

House Bill 1818
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

SENATE VERSION (CS)

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

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

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

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

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

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- (1) an animal control agency;
- (2) an animal shelter; or
- (3) an animal rescue organization.

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- (1) an animal control agency;
 - (2) an animal shelter;
 - (3) an animal rescue organization; or
 - (4) a qualified breeder.
- Sec. 205.003. QUALIFICATIONS FOR BREEDERS; VERIFICATION BY PET STORES. (a) Except as provided by Subsection (c), to qualify to provide a dog or cat to a pet store for purposes of Section 205.002(4), a person must:
- (1) if the person is located in this state, be a dog or cat breeder that holds a license under Chapter 802, Occupations Code; or
 - (2) if the person is not located in this state:
 - (A) meet the standards for dog and cat breeders adopted under Section 802.201, Occupations Code;
 - (B) hold the appropriate license or other permit required for a breeder in the state in which the person is located, if applicable; and
 - (C) hold the appropriate license issued, or be exempt from licensing, by the United States Department of Agriculture under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.).
 - (b) A pet store owner obtaining a dog or cat from a breeder qualified under Subsection (a)(2) shall require that the breeder:
 - (1) certify or provide documentation to establish that the breeder complies with the standards for dog and cat breeders adopted under Section 802.201, Occupations Code, which may include:
 - (A) receipts for grooming and veterinary care; and
 - (B) photographs of the exercise area showing compliance with the standards;

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(2) provide proof the breeder holds a license or other permit issued by the state in which the breeder is located, if that state requires the breeder to hold a license or other permit; and

(3) provide:

(A) proof of current licensure described by Subsection (a)(2)(C) and the breeder's inspection reports issued by the United States Department of Agriculture during the four years before the date the dog or cat is obtained; or

(B) proof the breeder is exempt from that licensure by the United States Department of Agriculture.

(c) A pet store may not obtain a dog or cat from a qualified breeder if the breeder's inspection reports issued by the United States Department of Agriculture during the preceding four years contain any of the following violations of the Animal Welfare Act (7 U.S.C. Section 2131 et seq.):

(1) a direct or critical violation;

(2) an indirect no-access violation; or

(3) at least three indirect or non-critical violations that are:

(A) related to the health and welfare of an animal;

(B) not administrative in nature; and

(C) not violations described by Subdivision (2).

Sec. 205.004. MAINTENANCE OF RECORDS. (a) A pet store shall maintain a record documenting from which animal control agency, animal shelter, animal rescue organization, or qualified breeder the pet store obtained each dog or cat in the possession of the pet store for not less than one year following the date the pet store takes possession of the dog or cat.

(b) A pet store shall maintain records provided by a qualified breeder under Section 205.003 for not less than one year following the date the pet store takes possession of a dog or cat from that qualified breeder.

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

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

Sec. 205.004. PUBLIC POSTING. A pet store shall post in a conspicuous location affixed to the enclosure of each dog or cat available for sale the name of the animal control agency, animal shelter, or animal rescue organization from which the pet store obtained the dog or cat.

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

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

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

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(c) A pet store shall make the records maintained under this section reasonably available for inspection by an animal control agency or other governmental entity.

Sec. 205.005. PUBLIC POSTING. A pet store shall post in a conspicuous location affixed to the enclosure of each dog or cat available for sale the name of the animal control agency, animal shelter, animal rescue organization, or qualified breeder from which the pet store obtained the dog or cat.

Sec. 205.006. CIVIL PENALTY. A pet store that violates Section 205.002 is liable to this state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of that section. The attorney general may bring an action to collect the civil penalty imposed under this section.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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