

By: Patterson

H.B. No. 870

A BILL TO BE ENTITLED

AN ACT

relating to the source of dogs and cats sold by pet stores;
providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Business & Commerce Code, is amended by
adding Chapter 206 to read as follows:

CHAPTER 206. SALE OF DOGS AND CATS BY PET STORES

Sec. 206.001. DEFINITIONS. In this chapter:

(1) "Animal control agency" means a municipal or county animal control office, or a state, county, or municipal law enforcement agency, that collects, impounds, or keeps stray, homeless, abandoned, or unwanted animals.

(2) "Animal rescue organization" means a nonprofit private organization that is exempt from taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c)(3) of that code, that accepts homeless or unwanted dogs or cats with the purpose of finding permanent homes for the dogs or cats, and that does not obtain dogs or cats from a breeder or animal seller for compensation.

(3) "Animal shelter" means a facility that collects, impounds, or keeps stray, homeless, abandoned, or unwanted dogs or cats.

(4) "Pet store" means a for-profit business that sells dogs or cats in a county with a population of 200,000 or more. The

1 term does not include an individual who sells, gives, or otherwise
2 transfers dogs or cats raised, bred, or both by the individual.

3 Sec. 206.002. SALE OF DOG OR CAT BY PET STORE. A pet store
4 may not sell a dog or cat unless the pet store obtained the dog or
5 cat from:

- 6 (1) an animal control agency;
7 (2) an animal shelter; or
8 (3) an animal rescue organization.

9 Sec. 206.003. MAINTENANCE OF RECORDS. (a) A pet store
10 shall maintain a record documenting from which animal control
11 agency, animal shelter, or animal rescue organization the pet store
12 obtained each dog or cat in the possession of the pet store for not
13 less than one year following the date the pet store takes possession
14 of the dog or cat.

15 (b) A pet store shall make the records maintained under this
16 section reasonably available for inspection by an animal control
17 agency, animal shelter, or animal rescue organization from which
18 the pet store has received a dog or cat during the preceding 12
19 months.

20 Sec. 206.004. PUBLIC POSTING. A pet store shall post in a
21 conspicuous location affixed to the enclosure of each dog or cat
22 available for sale the name of the animal control agency, animal
23 shelter, or animal rescue organization from which the pet store
24 obtained the dog or cat.

25 Sec. 206.005. CIVIL PENALTY. A pet store that violates
26 Section 206.002 is liable to this state for a civil penalty in an
27 amount not to exceed \$500 for each dog or cat sold in violation of

1 that section. The attorney general may bring an action to collect
2 the civil penalty imposed under this section.

3 SECTION 2. The change in law made by this Act applies only
4 to a dog or cat obtained by a pet store on or after the effective
5 date of this Act. A dog or cat obtained by a pet store before the
6 effective date of this Act is governed by the law in effect on the
7 date the dog or cat was obtained, and the former law is continued in
8 effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2023.