

By: Rosenthal

H.B. No. 1458

A BILL TO BE ENTITLED

AN ACT

relating to the intake and disposition records of animal shelters and releasing agencies.

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

SECTION 1. The heading to Chapter 823, Health and Safety Code, is amended to read as follows:

CHAPTER 823. ANIMAL SHELTERS AND RELEASING AGENCIES

SECTION 2. Section 823.001, Health and Safety Code, is amended by adding Subdivision (5) to read as follows:

(5) "Releasing agency" has the meaning assigned by Section 828.001.

SECTION 3. Section 823.002, Health and Safety Code, is amended to read as follows:

Sec. 823.002. EXEMPTION FOR CERTAIN COUNTIES, CLINICS, AND FACILITIES. Except as provided by Sections 823.003(e) and 823.010, this [This] chapter does not apply to:

- (1) a county having a population of less than 75,000;
- (2) a veterinary medicine clinic; or
- (3) a livestock commission facility.

SECTION 4. The heading to Section 823.003, Health and Safety Code, is amended to read as follows:

Sec. 823.003. STANDARDS FOR ANIMAL SHELTERS AND RELEASING AGENCIES; CRIMINAL PENALTY.

SECTION 5. Section 823.003(e), Health and Safety Code, is

1 amended to read as follows:

2 (e) The executive commissioner of the Health and Human
3 Services Commission shall [~~may~~] require each person operating an
4 animal shelter or releasing agency to keep the records required by
5 Section 823.010. The executive commissioner shall require the
6 shelter or agency [~~of the date and disposition of animals in its~~
7 ~~custody,~~] to maintain the records on the business premises of the
8 [~~animal~~] shelter or agency [~~]~~ and to make the records available for
9 inspection at reasonable times.

10 SECTION 6. Chapter 823, Health and Safety Code, is amended
11 by adding Section 823.010 to read as follows:

12 Sec. 823.010. INTAKE AND DISPOSITION RECORDS FOR ANIMAL
13 SHELTERS AND RELEASING AGENCIES. (a) Each animal shelter,
14 including a shelter operated by a municipality, or releasing agency
15 operated in this state shall prepare and maintain records on the
16 intake and disposition of animals in the custody of the shelter or
17 agency, including:

18 (1) the total number of live animals for which the
19 shelter or agency has assumed custody, categorized by species and
20 age;

21 (2) the reason the shelter or agency assumed custody
22 of an animal, including whether the animal was:

23 (A) surrendered by the animal's owner;

24 (B) surrendered by the animal's owner and the
25 owner requested that the animal be euthanized;

26 (C) impounded as a stray animal or an animal at
27 large;

1 (D) confiscated;

2 (E) transferred to the shelter or agency from a
3 location in this state;

4 (F) transferred to the shelter or agency from a
5 location outside this state; or

6 (G) born in the shelter or under the care of the
7 agency;

8 (3) the number of animals at the shelter or agency on
9 the last day of each month, categorized by species and age; and

10 (4) the disposition of each animal in the custody of
11 the shelter or agency, categorized by species and age, including
12 whether the animal:

13 (A) was adopted;

14 (B) was reclaimed by the animal's owner;

15 (C) died in the shelter or under the care of the
16 agency;

17 (D) was transferred from the shelter or agency;

18 (E) was euthanized by the shelter or agency on a
19 decision of the shelter or agency;

20 (F) was euthanized at the owner's request;

21 (G) was returned to the field as part of a
22 sterilization program; or

23 (H) was lost or stolen while in the shelter's or
24 agency's custody.

25 (b) In the records required by Subsection (a), an animal
26 shelter or releasing agency must use:

27 (1) for species, the categories of dog, cat, or other;

1 and

2 (2) for age, the categories of up to five months or
3 adult.

4 (c) An animal shelter or releasing agency monthly shall
5 prepare the records required by Subsection (a).

6 (d) An animal shelter or releasing agency shall maintain
7 records prepared under Subsection (a) until at least the third
8 anniversary of the date the record was prepared.

9 (e) An animal shelter or releasing agency shall make the
10 records required by this section available to the public by:

11 (1) posting the records on the shelter's,
12 municipality's, or agency's Internet website; or

13 (2) for a shelter, municipality, or agency that does
14 not have an Internet website, making the records available for
15 inspection and copying in a form regularly maintained by the
16 shelter, municipality, or agency.

17 SECTION 7. The changes in law made by this Act apply only to
18 an animal placed at or disposed of by an animal shelter or releasing
19 agency or counted in the shelter's or agency's animal total on or
20 after the effective date of this Act.

21 SECTION 8. This Act takes effect September 1, 2023.