

BILL ANALYSIS

C.S.H.B. 2238
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2011, H.B. 1451 established the Dog or Cat Breeders Act to establish minimum standards of care for dogs and cats bred for sale for certain breeders. However, there are two loopholes preventing the standards from being implemented as lawmakers intended. Currently, commercial breeders operate without sufficient oversight, and many conduct cash-only sales, which are untraceable. C.S.H.B. 2238 seeks to subject commercial breeders to certain requirements, including inspection and regulation by the Texas Department of Licensing and Regulation, to ensure they are meeting basic standards of care and thus improve conditions for thousands of dogs and cats as well as provide consumer protection. The bill removes the threshold for animal sales that triggers a breeder's applicability under the statutory provisions regulating dog or cat breeders.

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. 2238 amends the Occupations Code to reduce from 11 to 5 the minimum number of adult intact female dogs or cats that a person engaged in the business of breeding those animals for direct or indirect sale or for exchange in return for consideration must possess to be considered a dog or cat breeder under the Dog or Cat Breeders Act. The bill removes the condition that such a person sell or exchange, or offer to sell or exchange, not fewer than 20 animals in a calendar year to be considered such a breeder under the act. The bill establishes that a dog or cat breeder who possesses five or more but fewer than 11 adult intact female animals and is engaged in the business of breeding those animals for direct or indirect sale or for exchange in return for consideration is not required to hold a license to act as a dog or cat breeder before January 1, 2024.

C.S.H.B. 2238 specifies that the exemptions from the Dog or Cat Breeders Act for persons who breed dogs for certain personal use purposes apply to the extent the person breeds the dogs for personal, noncommercial use. The bill includes in that exemption a person who breeds dogs for personal, noncommercial use with the intent that it be used primarily for competing in breed or conformation shows. The bill requires the Texas Department of Licensing and Regulation to prescribe the forms and procedures necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2238 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 that did not appear in the introduced specifying that the personal use purpose exemptions from the act apply to the extent the person breeds the dogs for personal, noncommercial use and exempting from the act a person who breeds a dog with the intent that it be used primarily to compete in breed or conformation shows.