

2021 Legislative Update UNDER THE DOME

Presented by Texas Humane Legislation
Network (THLN)

Shelby Bobosky, Executive Director



Animals in Politics – 2021



**Dogs don't have thumbs,
so they need **you** to take action!**

.....

NATIONAL DOGS IN POLITICS DAY

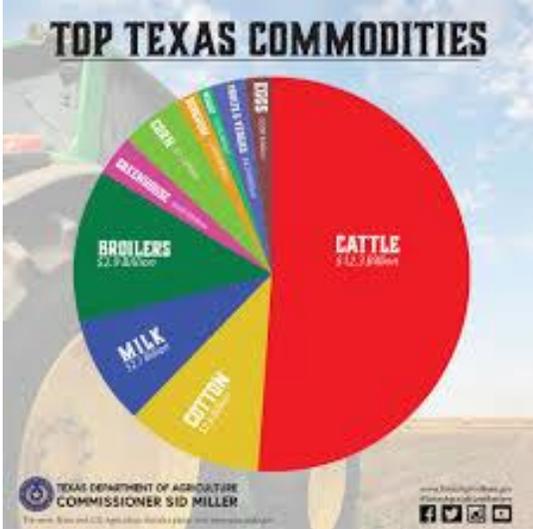
*Help us be their voice in the Capitol
and keep dogs in politics at
thln.org/donate.*



#DogsInPoliticsDay



Why are Texas Politics Different?



2021 87th Legislative Session

- Regular Session began January 12, 2021
- March 12, 2021: Deadline for the unrestricted filing of bills and joint resolutions.
- Ends Monday, May 31, 2021 (140th day)
- **COVID CHANGED EVERYTHING!**

CAPITOL
BUILDING & GROUNDS

CLOSED
TO ALL VISITORS



COVID and the Capitol!





The Texas Legislature

- **Convenes every other year in odd-numbered years (2019, 2021, 2023)**
- **140 days in duration (20 weeks) – in reality, only 95+/- “workdays”**
 - **Governor has 20 days post-sine die to approve/veto bill**

In 2021 – 1181 bills passed to the Gov’s Desk:

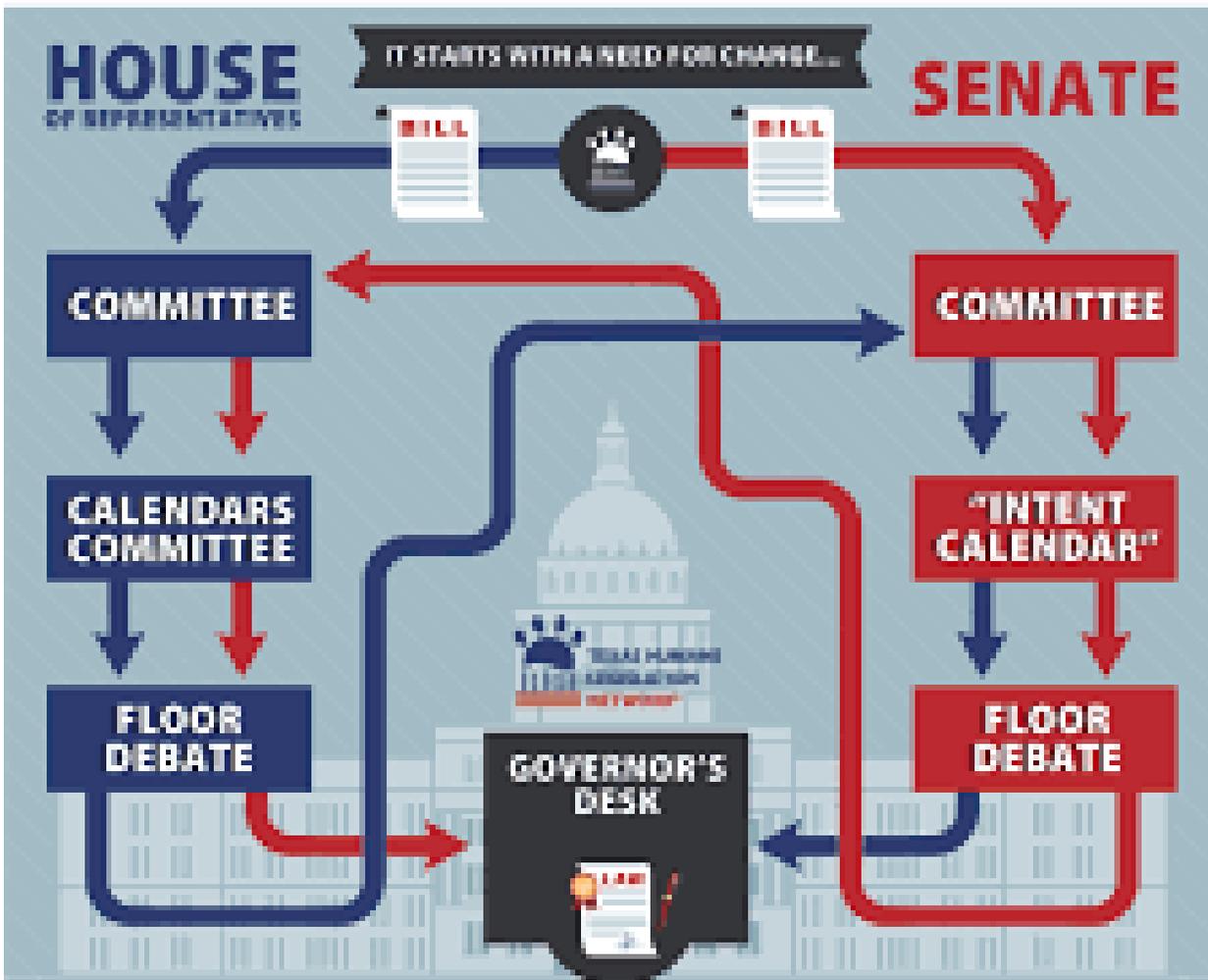
- **7,420 bills filed (140/day)**
- **20 were vetoed**

