

CURRENT TEXAS ANIMAL LAWS

Texas State Statutes (“Statutes”) involving animals are contained mostly in the Health & Safety Code and the Penal Code. In addition, several Statutes authorize the Texas Department of State Health Services (“DSHS”) and the Texas Department of Licensing and Regulation (“TDLR”) to enact “Rules” that are published in the Texas Administrative Code. Once published, those “Rules” have the same effect as the Statutes.

Below is an index and brief summary of the Statutes and Rules involving animals.

Statutes are located at: <http://www.statutes.legis.state.tx.us> and Rules are located at: <http://www.sos.state.tx.us/tac/index.shtml>.

Health & Safety Code, Chapter 821 *Treatment and Disposition of Animals*

Subchapter A (Secs. 821.001-821.004) deals with the treatment of **impounded animals and live birds**.

Subchapter B (Secs. 821.021-821.026) deals with the **disposition of cruelly treated animals**. This is sometimes referred to as the “civil seizure law” that allows law enforcement to seize cruelly treated animal(s) and provides for a hearing in which a court may terminate the person’s ownership in the animal(s).

Subchapter C (Secs. 821.051-821.057) deals with **euthanasia of animals in animal shelters**. This subchapter requires animal shelters to use only sodium pentobarbital to euthanize dogs and cats and to follow the methods, recommendations and procedures set forth by the American Veterinary Medical Association Panel on Euthanasia when euthanizing other animals such as wildlife or livestock.

Subchapter D (Secs. 821.076-821.081) sets out requirements for tethering a dog and penalties for violations.

Texas Administrative Code, Chapter 169, Secs. 169.81–169.83 *Standards for Allowable Methods of Euthanasia for Animals in the Control of an Animal Shelter*

These Rules set forth in detail the requirements, standards, and procedures for **euthanizing animals** in the custody of an animal shelter, including the specifications for euthanasia by injection. (*See detailed Rules in Appendix B to Texas State Laws and Regulations Dealing with Animal Shelters under the Current Animal Laws tab.*)

Health & Safety Code, Chapter 822 *Regulation of Animals*

Subchapter A (Secs. 822.001-822.007) defines and deals with **dogs that are a danger to persons** and provides for criminal penalties for the owner of a dog that attacks and seriously injures or kills a person. It also allows for destruction of the dog.

Subchapter B (Secs. 822.011-822.013) deals with **dogs that are dangerous to livestock**. Allows a person to capture and under certain circumstances kill a dog or coyote that attacks their livestock.

Subchapter C (Secs. 822.021-822.035) deals with **county registration and regulation of dogs**. Permits county voters to require an election to adopt rules governing the registration and registration fee for dogs.

Subchapter D (Secs. 822.041-822.047) deals with **dangerous dogs**. This subchapter is often used in connection with Subchapter A to deal with dangerous dogs. This subchapter establishes requirements for owners of dangerous dogs and sets forth the method for filing a complaint and for a hearing to determine whether or not a dog is dangerous. It also allows for more stringent rules at the local county or municipal level.

Subchapter E (Secs. 822.101-822.116) deals with **dangerous wild animals**. Requires the registration of dangerous wild animals with the local animal control authority. Dangerous wild animals are generally defined to include large felines such as lions, tigers, etc., hyenas, bears, coyotes and large primates such as chimpanzees, gorillas, etc. Provides for Rules as to proper care and caging of dangerous wild animals. Permits additional regulation or prohibition at the local county or municipal level.

Texas Administrative Code, Chapter 169, Sec. 169.131
Caging Requirements for Dangerous Wild Animals

These Rules set forth the detailed caging requirements and caging standards for keeping of dangerous wild animals.

Health & Safety Code, Chapter 823
Animal Shelters

This Chapter (Secs. 823.001-823.009) sets forth certain **requirements for animal shelters** and requires an advisory committee be appointed to assist with compliance with the requirements of the Chapter. It also provides for a private cause of action for violations of the Chapter. However, the Chapter does not apply to counties having a human population of less than 75,000.

