

1-1 By: Patterson, et al. H.B. No. 1818
 1-2 (Senate Sponsor - Menéndez, Lucio)
 1-3 (In the Senate - Received from the House April 28, 2021;
 1-4 May 12, 2021, read first time and referred to Committee on Business
 1-5 & Commerce; May 21, 2021, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-7 May 21, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 1818 By: Hancock

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the source of dogs and cats sold by pet stores;
 1-23 providing a civil penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Title 6, Business & Commerce Code, is amended by
 1-26 adding Chapter 205 to read as follows:

1-27 CHAPTER 205. SALE OF DOGS AND CATS BY PET STORES

1-28 Sec. 205.001. DEFINITIONS. In this chapter:

1-29 (1) "Animal control agency" means a municipal or
 1-30 county animal control office, or a state, county, or municipal law
 1-31 enforcement agency, that collects, impounds, or keeps stray,
 1-32 homeless, abandoned, or unwanted animals.

1-33 (2) "Animal rescue organization" means a nonprofit
 1-34 private organization that is exempt from taxation under Section
 1-35 501(a), Internal Revenue Code of 1986, as an organization described
 1-36 by Section 501(c)(3) of that code, that accepts homeless or
 1-37 unwanted dogs or cats with the purpose of finding permanent homes
 1-38 for the dogs or cats, and that does not obtain dogs or cats from a
 1-39 breeder or animal seller for compensation.

1-40 (3) "Animal shelter" means a facility that collects,
 1-41 impounds, or keeps stray, homeless, abandoned, or unwanted dogs or
 1-42 cats.

1-43 (4) "Dog or cat breeder" has the meaning assigned by
 1-44 Section 802.002, Occupations Code.

1-45 (5) "Pet store" means a for-profit business that sells
 1-46 dogs or cats in a county with a population of 200,000 or more. The
 1-47 term does not include an individual who sells, gives, or otherwise
 1-48 transfers dogs or cats raised, bred, or both by the individual.

1-49 (6) "Qualified breeder" means a person that is
 1-50 qualified to provide a dog or cat to a pet store under Section
 1-51 205.003(a).

1-52 Sec. 205.002. SALE OF DOG OR CAT BY PET STORE. A pet store
 1-53 may not sell a dog or cat unless the pet store obtained the dog or
 1-54 cat from:

- 1-55 (1) an animal control agency;
- 1-56 (2) an animal shelter;
- 1-57 (3) an animal rescue organization; or
- 1-58 (4) a qualified breeder.

1-59 Sec. 205.003. QUALIFICATIONS FOR BREEDERS; VERIFICATION BY
 1-60 PET STORES. (a) Except as provided by Subsection (c), to qualify

2-1 to provide a dog or cat to a pet store for purposes of Section
2-2 205.002(4), a person must:
2-3 (1) if the person is located in this state, be a dog or
2-4 cat breeder that holds a license under Chapter 802, Occupations
2-5 Code; or
2-6 (2) if the person is not located in this state:
2-7 (A) meet the standards for dog and cat breeders
2-8 adopted under Section 802.201, Occupations Code;
2-9 (B) hold the appropriate license or other permit
2-10 required for a breeder in the state in which the person is located,
2-11 if applicable; and
2-12 (C) hold the appropriate license issued, or be
2-13 exempt from licensing, by the United States Department of
2-14 Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131 et
2-15 seq.).
2-16 (b) A pet store owner obtaining a dog or cat from a breeder
2-17 qualified under Subsection (a)(2) shall require that the breeder:
2-18 (1) certify or provide documentation to establish that
2-19 the breeder complies with the standards for dog and cat breeders
2-20 adopted under Section 802.201, Occupations Code, which may include:
2-21 (A) receipts for grooming and veterinary care;
2-22 and
2-23 (B) photographs of the exercise area showing
2-24 compliance with the standards;
2-25 (2) provide proof the breeder holds a license or other
2-26 permit issued by the state in which the breeder is located, if that
2-27 state requires the breeder to hold a license or other permit; and
2-28 (3) provide:
2-29 (A) proof of current licensure described by
2-30 Subsection (a)(2)(C) and the breeder's inspection reports issued by
2-31 the United States Department of Agriculture during the four years
2-32 before the date the dog or cat is obtained; or
2-33 (B) proof the breeder is exempt from that
2-34 licensure by the United States Department of Agriculture.
2-35 (c) A pet store may not obtain a dog or cat from a qualified
2-36 breeder if the breeder's inspection reports issued by the United
2-37 States Department of Agriculture during the preceding four years
2-38 contain any of the following violations of the Animal Welfare Act (7
2-39 U.S.C. Section 2131 et seq.):
2-40 (1) a direct or critical violation;
2-41 (2) an indirect no-access violation; or
2-42 (3) at least three indirect or non-critical violations
2-43 that are:
2-44 (A) related to the health and welfare of an
2-45 animal;
2-46 (B) not administrative in nature; and
2-47 (C) not violations described by Subdivision (2).
2-48 Sec. 205.004. MAINTENANCE OF RECORDS. (a) A pet store
2-49 shall maintain a record documenting from which animal control
2-50 agency, animal shelter, animal rescue organization, or qualified
2-51 breeder the pet store obtained each dog or cat in the possession of
2-52 the pet store for not less than one year following the date the pet
2-53 store takes possession of the dog or cat.
2-54 (b) A pet store shall maintain records provided by a
2-55 qualified breeder under Section 205.003 for not less than one year
2-56 following the date the pet store takes possession of a dog or cat
2-57 from that qualified breeder.
2-58 (c) A pet store shall make the records maintained under this
2-59 section reasonably available for inspection by an animal control
2-60 agency or other governmental entity.
2-61 Sec. 205.005. PUBLIC POSTING. A pet store shall post in a
2-62 conspicuous location affixed to the enclosure of each dog or cat
2-63 available for sale the name of the animal control agency, animal
2-64 shelter, animal rescue organization, or qualified breeder from
2-65 which the pet store obtained the dog or cat.
2-66 Sec. 205.006. CIVIL PENALTY. A pet store that violates
2-67 Section 205.002 is liable to this state for a civil penalty in an
2-68 amount not to exceed \$500 for each dog or cat sold in violation of
2-69 that section. The attorney general may bring an action to collect

3-1 the civil penalty imposed under this section.

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

3-8 SECTION 3. This Act takes effect September 1, 2021.

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