

**SUBJECT:** Regulating ownership of dangerous wild animals

**COMMITTEE:** County Affairs — committee substitute recommended

**VOTE:** 6 ayes — G. Lewis, B. Brown, Chisum, Farabee, Krusee, Swinford  
0 nays  
3 absent — Ramsay, Hilderbran, Salinas

**WITNESSES:** For — Lynn Cuny, The Association of Sanctuaries; Michael Fouraker, American Zoological Association and Fort Worth Zoo; Mike Lester, Texas Animal Control Association; Robert “Skip” Trimble, Texas Humane Legislation Network; Tammi Baxter; Cindy Carroccio; Robert F. Dobat; Dave Garcia; Kenneth Kaemmerer

Against — Terri Block, Tiger Creek Wildlife Refuge; Ellis Gilleland, “Texas Animals”; Chris Hamblen, International Elephant Survival Foundation; Chris Kirk, Sheriff’s Association of Texas; David Christopher Klevan, Animal Entertainment Inc.; Darla J. Osorio, Progressive Pachyderms, Inc.; Robert Snowden, Robert Snowden Enterprises; Ike Sugg, Exotic Wildlife Association and Competitive Enterprise Institute; Michael Swain, P.B.A. Enterprising Elephants; Brian Werner, Tiger Missing Link Foundation; Jeff Aguirre; Charles Davenport; Karon Glass; Bill Swain; Doug Terranova

On — Mitchel Kalmanson, Lestor Kalmanson Agency

**BACKGROUND:** Until 1995, the Texas Parks and Wildlife Department (TPWD) regulated the ownership of dangerous wild animals under Parks and Wildlife Code, chapter 12G. This statute required an owner of a dangerous animal to obtain a permit from TPWD and to comply with statutes regarding care and confinement of the animal. In 1995, the Legislature enacted HB 239 by Goodman, et al., repealing chapter 12G, primarily because TPWD did not have the personnel or resources to regulate the ownership of dangerous animals properly. There has been no statewide regulation of dangerous wild animals since that act took effect on September 1, 1997.

**DIGEST:** CSHB 2259 would establish regulations for the ownership of dangerous wild animals, including lions, tigers, ocelots, cougars, leopards, cheetahs, jaguars, hyenas, bears, apes, or any hybrid of these animals. The bill would prohibit people from owning, harboring, or having custody or control of a dangerous wild animal unless they held a certificate of registration for the animal and met other requirements. These provisions would not apply to veterinarians, humane societies, animal shelters, research facilities, wildlife sanctuaries, traveling circuses, and other entities and persons set forth in the bill.

The commissioners court of a county, by order or ordinance, could prohibit or regulate the keeping of a dangerous wild animal in the county.

**Certificate of registration.** After June 1, 2000, a person could not own a dangerous wild animal without a current certificate of registration from an animal registration agency, defined as the municipal or county animal control office with authority over the area where a dangerous wild animal was kept, or a county sheriff in an area that did not have an animal control office. The agency could require a separate certificate for each animal. The certificate would be valid for one year and would not be transferrable.

Violation of this requirement would be a Class C misdemeanor, punishable by a maximum fine of \$500. Each animal not registered properly and each day each animal was not registered would be a separate offense. The criminal penalty would take effect June 1, 2000.

A person who violated this requirement also would be liable for a civil penalty of between \$200 and \$2,000 for each day that each animal was not registered. A county or municipality where the violation occurred could sue to collect the penalty and the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the animal registration agency in the civil action.

Each municipality and county would have to adopt any ordinance or order necessary to implement and administer the certificate of registration program not later than December 1, 1999.

**Application for certificate.** CSHB 2259 would require each municipality or county, by order or ordinance, to establish and charge reasonable fees, not to exceed \$50 for each animal or \$500 for a person, for issuance or renewal of a

certificate to recover administrative and enforcement costs. The application would have to include:

- ! the applicant's name, address, and telephone number;
- ! a complete identification of each animal, including species, sex, age if known, and any identifying marks or coloration;
- ! the exact location where each animal would be kept;
- ! a sworn statement that all information provided was accurate, that the applicant had read the law, and that all facilities used to confine or enclose the animal complied with the requirements; and
- ! and any other information required by the municipality or county.

The application also would have to include the nonrefundable fee, proof of the applicant's liability insurance, a current color photograph of each animal being registered, a photograph and statement of the dimensions of the primary enclosure in which the animal would be kept, and a scale diagram of the premises where each animal would be kept, including the location of any residence on the premises. If the applicant held a valid Class A or Class B dealer's license or a Class C exhibitor's license issued by the U.S. secretary of agriculture under the Animal Welfare Act, the applicant would have to include a photocopy of the license with the application.

