

BILL ANALYSIS

C.S.H.B. 2116
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

United States pet owners own more than 75 million dogs and more than 90 million cats. With pet ownership comes certain responsibility, part of which is providing proper care for the health and well-being of a pet. C.S.H.B. 2116 seeks to address these issues by establishing provisions relating to the enclosure of dogs and cats and a study of standards of care for dogs and cats.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2116 amends the Health and Safety Code to prohibit an owner from placing dogs or cats in a primary enclosure on top of another primary enclosure without an impervious barrier between the enclosures. The bill establishes that provisions providing for a penalty relating to the unlawful restraint of a dog are applied should an owner violate the prohibition.

C.S.H.B. 2116 requires the executive commissioner to conduct a study regarding the proper standards for care and confinement for dogs and cats to ensure the overall health and welfare of each dog or cat and, not later than August 31, 2012, to submit a report to the chairs of the appropriate legislative committees summarizing the findings of the study. The bill authorizes rules to be adopted from recommendations of the study and exempts a member of a club or an affiliate organization of a national kennel club whose mission is stated in the charter and bylaws as advocating the purebred dog as a family companion, advancing canine health and well-being, working to protect the rights of all dog owners, and promoting responsible dog ownership from rules that may be adopted. The bill sets an expiration date of September 1, 2013, for specified provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2116 omits a provision included in the original prohibiting an owner from leaving a dog outside and unattended in an enclosure of less than 150 square feet for each dog over six months of age or leaving a dog outside and unattended in a restraint. The substitute omits a provision included in the original removing language limiting the prohibition on an owner from leaving a dog outside and unattended in the case of extreme weather conditions to the leaving of a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement. The substitute omits a provision included in the original removing provisions prohibiting an owner from leaving a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement between the hours of 10 p.m. and 6 a.m. or within 500 feet of the premises

of a school.

C.S.H.B. 2116 omits a provision included in the original removing from the exceptions to provisions relating to unlawful restraint of a dog a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar and a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained.

C.S.H.B. 2116 omits a provision included in the original specifying that statutory provisions governing the unlawful restraint of a dog do not prohibit a person from walking a dog with a hand-held leash if the dog's owner or handler is physically present and in proximity to the dog at all times so that the owner or handler may exercise immediate physical control over the dog at any time.

C.S.H.B. 2116 omits provisions included in the original establishing provisions relating to standards of care and confinement regarding the treatment and disposition of animals, applicable definitions, and applicability of the provisions. The substitute omits a provision included in the original requiring the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules for the proper feeding, watering, housing, care, including veterinary care, grooming, treatment, transportation, and disposition of dogs and cats by a commercial breeder to ensure the overall health and welfare of each dog or cat in the commercial breeder's facility. The substitute omits provisions included in the original establishing minimum requirements for adopted standards and requiring such standards to prohibit certain actions. The substitute omits provisions included in the original authorizing the executive commissioner by rule to establish certain additional standards considered necessary and requiring the executive commissioner, in adopting standards, to consider relevant state, federal, and nationally recognized standards for the health and welfare of dogs and cats.

C.S.H.B. 2116 differs from the original by prohibiting an owner from placing dogs or cats in a primary enclosure on top of another primary enclosure without an impervious barrier between the enclosures, whereas the original requires adopted standards to prohibit, among other things, the placement of a primary enclosure on top of another primary enclosure without an impervious barrier between enclosures.

C.S.H.B. 2116 omits a provision included in the original expanding the conditions under which a person commits a Class A misdemeanor offense related to cruelty to nonlivestock animals to include intentionally, knowingly, or recklessly violating a standard of care and confinement adopted under the original's provisions.

C.S.H.B. 2116 omits a provision included in the original repealing a provision defining "properly fitted" for purposes of provisions relating to the unlawful restraint of a dog and repealing a provision relating to the types of restraints considered to unreasonably limit a dog's movement.

C.S.H.B. 2116 omits a provision included in the original requiring the executive commissioner of HHSC to adopt initial standards required by certain provisions of the original not later than December 1, 2011.

C.S.H.B. 2116 omits a saving provision included in the original.

C.S.H.B. 2116 contains a provision not included in the original establishing that provisions providing for a penalty relating to the unlawful restraint of a dog are applied should an owner violate the prohibition established by the substitute.

C.S.H.B. 2116 contains provisions not included in the original requiring an unspecified executive commissioner to conduct a study regarding the proper standards for care and

confinement for dogs and cats to ensure the overall health and welfare of each dog or cat; requiring that executive commissioner to submit a report to the chairs of the appropriate legislative committees summarizing the findings of the study; authorizing rules to be adopted from recommendations of the study; and exempting members of certain clubs or an affiliate organization of certain national kennel clubs from rules that may be adopted. The substitute contains a provision not included in the original setting an expiration date for specified provisions.