In 2021 – THLN followed over 100 bills filed!

House: 83 Rs, 67 Ds

Senate: 18 Rs, 13 Ds

HOW A BILL BECOMES A LAW IN TEXAS



TMLN.ORG/LEGISLATION_BASIC5

Where are *Animal Laws* located?

- Texas state statutes involving animals are mostly contained in the TEXAS HEALTH AND SAFETY CODE and the TEXAS PENAL CODE.
- Several statutes authorize the TEXAS DEPARTMENT OF STATE HEALTH SERVICES to enact rules located in the TEXAS ADMINISTRATIVE CODE.



The background of the entire graphic is a photograph of the Texas State Capitol building in Austin, Texas. The building is a large, classical-style structure with a prominent central dome topped by a statue. The sky is blue with scattered white clouds. In the foreground, there is a green lawn with a low hedge and a metal fence with stone pillars.

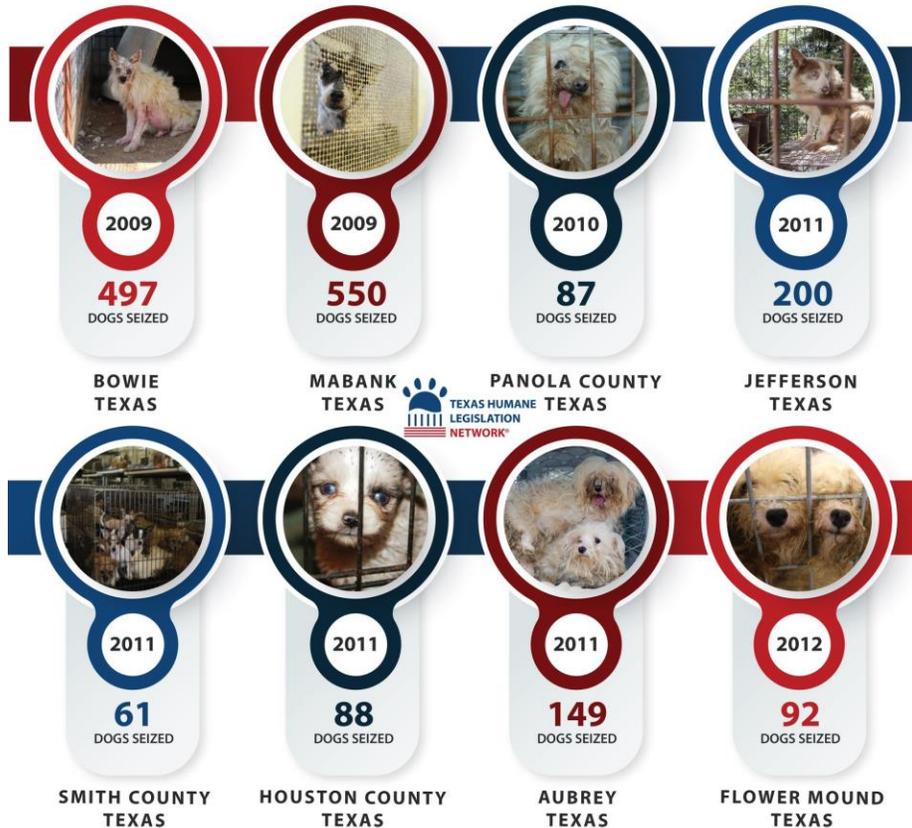
2021 LEGISLATIVE SESSION UPDATES



KEEP UP-TO-DATE AT [THLN.ORG/LEGISLATIVE_SESSION](https://thln.org/legislative_session)

