



FREQUENTLY ASKED QUESTIONS (FAQ) Safe Outdoor Dogs Act – SB 5 Effective January 18, 2022

Did the Safe Outdoor Dogs Act make all forms of unattended tethering illegal?

No. The law does not make unattended tethering illegal; it provides a clear blueprint of conditions that must be met to keep tethered dogs and the people who encounter them safe.

Are there exceptions to the Safe Outdoor Dogs Act?

Yes. Several exceptions include tethering a dog while engaged in sporting, recreational and agricultural activities. There is also a blanket exception that allows a dog to be temporarily restrained while the owner completes a task. **These exceptions balance the rights of dog owners with the need to protect dogs and communities from the dangers of unsafe tethering.**

Did the Safe Outdoor Dogs Act increase or add criminal penalties?

No. The penalties already in statute in the Texas Health and Safety Code remain the same: a Class C Misdemeanor for the first offense. A Class C Misdemeanor is punishable up to \$500. If convicted, a second offense can be escalated to a Class B Misdemeanor, which is punishable up to 180 days in jail, a fine up to \$2,000, or both.

Is the Safe Outdoor Dogs Act a local preemption bill?

No. The Safe Outdoor Dogs Act does not nullify or prevent the passage of any municipal ordinance as strong or stronger than the state law. State law trumps all ordinances that are weaker, in conflict with or silent on the provisions outlined in the statute.

Does the Safe Outdoor Dogs Act affect counties and cities?

Yes. All counties must comply with state law, and any part of a municipal code that is weaker than, in conflict with or silent on provisions in state law must comply with state law.

Why was this bill brought, and what are the goals?

In 2014, the number one complaint from animal control officers and law enforcement officials who can't do their job -- and to this day -- is the unenforceable statewide tethering statute passed in 2007 ("the 2007 tethering law"). When THLN performed a statewide Public Information Act Request to over 1,000 cities in 2015, it could not find a single ticket prosecuted under the 2007 tethering law. **The goal of SB 5 is to fix the broken 2007 tethering law for restraining dogs outdoors and by clarifying how owners can properly restrain their dogs outside to keep dogs and the people around them safe.**

Aren't the items in the unenforceable statute covered by the animal cruelty laws?

No. They are wholly separate statutes with different penal and civil objectives. The 2007 tethering law was intended to deal with simple neglect while trying to stop cruelty before it began. Therefore, it is in

the Texas Health and Safety code. **Texas has a separate animal cruelty statute in the Texas Penal Code used by prosecutors to prosecute offenders *after* severe cruelty has occurred.**

Why did the bill remove the 10 PM to 6 AM exemption?

After carefully reading the law, that night exemption only works if the dog is "properly restrained." Additionally, a majority Texas cities do not have budgets to employ animal control officers between the hours of 10 PM and 6 AM. **Law enforcement and animal services personnel asked that the provision be removed as it was not being enforced.**

Why does the bill remove the 500 feet from school exemption?

It was originally included in the 2007 tethering law because a chained puppy turns into an aggressive dog, and if that dog breaks free of its restraint, children are the number one target. In this case, we have a different problem: a dangerous dog that is a public safety threat. **Texas has a dangerous dog statute that requires owners to contain dangerous dogs on their property. The same statute governs dog bites and attacks.**

Why did the definition of "collar" change?

Law enforcement and animal services personnel asked that the definition be updated to eliminate any confusion on choke or prong collars. These collars are deemed "training collars" and are not intended for tethering a dog in a yard as they are meant to cause discomfort. When combined with unattended tethering, prong, and choke collars result in pain and suffering. A top complaint from officers about the 2007 law was that it did not protect dogs from embedded collars – collars that are too tight become embedded in the dog's skin, and cause pain and infections. **To stop the cruelty before it starts, officers need a civil statute to enforce.**

Why eliminate chains?

If a chain is too heavy, it's inhumane and causes injury to the dog. If a chain is lightweight, it is vulnerable to break after continued exposure. Chains, unlike rubber-coated, flexible steel cables, rust, kink, and snag on items in the owner's yard. For dogs who chew through anything, the newer cable tie-outs (average cost \$15-\$30) are just as strong (based on tensile strength tests) or stronger than chains. Unlike tow chains, cables are designed to be pulled in any direction. Cable tie-outs are available in every county in Texas (per internet search). Additionally, officers testified tow truck tire chains are a training choice for dogfighters. **Thus, eliminating chains makes it easier to identify and disrupt that illegal activity, and prevent injury to dogs.**

Why did the bill eliminate a time limit?

After reviewing every statewide tethering law and most successful tethering ordinances, experts concluded that time limits do not work. Therefore, stakeholders asked that time limits be removed from the statute. **Unless an officer sits and watches the dog for the amount of time prescribed in statute, a judge cannot enforce it.** The term "temporary task" came from the judges' associations wherein they felt a "temporary task" is self-explanatory.

Why did the 24-hour warning period cause the 2007 statute to be unenforceable?

This is best explained in testimony from officers during the Legislative committee hearings: in summary, habitual offenders will make a minor, temporary correction but continually flout the law. For example, they will put water in the dog's bowl when given a warning. Two days later, the water is gone, and

officers are called out to check on the dog again. **This cycle of warnings without consequence defeats morale, wastes time and resources, fuels the frustration neighbors and the larger community feel, and ultimately did not improve the dog's situation.**

Where can I find cable tie-outs?

Many retailers sell cable tie-outs, including Walmart and PetSmart. They are also readily available at Amazon.

How much do cable tie-outs cost?

They average between \$15-30 dollars.

Are cable tie-outs "one size fits all?"

No. Different sized cable tie-outs are manufactured for different sized dogs. Cable tie-outs should always be used according to the manufacturer's instructions.