

## **BILL ANALYSIS**

H.B. 870  
By: Patterson  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Prior to the 87th Legislative Session, there were concerns raised about sick and dying dogs and cats being sold to Texans with frequency. The health defects of these dogs and cats often results in increased veterinary costs, as owners try to remedy the health issues and prevent the animal's death. H.B. 870 seeks to address the issue of undisclosed health defects in dogs and cats sold within Texas by prohibiting pet stores from selling dogs or cats unless they are obtained from animal control agencies, animal shelters, or animal rescue organizations, requiring the stores to retain records of where the dogs or cats were obtained, and providing a civil penalty for violations of the bill's provisions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

H.B. 870 amends the Business & Commerce Code to prohibit a for-profit pet store that sells dogs or cats in a county with a population of 200,000 or more from selling a dog or cat that was not obtained by the store from one of the following sources:

- an animal control agency;
- an animal shelter; or
- a 501(c)(3) tax-exempt animal rescue organization.

The bill makes a pet store that violates that prohibition liable to the state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of that prohibition. The attorney general may bring an action to collect the civil penalty.

H.B. 870 requires an applicable pet store to maintain a record documenting from which such source the pet store obtained each dog or cat in its possession for not less than one year following the date the store takes possession of the dog or cat and requires the store to make the records reasonably available for inspection by the source from which the pet store has received a dog or cat during the preceding 12 months. The bill requires the pet store to post in a conspicuous location affixed to the enclosure of each dog or cat available for sale the name of the source from which the store obtained the dog or cat.

H.B. 870 does not apply to an individual who sells, gives, or otherwise transfers dogs or cats raised, bred, or both by the individual. The bill defines the following terms for purposes of its provisions:

- "animal control agency" as 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;
- "animal rescue organization" as a 501(c)(3) nonprofit private organization that is exempt from taxation under Section 501(a), Internal Revenue Code of 1986, 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;
- "animal shelter" as a facility that collects, impounds, or keeps stray, homeless, abandoned, or unwanted dogs or cats; and
- "pet store" as a for-profit business that sells dogs or cats in a county with a population of 200,000 or more, excluding an individual who sells, gives, or otherwise transfers dogs or cats raised, bred, or both by the individual.

The bill's provisions apply only to a dog or cat obtained by a pet store on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.