The Texas Licensed **Breeders** Program

BEFORE THE BREEDER PROGRAM



- Established in 2011
- Section 800.001 *et seq.* of the TEXAS OCCUPATIONS CODE
- If you have: (a) 11 or more breeding females; and (b) sell 20 or more puppies a year, you are a breeder under Texas law
- The Texas Department of Licensing and Regulation oversees the Program

The Sunset Bill does not include the Texas Licensed Breeders Program

- The Sunset staff recommendation was to sunset the Texas Licensed Breeders Program, but it was not included in the Sunset Bill (HB 1560).
- Over 500 comments in 2020 asking to save the Program.
- ACK and RPOA against the Program.
- The review of the Program demonstrated that more breeders need to come under the Program.
- Attempt was made the last 72 hours to remove all breeder inspections (which would have gutted the Program) but it was added back in.



Safe Outdoor Dogs Act (HB 873/SB 474)

HB 873 "SAFE OUTDOOR DOGS BILL"

THANK YOU

AUTHORS

  **PRIMARY AUTHOR:
NICOLE COLLIER**

JOINT AUTHORS

PACHECO SHAHEEN ORDAZ PEREZ STUCKY

- 101 co-authors and sponsors (wide bi-partisan support)
- 2 other bills brought by Rep. Shaheen and Rep. Pacheco
- Brought in 2015, 2017, 2019
- Defines adequate shelter
- Removes chains as a method of restraint
- Removes 24-hour warning so tickets are allowed at the scene
- Grants available for cable tie outs

PROCLAMATION
OF THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME

Pursuant to Article IV, Section 14, of the Texas Constitution, I, Greg Abbott, Governor of Texas, do hereby disapprove of and veto Senate Bill No. 474 as passed by the Eighty-Seventh Texas Legislature, Regular Session, because of the following objections:

Texans love their dogs, so it is no surprise that our statutes already protect them by outlawing the animal cruelty. Yet Senate Bill 474 would compel every dog owner, in pain of criminal penalties, to accout things like the coloring of the dog's collar, the time the dog spends in the bed of a truck, and the ratio of collar-to-dog length, as measured from the tip of the nose to the base of the ear. Texas is no place for the kind of micro-managing and over-criminalization.

Since the Eighty-Seventh Texas Legislature, Regular Session, by its adjournment has prevented the return of this bill, I am filing these objections in the office of the Secretary of State and giving notice thereof by this public proclamation according to the aforementioned constitutional provision.

IN TESTIMONY WHEREOF, I
have signed my name officially
and caused the Seal of the State to
be affixed hereto at Austin, this
19th day of June, 2021.


GREG ABBOTT
Governor of Texas



SB 474

THE SAFE OUTDOOR DOGS BILL

VETOED



HB 604 – Microchip Scan Bill

2019: SB 1855/HB 2347

Sen. Paxton/Rep. Noble

“Despite an owner's investment in this widespread technology [in microchips], an owner of a stolen or lost animal still must rely on a responsible entity to scan animals at intake and quickly identify the animal.”

H.B. 604 addresses this issue by requiring the scanning of an animal as soon as practicable after the animal is placed in the custody of an applicable shelter, agency, or organization in order to ensure that pets are reunited with their loved ones.

The law is effective September 1, 2021.

Texas Health & Safety Code:

Sec. 823.004. MICROCHIP SCAN REQUIRED. As soon as practicable after an animal is placed in the custody of an animal shelter or a releasing agency as defined by Section 828.001, the shelter or agency shall scan the animal to determine whether a microchip is implanted in the animal.

- Return in the field reduces the stress both pets and their people feel when they are separated and lessens the cost and effort associated with shelter intake, thereby saving taxpayer dollars.
- Agencies and organizations in need can apply for a free microchip scanner through grant applications.

