

SUBCHAPTER J. CONTROLLED EXOTIC SNAKES

The Texas Parks and Wildlife Department (the department) proposes the repeal of 31 Texas Administrative Code §§55.656 and amendments to §§55.651, 55.653, and 55.657, concerning Controlled Exotic Snakes.

The proposed amendment to §55.651, concerning Definitions, would define "animal control authority" as "the local governmental entity responsible for regulating and/or enforcing laws applicable to the possession, control, welfare, and disposition of animals." The department has received numerous requests from various law enforcement and first-responder entities for assistance in identifying places and locations where persons may be holding dangerous exotic snakes, because first-responders find it helpful to know about the possibility of encountering such animals in the course of their duties, and because there may be local ordinances and laws that apply to such situations. Therefore, the rules as proposed would require permittees to notify the local animal control authority of the existence and location of facilities and an unambiguous definition of that term is necessary to facilitate compliance and enforcement.

The proposed amendment to §55.653, concerning Permit Issuance and Period of Validity, would require permittees to notify the appropriate local animal control authority of the location within the jurisdiction of the animal control authority where controlled exotic snakes are held under a permit, within 21 days of the effective date of the subsection or the issuance of a permit under the subchapter, as applicable, and to obtain and retain proof that the required notification was executed. As noted earlier in this preamble, the department believes it is prudent to create a mechanism for first responders to be aware of situations in which captive dangerous snakes are present and could be encountered. To do so, the proposed amendment would establish a notification requirement and specify criteria for determining compliance.

The proposed amendment to §55.657, concerning Violations and Penalties, would eliminate subsection (a), which is duplicative of statute and need not be repeated in rule.

The proposed repeal is necessary because the section is duplicative of statute and need not be repeated in rule.

The proposed repeal and amendments either implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

Robert Macdonald, Regulations Coordinator, has determined that for each of the first five years that the rules as proposed are in effect, there will be no fiscal implications to state or local governments as a result of administering or enforcing the proposed rules. The department has determined that the response required upon being notified by a permittee is negligible in terms of cost.

Mr. Macdonald also has determined that for each of the first five years that the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the proposed rule will be execution of the recommendations of the Texas Regulatory Efficiency Office with the Office of the Governor.

There will be minimal adverse economic effect on persons required to comply with the rules as proposed. Persons who possess controlled exotic snakes would be required to notify the local animal control authority of the location where controlled exotic snakes possessed under a permit are kept; however, the department has determined that compliance with the requirement requires very little effort and for all practical purposes, no expense.

Under provisions of Government Code, Chapter 2006, a state agency must prepare an economic impact statement and a regulatory flexibility analysis for a rule that may have an adverse economic effect on small businesses, micro-businesses, or rural communities. As required by Government Code, §2006.002(g), the Office of the Attorney General has prepared guidelines to assist state agencies in determining a proposed rule's potential adverse economic impact on small and microbusinesses and rural communities. Those guidelines state that an agency need only consider a proposed rule's direct adverse economic impacts to determine if any further analysis is required. For that purpose, the department considers "direct economic impact" to mean a requirement that would directly impose recordkeeping or reporting requirements; impose taxes or fees; result in lost sales or profits; adversely affect market competition; or require the purchase or modification of equipment or services. The department has determined that the proposed rules will not result in any direct economic costs to any small businesses, micro-businesses, or rural communities; therefore, neither the economic impact statement nor the regulatory flexibility analysis described in Government Code, Chapter 2006, is required.

The department has not drafted a local employment impact statement under the Administrative Procedures Act, §2001.022, as the agency has determined that the rules as proposed will not impact local economies.

The department has determined that Government Code, §2001.0225 (Regulatory Analysis of Major Environmental Rules), does not apply to the proposed rules.

The department has determined that there will not be a taking of private real property, as defined by Government Code, Chapter 2007, as a result of the proposed rules.

In compliance with the requirements of Government Code, §2001.0221, the department has prepared the following Government Growth Impact Statement (GGIS). The rules as proposed, if adopted, will neither create nor eliminate a government program; not result in an increase or decrease in the number of full-time equivalent employee needs; not result in a need for additional General Revenue funding; not affect the amount of any fee; create a new regulation (requiring notification of local animal control authorities); not expand, limit, or repeal the function of an existing regulation; not increase the number of

individuals subject to regulation; and neither positively nor adversely affect the state's economy.

Comments on the proposed rule may be submitted to Assistant Commander Kevin Winters, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744; (512) 389-4628; email: kevin.winters@tpwd.texas.gov or via the department website at www.tpwd.texas.gov.

31 TAC §§55.651, 55.653, 55.657

The amendments are proposed under the authority of Parks and Wildlife Code, §43.855, which authorizes the commission to adopt rules to implement Parks and Wildlife Code, Chapter 43, Subchapter V, including rules to govern the possession or transport of a snake covered by the subchapter and other matters the commission considers necessary.

The proposed amendments affect Parks and Wildlife Code, Chapter 43.

§55.651. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Animal control authority--The local governmental entity responsible for regulating and/or enforcing laws applicable to the possession, control, welfare, and disposition of animals.

(2) ~~(1)~~ Commercial possession--The possession of a controlled exotic snake for the purpose of sale.

(3) ~~(2)~~ Controlled exotic snake--Any live snake that is:

(A) - (C) (No change.)

(4) ~~(3)~~ Possession--Actual care, custody, or control.

(5) ~~(4)~~ Recreational possession--The possession or transportation of a controlled exotic snake for any purpose other than sale.

(6) ~~(5)~~ Sale--The transfer of ownership or the right of possession or the offer to transfer ownership or the right of possession of a controlled exotic snake to a person for a monetary consideration.

§55.653. Permit Issuance and Period of Validity.

(a) - (b) (No change.)

(c) Within 21 days of the effective date of this subsection or the issuance of a permit under this subchapter, as applicable, a permittee shall notify the appropriate local animal control authority of the location(s) within the jurisdiction of the local animal control authority where a controlled exotic snake possessed by the permittee is kept by the permittee. The permittee shall obtain, from the animal control authority, written documentation of the notification required by this subsection, which shall be maintained by the permittee and produced upon request of a department employee acting in the scope of official duty.

(d) ~~[(e)]~~ A person who sells a controlled exotic snake or snakes to another person for purposes of recreational possession shall inform the purchaser at the time of the sale that:

(1) - (2) (No change.)

§55.657. Violations and Penalties.

~~[(a) A person may not intentionally, knowingly, recklessly, or with criminal negligence release or allow the release from captivity of a snake covered by this subchapter.]~~

(a) ~~[(b)]~~ A person who violates any provision of the subchapter is subject to the penalties prescribed by Parks and Wildlife Code, §43.856.

(b) ~~[(e)]~~ The provisions of Parks and Wildlife Code, Chapter 43, Subchapter V and this subchapter may be enforced by any Texas peace officer.

(c) ~~[(d)]~~ It is a defense to prosecution under §55.652 of this title (relating to Permit Required) that the person charged produces in court an appropriate permit issued to the person and valid when the offense was committed.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Earliest possible date of adoption: August 16, 2026

For further information, please call: (512) 389-4775