

By: Reynolds

H.B. No. 2721

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 205 to read as follows:

CHAPTER 205. SALE OF DOGS AND CATS BY PET STORES

Sec. 205.001. 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) "Licensed breeder" means a dog or cat breeder, as that term is defined by Section 802.002, Occupations Code, who

1 holds a license under Chapter 802, Occupations Code.

2 (5) "Pet store" means a for-profit business that sells
3 dogs or cats in a county with a population of 550,000 or more that is
4 adjacent to a county with a population of 3.3 million or more. The
5 term does not include an individual who sells, gives, or otherwise
6 transfers dogs or cats raised, bred, or both by the individual.

7 Sec. 205.002. SALE OF DOG OR CAT BY PET STORE. A pet store
8 may not sell a dog or cat unless the pet store obtained the dog or
9 cat from:

- 10 (1) an animal control agency;
11 (2) an animal shelter;
12 (3) an animal rescue organization; or
13 (4) a licensed breeder.

14 Sec. 205.003. MAINTENANCE OF RECORDS. (a) A pet store
15 shall maintain a record documenting from which animal control
16 agency, animal shelter, animal rescue organization, or licensed
17 breeder the pet store obtained each dog or cat in the possession of
18 the pet store for not less than one year following the date the pet
19 store takes possession of the dog or cat.

20 (b) A pet store shall make the records maintained under this
21 section reasonably available for inspection by an animal control
22 agency, animal shelter, animal rescue organization, or licensed
23 breeder from which the pet store has received a dog or cat during
24 the preceding 12 months.

25 Sec. 205.004. PUBLIC POSTING. A pet store shall post in a
26 conspicuous location affixed to the enclosure of each dog or cat
27 available for sale the name of the animal control agency, animal

1 shelter, animal rescue organization, or licensed breeder from which
2 the pet store obtained the dog or cat.

3 Sec. 205.005. CIVIL PENALTY. A pet store that violates
4 Section 205.002 is liable to this state for a civil penalty in an
5 amount not to exceed \$500 for each dog or cat sold in violation of
6 that section. The attorney general may bring an action to collect
7 the civil penalty imposed under this section.

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

14 SECTION 3. This Act takes effect September 1, 2019.