HB 2326 – Exotic Ownership (Rep. Frullo)

- Non-native Burmese Pythons have established a breeding population in South Florida and are one of the most concerning invasive species in Everglades. In an effort to bolster efforts to keep the species from invading Texas, TPWD asked to clarify current law and specifically name that Burmese Python as a nonindigenous snake requiring a permit to possess or transport in the state.
- HB 2326 amends the Parks and Wildlife Code to expand the scope of nonindigenous snake permits to include a constrictor that is a Burmese python, *Python bivittatus* and a hybrid of any kind of snake within the permit's scope.
- HB 2326 enhances from a Class C Parks and Wildlife Code misdemeanor to a Class B Parks and Wildlife Code misdemeanor for a subsequent conviction of the offense involving a violation of snake permits or a rule adopted under those provisions if it is shown at the trial that the defendant has engaged in a commercial activity without holding a required permit.



HB 1071 – Courthouse Dogs

- The prevalence of therapy dogs in courtrooms has increased in recent years as a means of helping traumatized victims who, over the course of giving witness testimony, may experience anxiety.
- In 2019, a federal law was introduced and passed in the US Senate to allow certified facility dogs into federal courtrooms for that purpose but failed in the House. However, facility or therapy animals weren't allowed in state courtrooms in Texas, with limited exceptions.
- HB 1071: authorize the presence of a qualified facility dog or qualified therapy animal in certain court proceedings to help witnesses in Texas feel safe while participating in the justice system.
- The bill amends the Texas Government Code to authorize a party to an action filed in a court in Texas to petition the court for an order authorizing a qualified facility dog or qualified therapy animal to be present with a witness who is testifying before the court through in-person testimony or closed-circuit video teleconferencing testimony.

SB 552 – Identification of Dogs

- According to the AVMA, roughly 4.7 million people are bitten by dogs each year in the United States, with 800,000 requiring medical attention.
- Children account for approximately half of all dog bite victims and research has shown that children have the highest risk of dog bites, and their severity of injuries are greater. Incidents of dog bites in Texas are frequently reported in the news however, there is a lack of Texas statewide data that can indicate if dog bites, and the severity of dog bites are increasing.
- In an effort to gain greater understanding and information on dog bites occurring in Texas, SB 552 requires each animal control authority to annually report to the Department of State Health Services dog bites that result in bodily injury, serious bodily injury, or death. The report must include the date and county in which the dog bite occurred, the age of the victim, breed of dog, the extent of injuries, and hospitalization required to treat the victim.
- The report also must state whether the dog was a dangerous dog and has previously bitten other individuals, and if the dog owners were charged with a criminal offense as a result of the dog bite.
- As proposed, SB 552 amends the Health and Safety Code to require each animal control authority to submit to DSHS an annual report regarding dog bites that occurred in the preceding year.

HB 652: Rep. Paul (District 129)

Written Notice to Adopters bill

HB 652 would require animal shelters to provide a written notice to pet adopters of any epizootic infectious diseases that occur among the animals in the shelter.

Shelters felt this bill was problematic in several ways:

1. It could discourage pet adoptions by fueling fears of zoonotic disease and perpetuating the stereotype that shelter animals are “sicklier” than animals obtained from breeders, pet stores, etc.
2. The bill does not determine who would lay out “normal” epizootic disease levels in a given area. If there are significant outbreaks of zoonotic disease, the implications and vectors most likely extend beyond the shelter environment.
3. The bill may also negatively impact adoptions by increasing the length of stay of animals and raising euthanasia rates. This in turn will lead to community backlash, increased costs; and a decrease in adoption revenue.

House Vote in 2021: 95 Yeas, 47 Nays (2nd reading was 45 yeas – Motion for Rec'd) but was brought back through a Motion for Consideration & ultimately died.

Removing Animals from Dangerous Situations

SB 48 – Sen. Zaffirini/HB 91 – Rep. Lucio III (similar bills brought by Rep. Shaheen/Rep. Morales-Shaw)

- Thorough research has shown that animal abusers have a high risk of reoffending. Animal cruelty is also a recognized indicator of potential future violence against people.
- Prohibiting the possession of an animal during community supervision by a person convicted of animal cruelty is believed to be one of the most effective ways to ensure that the person will not reoffend. Under current law, Texas judges may prohibit a defendant convicted of bestiality and granted community supervision from possessing or exercising control over an animal and require psychological counseling.
- SB 48 seeks to expressly provide judges with the same permissive tools with respect to defendants convicted of other statutory forms of animal cruelty, including an attack on assistance animal, cruelty to non-livestock animals, dog fighting, and cock fighting.

