

By: Talarico, Patterson

H.B. No. 2063

Substitute the following for H.B. No. 2063:

By: Cole

C.S.H.B. No. 2063

A BILL TO BE ENTITLED

AN ACT

relating to required informed consent before a dog or cat may be boarded at a kennel and left unattended; providing a civil penalty.

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

SECTION 1. Title 10, Health and Safety Code, is amended by adding Chapter 824 to read as follows:

CHAPTER 824. KENNELS

Sec. 824.001. DEFINITIONS. In this chapter:

(1) "Fire protection sprinkler system" has the meaning assigned by Section 766.051.

(2) "Kennel" means a facility, including a veterinary medicine clinic, that provides boarding and related services to dogs or cats for breeding, sheltering, training, hunting, or similar purposes in exchange for compensation or other consideration.

Sec. 824.002. EXCEPTIONS TO APPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) an animal shelter as defined by Chapter 823; or

(2) a kennel that boards not more than three dogs or cats at any time.

Sec. 824.003. REQUIRED INFORMED CONSENT FOR BOARDING OR PROVIDING SERVICES TO DOG OR CAT TO BE LEFT UNATTENDED. A kennel owner or operator who is boarding or providing services to a dog or cat at the kennel may not leave the dog or cat unattended without an

1 employee present unless:

2 (1) the kennel owner or operator provides to the owner
3 of the dog or cat written notice that:

4 (A) the dog or cat will be left unattended at the
5 kennel without an employee present during the hours specified in
6 the notice; and

7 (B) if the kennel is not equipped with a
8 functioning fire protection sprinkler system, the facility does not
9 have a fire protection sprinkler system; and

10 (2) the owner of the dog or cat provides to the kennel
11 owner or operator a signed document consenting to the dog or cat
12 being left unattended as provided in the notice.

13 Sec. 824.004. CIVIL PENALTY. (a) A kennel owner or
14 operator who violates Section 824.003 is liable for a civil penalty
15 in an amount equal to \$500 for each animal subject to the violation
16 and for each day the violation continues.

17 (b) The attorney general or the appropriate district or
18 county attorney may:

19 (1) bring an action on behalf of this state to collect
20 the civil penalty under this section; and

21 (2) recover attorney's fees and costs incurred in
22 bringing the action.

23 SECTION 2. This Act takes effect September 1, 2023.