Health & Safety Code, Chapter 826
Rabies Control Act

Subchapter A (Secs. 826.001-826.002) defines terms used in the Chapter.

Subchapter B (Secs. 826.011-826.017) requires DSHS to adopt Rules for administering the Rabies Control Act and to set standards for the control of rabies.

Subchapter C (Secs. 826.021-826.025) requires rabies vaccinations for dogs and cats and creates a misdemeanor offense for failing to have a dog or cat vaccinated for rabies.

Subchapter D (Secs. 826.031-826.034) allows local, county and municipal governments to establish registration and restraint laws for dogs and cats.

Subchapter E (Secs. 826.041-826.048), requires reporting of rabies bites and quarantine of animals suspected of rabies.

Subchapter F (Secs. 826.051-826.055) requires DSHS to adopt Rules setting forth **minimum standards for impoundment facilities and quarantine facilities** and allows for inspections by the DSHS.

Texas Administrative Code, Chapter 169, Secs. 169.21-169.34
Rabies Control and Eradication

Contains the DSHS Rules for statewide control and eradication of rabies and human exposure to rabies, including requirements for rabies vaccinations. It also sets minimum standards for facilities that impound or quarantine animals and dictates the method for disposing of domestic animals that are exposed to rabies.

Health & Safety Code, Chapter 828
Dog and Cat Sterilization

Secs. 828.001-828.013 require an adoption agency to either: (a) sterilize an animal before it is adopted; or (b) require the adopter to sign an acknowledgement agreeing to have the animal sterilized no later than the later of: (i) thirty days after adoption; or (ii) when the animal becomes six months old (females) or eight months old (males). It also allows the adoption agency to set forth its own standards for adoption. These requirements do not apply in a county with a population of less than 20,000 or a municipality with a population of less than 10,000.

Sec. 828.014-828.015 authorizes the sale of Animal Friendly License Plates and directs those sale proceeds to be deposited in the “**Animal Friendly Fund**” with DSHS to be used for **free or low cost dog and cat sterilization programs** throughout the state.

Texas Administrative Code, Chapter 169, Sec. 169.102
Dog and Cat Sterilization

Outlines the **requirements and procedures for applying for grants from the Animal Friendly Fund** and the DSHS criteria for awarding grants.

Texas Administrative Code, Sec. 573.76

Requires an owner who has an animal sterilized under Chapter 828 to have the **animal microchipped or tattooed to show proof of sterilization.**

Health & Safety Code, Chapter 829
Animal Control Officer Training

This Chapter (Secs. 829.001-829.009) requires minimum **training and certification for animal control officers.** There is a requirement for initial qualifications and requirements for continued training. A county commissioner’s court in a county with a population of less than 75,000 may opt out of this requirement by adopting an order exempting the county from application of this Chapter.

Penal Code, Chapter 42, Section 42.09
Cruelty to Livestock Animals

Section 42.09 deals with cruelty to livestock animals. Livestock animals are defined in Subsection 42.09(b)(5) as cattle, sheep, swine, goats and poultry commonly raised for human consumption and horses, ponies, mules, donkeys, etc. It also includes non-native hoof stock and fowl raised under agricultural practices. Crimes for cruelty to livestock animals include torture (a state jail felony); failure to provide food, water or care (class A misdemeanor); abandonment (class A misdemeanor); cruel transport or confinement (class A misdemeanor); poisoning a livestock animal belonging to another without legal authority or the owner's effective consent (state jail felony); causing one livestock animal to fight with another animal (state jail felony); tripping a horse (state jail felony); or seriously overworking a livestock animal (class A misdemeanor). There are exemptions from this Section for hunting, fishing, trapping or wildlife management and animal husbandry or agriculture practices.