If a judge grants community supervision to a defendant convicted of an offense under Section 21.09, 42.091, 42.092, 42.10, or 42.105, Texas Penal Code, the judge may:

- (1) Require the defendant to relinquish custody of any animals in the defendant's possession;
- (2) Prohibit the defendant from possessing or exercising control over any animals or residing in a household where animals are present; or
- (3) Require the defendant to participate in a psychological counseling or other appropriate treatment program for a period to be determined by the court.

Example of Repeat Abuse

Feb 2016:

Abuser was arrested after 71 animals seized from a Denton two-bedroom apartment in Denton, Texas.

There were 46 guinea pigs, seven rats and six ferrets, along with turtles, gerbils, rabbits, a mouse, a bird, and a lizard. They had food and water, but the conditions otherwise were deplorable, Hanson said.



July 2020:

The same abuser arrested on animal cruelty charges had 200 living and dead animals in Denton, Texas. Denton animal control services called police to assist in executing a seizure.

Officers walked through a trailer and observed multiple cages stacked from the floor to the ceiling with various animals inside. The cage flooring was covered in feces and cockroaches, and most cages had thick dust and cobwebs on them.



HB 1818 – Retail Pet Sales Restriction

- Commercial pet stores have sold puppies and kittens in Texas with undisclosed health defects that can lead to increased veterinary costs and, in certain cases, even death of the animal.
- HB 1818 seeks to limit the sources from which for-profit pet stores in more populous counties may legally obtain dogs or cats and requiring store owners to disclose the source of each dog or cat up for sale.
- HB 1818 (Rep. Patterson) would restrict the retail sale of puppies and kittens in counties over 200K to animals sourced from shelters & rescues.
- The bill affects less than 30 stores in 24 counties in Texas.
- Three states have passed similar laws (Illinois, California and Maryland).
- There was no Senate companion and it died in the Senate.

LEGISLATION UPDATE

**HB 1818
PASSED IN THE HOUSE**

NEXT STOP: THE SENATE

TEXAS HUMANE
LEGISLATION
NETWORK

HB 580 – Rep. Lopez – “Rudy’s Law”

An example of many bills that are filed but do not get out of their committee and a bill that is filed because of a problem that came from a constituent.

- HB 580 or Rudy's Law, seeks to require a notice to consumers if they are buying plants that are highly toxic to dogs.
- HB 580 would require that a nursery dealer or nursery agent must include a written statement upon the sale of specific species of plant containing Cycasin, warning the end user that the ingestion of the plant by canines can be harmful or fatal. The bill limits the notification to the most popular of toxic plants to Texas - Sago Palm, Poinsettia, Azalea, Chrysanthemum, and Lilies.

Sales Tax Exemption on Adoption Fees

- The sale of animals from nonprofit animal shelters is exempt from the sales and use tax, but the sale of animals from nonprofit animal welfare organizations does not have the same tax-exempt status.
- Individuals and families who are willing to open their homes to homeless animals through pet adoption should not have to pay sales tax on that adoption. Those who work in animal rescue and welfare organizations and are dedicated to finding forever homes for pets should be rightly focused on the care and placement of the animals, not on the collection and paperwork associated with sales tax receipts.
- These bills seek to alleviate confusion as to which animal adoptions require sales tax collection by exempting animals sold by a nonprofit animal welfare organization from the sales and use tax.

HB 592 - 11/17/20 - Turner District 101

SB 227 - 12/2/20 - Paxton District 8 [COMPANION TO HB 592]

