

BILL ANALYSIS

C.S.H.B. 2063
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Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas lacks safeguards and protections for pets when they are left unattended by staff at kennels, creating opportunities for accidents and tragedies. In 2021, a fire broke out after-hours at a dog kennel in Williamson County and killed 75 animals. The lack of transparency and accountability surrounding the supervision of animals in kennels by employees creates significant safety risks, unnecessarily putting our loyal companions in harm's way. Implementing mandatory informed consent before a dog or cat is left unattended at a kennel will help improve transparency and increase safety and trust in our community's pet shelters. C.S.H.B. 2063 seeks to provide for this transparency by requiring kennels, if they intend to leave a cat or dog unattended, to provide written notice to the owner of the dog or cat that the dog or cat will be left unattended and to obtain from the owner a signed document consenting to the dog or cat being left unattended.

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

C.S.H.B. 2063 amends the Health and Safety Code to prohibit a kennel owner or operator boarding or providing services to a dog or cat at a kennel that boards more than three dogs or cats at any time from leaving the dog or cat unattended without an employee present unless:

- the kennel owner or operator provides to the owner of the dog or cat written notice that:
 - the animal will be left unattended during the hours specified in the notice; and
 - the facility does not have a fire protection sprinkler system, if the kennel is not equipped with a functioning fire protection sprinkler system; and
- the owner provides to the kennel owner or operator a signed document consenting to the dog or cat being left unattended as provided in the notice.

The bill subjects a kennel owner or operator who provides services to a dog or cat in violation of this prohibition to liability for a civil penalty in an amount equal to \$500 for each animal subject to the violation and for each day the violation continues. The bill authorizes the attorney general or appropriate district or county attorney to bring an action on behalf of the state to collect the civil penalty and recover attorney's fees and incurred costs.

C.S.H.B. 2063 defines "kennel" as a facility, including a veterinary medicine clinic, that provides boarding and related services to dogs or cats for breeding, sheltering, training, hunting, or similar purposes in exchange for compensation or other consideration. The bill does not apply to an animal shelter that keeps or legally impounds stray, homeless, abandoned, or unwanted

animals. The bill defines "fire protection sprinkler system" by reference as an assembly of underground or overhead piping or conduits that conveys water with or without other agents to dispersal openings or devices to do the following:

- extinguish, control, or contain fire; and
- provide protection from exposure to fire or the products of combustion.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2063 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions absent from the introduced that do the following:

- include among the information in the written notice that a kennel owner or operator must provide to the pet's owner, if applicable, that the kennel is not equipped with a functioning fire protection sprinkler system; and
- define the term "fire protection sprinkler system" by reference.

Both the introduced and the substitute provide a penalty for a violation of the bill's provisions. However, while the introduced created a Class B misdemeanor offense, the substitute subjects a person who violates the bill's prohibition to liability for a civil penalty in an amount equal to \$500 for each animal subject to the violation and for each day the violation continues. The substitute also includes an authorization absent from the introduced for the attorney general or appropriate district or county attorney to bring an action on behalf of the state to collect the civil penalty and recover attorney's fees and incurred costs.