Penal Code, Chapter 42, Sec. 42.091
Attack on Assistance Animal

This Section creates an offense for a person who attacks, injures or kills an assistance animal or permits an animal owned by the person to attack, injure or kill and assistance animal. This Section also provides for restitution for veterinary or medical bills or replacing the assistance animal if the assistance animal is killed.

Penal Code, Chapter 42, Sec. 42.092
Cruelty to Nonlivestock Animals

This Section creates offenses for cruelty to nonlivestock animals which are defined in Subsection (a)(2) as domesticated living creatures (including any stray or feral cat or dog) and wild living creatures which have been previously captured. The term does not include an uncaptured wild living creature or a livestock animal. The offenses constituting cruelty to a nonlivestock animal are torturing, killing, or causing serious bodily injury to an animal in a cruel manner (state jail felony); killing, poisoning or causing serious bodily injury to an animal without the owner's consent (state jail felony); failing to provide an animal with necessary food, water, care or shelter (class A misdemeanor); abandoning an animal (class A misdemeanor); transporting or confining an animal in a cruel manner (class A misdemeanor); causing bodily injury to an animal without the owner's consent (class A misdemeanor); causing one animal to fight with another (state jail felony); using a live animal as a lure in dog racing or dog race training (state jail felony); seriously overworking an animal (class A misdemeanor). There are exemptions from this Section for fishing, hunting, trapping or wildlife management and animal husbandry or agriculture practices involving livestock animals.

Penal Code, Chapter 42, Sec. 42.10
Dog Fighting

This Section creates criminal offenses for causing a dog to fight with another dog (state jail felony); participating in the earnings of or operating a facility used for dog fighting (state jail felony); using or permitting another to use any real estate building or other property for dog fighting (state jail

felony); owning or training a dog with the intent that the dog be used for dog fighting (class A misdemeanor); owning equipment used in dog fighting (class A misdemeanor); and attending as a spectator an exhibition of dog fighting (class A misdemeanor).

Penal Code, Chapter 42, Sec. 42.105
Cockfighting

This section creates criminal offenses for causing a cock to fight with another cock (state jail felony); participating in the earnings of a cockfight (state jail felony); using or permitting another to use any real estate, building, room, tent, arena or other property for cockfighting (Class A misdemeanor); owning or training cock with the intent that the cock be used in an exhibition of cockfighting (Class A misdemeanor); manufacturing, buying, sell, bartering, exchanging, possessing, advertising or otherwise offering implements to be used in cockfighting (Class A misdemeanor); attending as a spectator an exhibition of cockfighting (Class A misdemeanor, except that the offense is a Class A misdemeanor if previously convicted).

Agriculture Code, Chapter 149
Horse Slaughter for Human Consumption

This Chapter (Secs. 149.01-149.007) prohibits the sale, possession or transfer of horse meat for human consumption. A violation of this Chapter is punishable by (i) a fine of not more than \$1,000.00; (ii) confinement in jail for not less than thirty (30) days nor more than two (2) years; or (iii) both the fine and confinement. A second or subsequent offense under this Chapter is punishable by imprisonment for not less than two (2) years nor more than five (5) years. Also on conviction of an offense under this Chapter, the Court shall enjoin the defendant from selling, transporting, or in any manner purveying meat to the public as food for human consumption.

Occupations Code, Chapter 802
Dog and Cat Breeders Act

This Chapter (Sec. 802.001-802.251) requires dog and cat breeders who have 11 or more intact female animals and sell 20 or more puppies or kittens in any calendar year to obtain a license from the Texas Department Licensing and Regulation (TDLR) and meet the standards of housing and care for animals kept in these breeders' facilities. The statute provides for rules as to the proper standards for care and further provides for periodic inspections by TDLR and annual veterinary examinations.

Texas Administrative Code, Chapter 91, Secs. 91.1-91.202
Dog and Cat Breeders Rules

These Rules set forth requirements for licensed dog and cat breeders including the standards of care for dogs and cats in licensed breeding facilities.