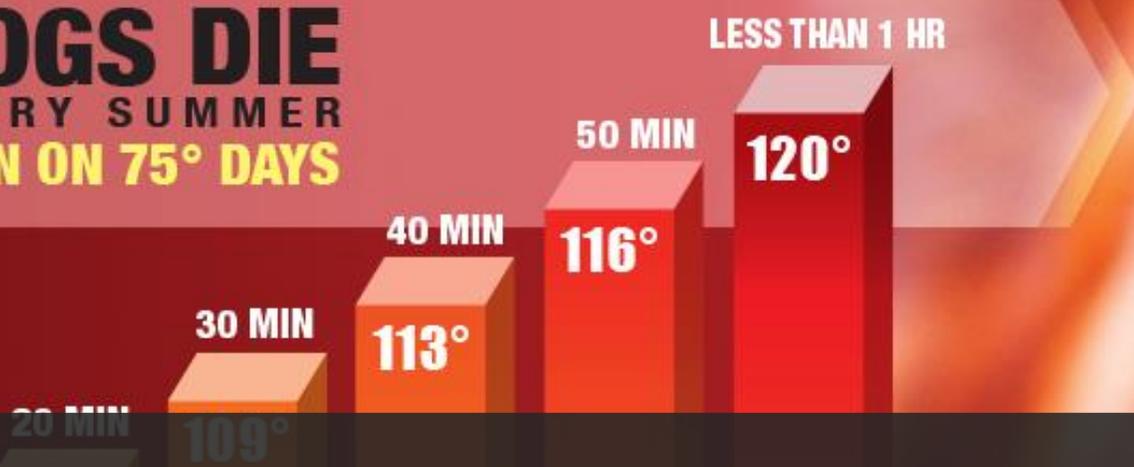
SB 197 - 11/16/20 - Nelson District 12

DOGS CAN DIE IN HOT CARS

IN JUST MINUTES, EVEN ON COMFORTABLE DAYS



DOGS DIE
EVERY SUMMER
EVEN ON 75° DAYS



HB 762 – Rep. Israel (District 50)

- Relating to civil liability for removing certain individuals or animals from a motor vehicle.
- Died in the Calendars Committee

CAR INTERIOR TEMPERATURES ON A 75° DAY

On an 80° day in a very average car, a blue sedan with medium grey interior and cracked windows, the temperature inside the car rose to 123° in 60 minutes.

* Study published by Dr. Jan Null, Department of Geosciences of San Jose State University

HB 543 – Rep. White (District 19)

If passed, the Working Animal Protection Act would deter an outright ban by a municipality on any legal working animal industry.

These constitutional "Rights to Free Enterprise" should be legislated and approved by state voters.

Businesses such as horse-drawn carriages, pony rides, elephant rides, educational zoos, and exotic animal exhibits at fairs and circuses.

All legal businesses, heavily licensed, regulated, and inspected.

Amending the TEXAS AGRICULTURAL
CODE

Sec. 251.007. REGULATION OF WORKING ANIMALS.

(a) In this section, "working animal" means an animal used for the purpose of performing a specific duty or function, including entertainment, transportation, or education.

(b) Notwithstanding any other law, a political subdivision may not impose a governmental requirement that terminates, bans, or effectively bans by imposing an undue financial hardship, the job or use of a working animal or an enterprise that employs a working animal.

(c) A governmental requirement adopted by a political subdivision that violates Subsection (b) is void.

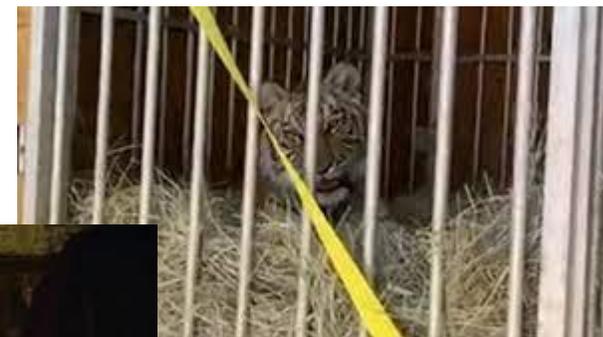


Other Bills

- HB 316 (Rep. Buckley) - Ban on plant-based food producers labeling their products 'meat,' 'beef,' 'pork'
- HB 674 (Rep. Ramos) - Mandatory notification of pets in protective orders
- HB 1480/SB 472 (Rep. Cyrier/Sen. Kolkhorst) - Ag Gag Bill
- HB 3340 (Rep. Swanson) - Appealing dangerous dog rulings
- HB 3798 (Rep. Minjarez) - Dangerous dogs in housing complexes
- HB 3710 (Rep. Ordaz-Perez) - Public Contact Bill

Current Federal Bills

- Big Cat Public Safety Act
- Presenting Future Pandemics Act of 2021
- Puppy Protection Act of 2021



A close-up photograph of a tiger's face, showing its distinctive orange and black stripes, yellow eyes, and long white whiskers. The tiger is looking slightly to the right of the camera.

BIG CAT PUBLIC SAFETY ACT

- **Would prohibit private possession and breeding of big cats such as tigers, lions and leopards by unqualified individuals and exhibitors.**
- **Strengthens the existing federal law, the Captive Wildlife Safety Act, by closing loopholes that allow private possession of big cats.**
- **Introduced on 2.26.2019 by: Rep. Mike Quigley, D-IL and Rep. Brian Fitzpatrick, R-PA, Cosponsors: 230**
- **S. 2561 Introduced on 9.26.2019 by: Sen. Richard Blumenthal, D-CT, Cosponsors: 26**

Why are laws important: Animal-Friendly License Plate

ANIMAL FRIENDLY LICENSE PLATES



In 1997, **THLN** passed H.B. 3250, which created an “animal-friendly” fund for the state through the sale of specialty license plates. We continually monitor this fund each legislative session to ensure that the money continues to be used for its intended purpose.