An application for renewal of a certificate would have to include a statement signed by a veterinarian licensed to practice in Texas that the veterinarian had inspected each animal within the previous 30 days and found that the care and treatment of each animal met or exceeded the required standards.

No later than the 10th day after the owner received a certificate, the owner would have to file a clear and legible copy of the certificate with the zoonosis control division of the Texas Department of Health. The owner also would have to display the certificate for each animal prominently at the premises where the animal was kept.

**Inspection.** At all reasonable times, an owner of a dangerous wild animal would have to allow the animal registration agency, its agents, or any licensed veterinarian designated by the agency to enter the premises where the animal was kept and to inspect the animal, the enclosure, and the owner's records relating to the animal to ensure compliance.

**Care, treatment, and transportation.** An owner of a dangerous wild animal would have to comply with all applicable standards of the federal Animal Welfare Act (7 U.S.C., sec. 2131 et seq.) and regulations relating to facilities and operations, animal health and husbandry, and veterinary care.

An owner of a dangerous wild animal would have to maintain a separate written log for each animal documenting veterinary care and would have to make the log available to the animal registry agency upon request. The log would have to identify the animal treated and the date of treatment, describe the nature of the treatment, and provide the name of the veterinarian.

When transporting a dangerous wild animal, the owner, carrier, or handler of the animal would have to comply with all applicable transportation standards under the Animal Welfare Act.

The holder of a Class A or Class B dealer's license or a Class C exhibitor's license would be exempt from these provisions.

**Liability insurance.** People with dangerous wild animals also would have to maintain at least \$100,000 liability insurance for each occurrence for liability for damages for destruction of or damage to property and for death or bodily injury to a person caused by a dangerous wild animal.

**Requirements for primary enclosure.** CSHB 2259 would establish specifications for the construction of the primary enclosure for each type of dangerous wild animal. It would require that the enclosure be built to prevent the escape of the animal and to prevent an unauthorized person from opening the enclosure. It also would establish specific minimum space requirements for the primary enclosure in which each type of dangerous wild animal was kept. With approval of the animal registration agency, an owner could deviate from the minimum space requirements because of the age of the animal or the use of an unusual enclosure design. The agency could approve the deviation only if the deviation did not compromise the overall welfare of the animal and the public's health and safety.

**Relocation of the animal.** An owner of a dangerous wild animal could not

relocate the animal permanently unless the owner first notified the animal registration agency in writing of the exact location to which the animal would be moved. The owner also would have to provide the agency, with respect to the new location, information required for a certificate application.

**Sale or death of animal and injury inflicted by animal.** If a registered animal was sold or died, the owner would have to notify the animal registration agency in writing within 10 days. If a registered animal caused an injury to a human that required medical treatment, the owner would have to report the injury to the agency within 48 hours. Not later than 10 days after the injury, the owner would have to submit a detailed written report to the agency regarding the nature and circumstances of the injury.

**Escape of animal.** An owner of a dangerous wild animal would have to notify the agency immediately if the animal escaped. The owner of an animal that escaped would be liable for all costs incurred in apprehending and confining the animal. An animal control office or law enforcement agency would not be liable for damages relating to the escape of the animal.

**Denial or revocation of certificate.** CSHB 2259 would require the animal registration agency to deny a certificate of registration if the agency found that an application did not meet requirements. If, upon inspection, the applicant had not complied with the law, the agency would have to deny the issuance of an original or renewal certificate. The agency then would have to notify the applicant in writing of the denial and the reasons for the denial. After an inspection, if an agency found that a registered owner had provided false information with the application or had not complied with the law, the agency would have to revoke the certificate. The agency would have to give the owner written notice of the revocation and the reasons for it.

A person could appeal the denial or revocation of a certificate to a justice or municipal court no later than 15 days after the notification. Either party could appeal the decision of the court. If the owner filed an appeal of the denial or revocation, the certificate of registration would remain in effect until a judge ruled on the appeal.

**Injunction.** Any person harmed or threatened with harm because of a violation of or a failure to enforce this statute could sue the owner of a dangerous wild animal for an injunction to require compliance.

This bill would take effect September 1, 1999.

