

- SUBJECT:** Possession or transportation of certain non-indigenous snakes
- COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended
- VOTE:** 6 ayes — Hilderbran, Kuempel, Dukes, Homer, Howard, O'Day
0 nays
1 absent — Phillips
- WITNESSES:** For — Cile Holloway, Texas Humane Legislation Network

Against — Jeffrey Barringer, Online Hobbyist.com, Inc. dba kingsnake.com; Tim Cole, Austin Herpetological Society and Austin Reptile Service; Kenneth J. Magnuson, Texas Reptile Industry Association and Dallas Herpetological Society; Peter Mimikos, South Texas Herpetology Association; Cam Posey, Pam Robertson, and Kerry Rosenberry, Houston Reptile Enthusiasts; Ralph Aldis; Justyn Miller

On — David G. Barker, Texas Reptile Industry Association; Carl R. Wilson, U.S. Fish & Wildlife Service
- BACKGROUND:** 7 U.S.C., sec. 2131-2159 establishes the federal Animal Welfare Act, which requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public.
- DIGEST:** CSHB 1309 would require the Texas Parks and Wildlife Department (TPWD) to establish recreational and commercial permits for a person to possess or transport a live, non-indigenous, venomous snake or one of the following constrictors:
- African rock python, *Python sebae*;
 - Asiatic rock python, *Python molurus*;
 - green anaconda, *Eunectes murinus*;
 - reticulated python, *Python reticulatus*; or
 - southern African python, *Python natalensis*.

Beginning April 1, 2008, permits would not be required for:

- a state or county official performing an official duty;
- a licensed zoo possessing or transporting a snake for exhibition or scientific purposes;
- a research facility, including a university, licensed under the Animal Welfare Act that possessed or transported a snake for scientific purposes; and
- a person who assisted a TPWD employee in the handling or transport of a non-indigenous snake.

This bill would allow TPWD to inspect at any time, without a warrant, a permit or record for possessing or transporting a non-indigenous snake. TPWD could arrange to remove the snake at the expense of the person who did not have the required permit. No TPWD employee would be required to handle such a snake, so TPWD could contract out for snake removal services. TPWD would not be liable in a civil action resulting from the seizure, sale, donation, or other disposition of the snake.

This bill would require TPWD to adopt rules to govern the possession, permitting, release, reporting, and other matters regarding non-indigenous snakes and begin issuing permits by April 1, 2008.

Beginning April 1, 2008, the bill would make violations of the non-indigenous snake permitting or rules a class C Parks and Wildlife Code misdemeanor (a fine ranging from \$25 to \$500). No one convicted of possessing or transporting a non-indigenous snake without a permit would be allowed to obtain a permit for five years after the date of the conviction.

Beginning April 1, 2008, this bill would make it a class A Parks and Wildlife Code misdemeanor (up to one year in jail and/or a fine ranging from \$500 to \$4,000) if a person intentionally, knowingly, recklessly, or with criminal negligence released or allowed the release of a non-indigenous snake.

This bill would require the House Culture, Recreation, and Tourism Committee to conduct a study to determine whether this state should permit the possession of non-indigenous, venomous snakes and non-indigenous constrictors and report its finding no later than November 1, 2008, to the governor, the executive directors of TPWD and the

Department of Agriculture, and each member of the committee. The study would have to include:

- a comparison of laws about non-indigenous snakes in other states;
- alternative ways to regulate possession of non-indigenous snakes;
- the potential for non-indigenous snakes to spread disease, parasites, or other adverse effects;
- the economic and other benefits of regulating the trade of non-indigenous snakes; and
- other matters the committee found useful.

Except as otherwise indicated, the bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 1309 would create state rules regarding the reptile trade that are necessary and have been authorized by federal law. Currently, there are no federal prohibitions about the trade, importation, possession, or release of non-indigenous animals. The only exception to this is a prohibition on trade or possession of animals on the endangered species list. States have taken it into their hands to develop rules to protect their citizenry. For example, the state of Florida has been given the authority to regulate alligator hunting, even though it is an endangered species, because of the unique population control issues experienced in that state.

The bill would enable TPWD to establish rules and permitting in order to ensure that non-indigenous, venomous snakes and non-indigenous constrictors were entering the state legally and being treated humanely. Non-indigenous, venomous snakes frequently are part of the black market wildlife trade, which is the second largest form of illegal trade next to narcotics. While most non-indigenous, venomous snake and non-indigenous constrictor owners are law-abiding citizens who properly care for their animals, the bill would ensure that irresponsible owners were intercepted before posing a serious threat to public safety.

CSHB 1309 would be reasonable in scope. It would cover only non-native snakes and the five largest constrictors in order to mitigate the impact on snake owners across the state. The bill would require the owners of non-indigenous, deadly snakes to register with TPWD, which would be no more arduous a task than horse or cattle owners undertake when registering with the state before transporting their animals. In addition, the bill would aid in identifying and locating all non-indigenous, venomous

snake and non-indigenous constrictors in the state in order to help make emergency service responders aware of dangers that may exist on site and to encourage these snake owners to participate in research, such as anti-venom collection efforts.

**OPPONENTS
SAY:**

This bill is unnecessary and unfairly would burden non-indigenous snake researchers and owners. Most keepers of venomous snakes follow established protocols for general care and emergencies, because the majority are researchers and anti-venom producers. The incidence of deaths from venomous snakes in the United States is very low, with only five or 10 per year. By comparison, emergency responders are much more likely to be hurt by horses, which are responsible for 210 deaths per year, deer (150 deaths per year), or dogs (14 deaths per year). Snakes are not very hardy creatures, and those covered by this bill are non-indigenous and could not survive under natural conditions in Texas. Given that poisonous snake incidents do not happen often, this bill likely would make it more difficult for people to own snakes rather than protect public safety.

Texas is home to four venomous snakes, yet none of these would be covered by this bill, perhaps in deference to the popularity of events such as the Rattlesnake Round-Up. By contrast, any permit fees adopted by TPWD would be borne by citizens engaged in research or public duties, such as snake removal by contractors who were not deputized by the state. In addition, this bill inadvertently could create liability for the state if someone were bitten by a snake that was permitted by TPWD.

NOTES:

The committee substitute differs from the original by requiring a permit for only five specific types of constrictors, reducing general violations to a class C misdemeanor, requiring a study about the possession of non-venomous snakes, and allowing TPWD to determine rules.

According to the Legislative Budget Board, the bill would have no impact on general revenue-related funds. TPWD might incur additional costs as a result of establishing the permitting program, but the department would be authorized to adopt permit fees, which would generate an estimated \$126,250 for the game, fish, and water safety account each fiscal year.