Thanks to Texas drivers' support of this bill, as of December 2019:



\$6,188,076

has been awarded to cover low-cost spays and neuters



105,001

dogs and cats in Texas have been sterilized



Additionally, **all of these animals are seen by a veterinarian**, increasing the probability that appropriate vaccinations will be administered and **preventing the spread of deadly diseases**.

ORDER YOUR ANIMAL FRIENDLY LICENSE PLATE TODAY



Victories Contin'd

DOG FIGHTING ACT



THLN played a major role in passing this landmark act which outlawed dog fighting in Texas.

1983

DFA INITIALLY PASSED

Outlaws dog fighting, promoting a dog fight, training dogs to fight, and attending a dog fight.

2007

DFA AMENDMENT HB 916 PASSED

The Dog Fighting Penalty Enhancement Bill increased the punishment for dog fighting from a misdemeanor to a state jail felony, and increased the punishment for attending a dog fighting exhibition.

2009

DFA AMENDMENT SB 554 PASSED

The Dog Fighting Classified as Organized Crime Bill allows dog fighting to be classified as organized crime and additionally allows for all property associated with dog fighting to be forfeited.

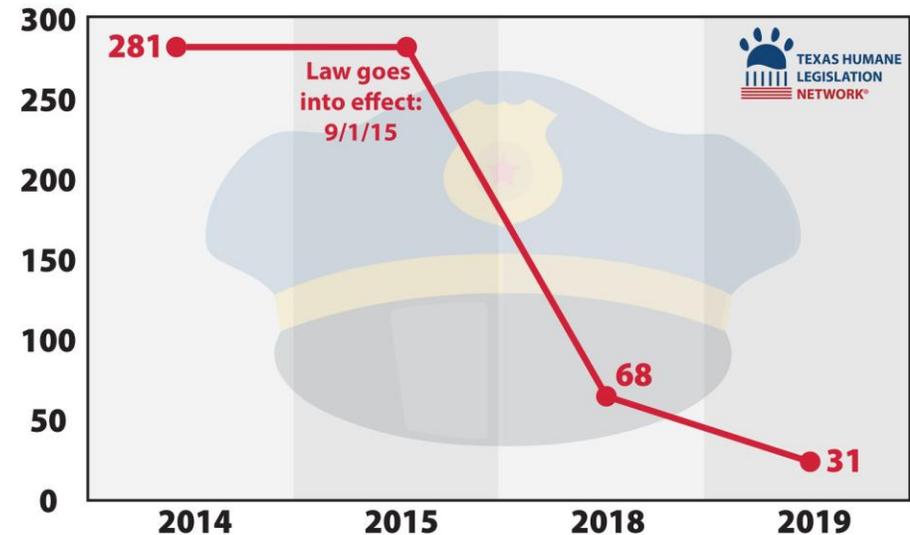
LEARN MORE AT THLN.ORG/OUR-VICTORIES

CANINE ENCOUNTER LAW



THLN passed a law in 2015 requiring a one-time training course for law enforcement officers to prepare them for a safe, non-confrontational outcome when encountering a dog. As a result of the Canine Encounter Law being passed, the number of dogs who have been reported shot by police has drastically lowered.