**SUPPORTERS  
SAY:**

Texas is one of only a few states in the country that does not regulate the ownership of dangerous wild animals. Texas has laws protecting citizens from dangerous dogs but not from these dangerous predators. CSHB 2259 is patterned after the existing “dangerous dog” statute and would provide the same type of protection for citizens.

Because Texas has no regulation and no registration, it is impossible to take an accurate inventory of the number of dangerous wild animals in the state or to know in what kinds of conditions these animals are kept. Texas contains an estimated 2,000 tigers, 4,000 lions, and 8,000 cougars in private hands. The U.S. Department of Agriculture (USDA) has requirements for the ownership of dangerous wild animals, but has little enforcement. CSHB 2259 would require owners to register these animals with local authorities and would allow these authorities to monitor the animals.

Requirements under CSHB 2259 would be more stringent than federal standards. The bill would exempt USDA license holders only from the requirements for the care, treatment, and transportation of the animal, which are covered by federal regulations. License holders would have to meet all other state requirements. This bill also would cover people who are not required to be licensed or registered with USDA.

A wild animal escape usually results in death or injury to the animal or to humans. This bill would require minimum standards for licensing, insurance, and the health and safety of the animal.

Wild animals cannot be tamed. Often, people buy an animal when it is young. When the animal grows and becomes uncontrollable, the owners release the animal, or the animal is confiscated. In either case, these animals generally end up in sanctuaries and zoos. They are more dangerous than animals found in the wild because they have no fear of humans. This situation increases burdens on facilities that take abandoned or confiscated animals. This bill

would set strict requirements and increase costs for owning a dangerous wild animal so as to deter buyers who were not responsible.

CSHB 2259 would not prohibit people from owning as many dangerous wild animals as they chose, nor would it prohibit anyone from breeding, selling, exhibiting, or conducting any other lawful commercial activity with the animal. It would require the owner only to register the animal, insure against any damage or injury caused by it, and confine it safely and humanely.

Two attacks by these predators have occurred in Texas in the past month, both severely injuring their victims. It is time that Texas protected its citizens against these predators.

OPPONENTS  
SAY:

CSHB 2259 is unnecessary because USDA already requires animal dealers, exhibitors, transporters, and research facilities to be registered under the Animal Welfare Act, with specific exceptions. Also, many municipalities prohibit people from owning wild animals as pets.

This bill should exempt owners of wild animals who have a current USDA license. Federal animal care standards cover humane handling, housing, space, feeding and watering, sanitation, ventilation, shelter from extremes of weather, adequate veterinary care, separation of incompatible animals, transportation, and handling in transit. USDA inspects wild animals that are kept by license holders at least once a year.

Under CSHB 2259, county employees would be responsible for making sure that applicants and license holders complied with the law. County employees generally do not have veterinary training. USDA inspectors have a veterinary background and experience with wild animals.

Under this bill, the costs associated with owning exotic animals would be prohibitive and unreasonable, especially for wild animal dealers, exhibitors, and breeders. The bill would require a fee of up to \$50 per animal or \$500 per person for a certificate of registration, in addition to insurance, which can cost between \$500 and \$3,500, depending on the type of animal. USDA license holders also must pay between \$30 and \$750 for Class A or Class B licenses and between \$30 and \$300 for Class C licenses.

Irresponsible people buying wild animals are not USDA license holders. People who own these animals without a license already are violating the law. This bill would create an undue burden on people who own wild animals and abide by federal regulations.

The list of animals that would be covered by this bill is arbitrary. The committee substitute removed from the list several animals that were listed in the original bill. The animals removed from the list are at least as dangerous as the animals that remain on the list.

OTHER  
OPPONENTS  
SAY:

CSHB 2259 should include more specific requirements about the enclosures for these animals. The bill should require that enclosures have a top and that a parameter fence surround the enclosure so that unauthorized people could not come into direct contact with the animal's enclosure.

The bill would not allow the animal control agency to seize an animal if violations occurred that could endanger the animal or the public. Agencies should have the authority to remove an animal and to impose heavy fines for gross violations.

NOTES:

The committee substitute would not regulate the following animals that were included in the original bill: a panther, bobcat, lynx, serval, caracal, wolf, coyote, jackal, wolverine, binturong, elephant, and orangutan.

The substitute also would add requirements not in the original bill relating to exemptions for holders of a dealer's or exhibitor's license, the veterinarian's statement required for an application for renewal, and filing a copy of the certificate of registration with the Texas Department of Health.

The companion bill, SB 1186 by Madla, referred to the Senate State Affairs Committee, is identical to the original version of CSHB 2259.