

## BILL ANALYSIS

Senate Research Center  
88R17903 MCF-D

H.B. 2063  
By: Talarico; Patterson (Schwertner)  
Water, Agriculture & Rural Affairs  
5/5/2023  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2021, a boarding facility in Williamson County caught fire overnight, resulting in the deaths of 75 pets. The facility lacked a fire suppressant system at the time of the fire, and no staff were present at the facility after-hours. Interested parties assert the pet owners did not have information regarding the kennel's absence of fire safety measures and relied on assumptions that such facilities comply with certain safety standards to protect animals left unsupervised overnight.

H.B. 2063 seeks to ensure pet owners are aware of and consent when a kennel owner or operator providing services to a dog or cat leaves the pet unattended during specific hours, and are informed that a kennel is not equipped with a functioning fire protection sprinkler system.

H.B. 2063 amends current law relating to required informed consent before a dog or cat may be boarded at a kennel and left unattended and provides a civil penalty.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 10, Health and Safety Code, by adding Chapter 824, as follows:

#### CHAPTER 824. KENNELS

Sec. 824.001. DEFINITIONS. Defines "fire protection sprinkler system" and "kennel."

Sec. 824.002. EXCEPTIONS TO APPLICABILITY OF CHAPTER. Provides that this chapter does not apply to an animal shelter as defined by Chapter 823 (Animal Shelters) or to a kennel that boards not more than three dogs or cats at any time.

Sec. 824.003. REQUIRED INFORMED CONSENT FOR BOARDING OR PROVIDING SERVICES TO DOG OR CAT TO BE LEFT UNATTENDED. Prohibits a kennel owner or operator who is boarding or providing services to a dog or cat at the kennel from leaving the dog or cat unattended without an employee present unless:

(1) the kennel owner or operator provides to the owner of the dog or cat written notice that:

(A) the dog or cat will be left unattended at the kennel without an employee present during the hours specified in the notice; and

(B) if the kennel is not equipped with a functioning fire protection sprinkler system, the facility does not have a fire protection sprinkler system; and

(2) the owner of the dog or cat provides to the kennel owner or operator a signed document consenting to the dog or cat being left unattended as provided in the notice.

Sec. 824.004. CIVIL PENALTY. (a) Provides that a kennel owner or operator who violates Section 824.003 is liable for a civil penalty in an amount equal to \$500 for each animal subject to the violation and for each day the violation continues.

(b) Authorizes the attorney general or the appropriate district or county attorney to bring an action on behalf of this state to collect the civil penalty under this section and to recover attorney's fees and costs incurred in bringing the action.

SECTION 2. Effective date: September 1, 2023.