NUMBER OF TX DOGS REPORTED SHOT BY POLICE

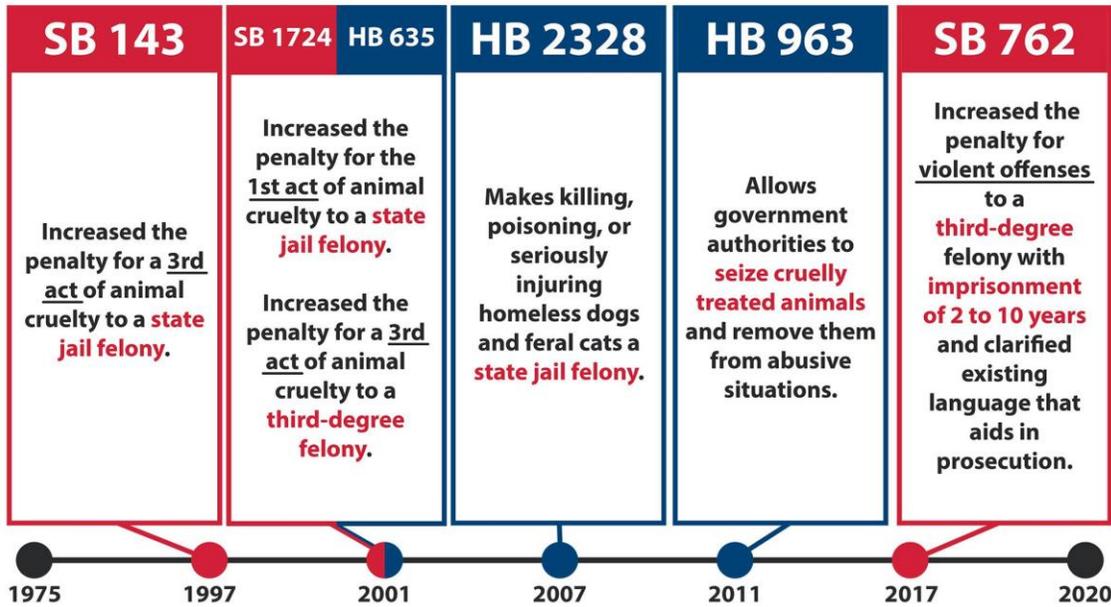


GIVE A GIFT AT THLN.ORG/2019_HOLIDAY_DONATION

Victories Cont'd – Animal Cruelty

TEXAS ANIMAL CRUELTY AMENDMENTS

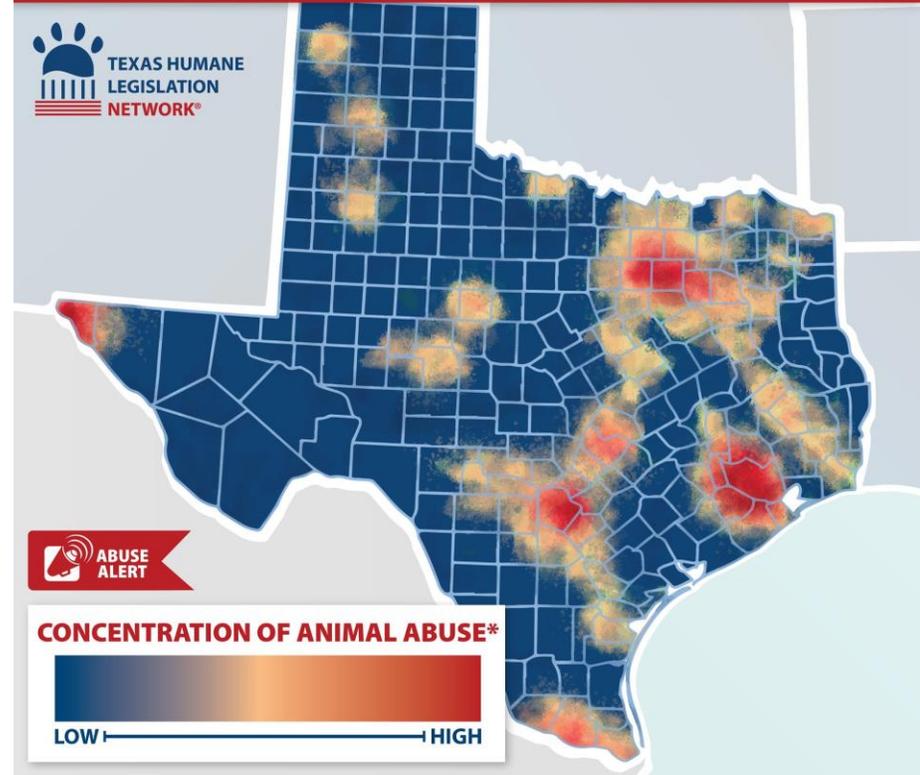
 **THLN** has been working to make changes to TX legislation for the benefit of animals since 1975.



LEARN MORE AT THLN.ORG/ANIMAL_CRUELTY_AWARENESS_MONTH

2019 TEXAS ANIMAL ABUSE MAP

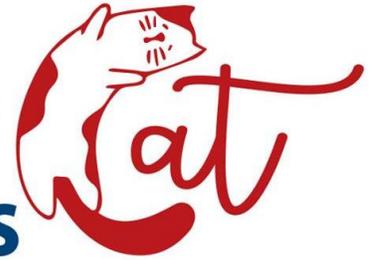
 TEXAS HUMANE LEGISLATION NETWORK®



***DATA BASED ON MEDIA REPORTED ABUSE CASES**



BE AN
ADVO
FOR TEXAS
ANIMALS



Learn more at thln.org

THANK YOU!

Shelby@thln.org