Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2027.