

## **BILL ANALYSIS**

Senate Research Center

S.B. 876  
By: Flores; Whitmire  
Criminal Justice  
5/23/2023  
Enrolled

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

#### Background

- In 2011, the legislature established the Licensed Breeders Program under the Texas Department of Licensing and Regulation (TDLR).
- The licensing and regulation of dog and cat breeders is intended to combat unscrupulous operators who often improperly shelter animals and provide inadequate care and veterinary attention.
- Currently, any person who has 11 or more adult intact female dogs or cats and breeds them and sells or exchanges at least 20 animals per year must be licensed and shall be inspected.
- The statute was designed for large-scale facilities and is too limited in scope to properly regulate the industry.
- Considering the average dog litter is five puppies, a breeder with less than 11 breeding females could legally house and sell a significant number of animals without a license.

#### Purpose

- This bill will allow TDLR to identify and monitor small-scale facilities and large-scale facilities, which is necessary to improve compliance with certain standards of care, housing, feeding, sanitation, and the business of raising animals.

#### Bill Analysis

- The goal of S.B. 876 is to redefine a dog and cat breeder by lowering the threshold to five or more intact female dogs or cats for a person who is engaged in the business of breeding those animals for sale or for exchange and by doing away with the minimum requirement of sales in a calendar year.
- As soon as practicable after the effective date of this Act, the TDLR shall prescribe the forms and procedures necessary to implement the changes in law made by this Act.
- 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 sale is not required to hold a license under Chapter 802, Occupations Code, to act as a dog or cat breeder before January 1, 2024.
- This Act takes effect September 1, 2023.

(Original Author's/Sponsor's Statement of Intent)

S.B. 876 amends current law relating to the licensing and regulation of dog and cat breeders and expands the applicability of an occupational license.

### **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 Section 802.002(8), Occupations Code, as follows:

(8) Provides that "dog or cat breeder" means a person who possesses five or more 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. Deletes existing text providing that "dog or cat breeder" means a person who possesses 11 or more 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 and who sells or exchanges, or offers to sell or exchange, not fewer than 20 animals in a calendar year.

SECTION 2. Amends Sections 802.005(a) and (b), Occupations Code, as follows:

(a) Provides that Section 802.005 (Exemption for Certain Persons Who Breed Special Purpose Dogs) applies only to a dog bred with the intent that it be used primarily for certain purposes, including competing in field trials, hunting tests, breed or conformation shows, or similar organized performance events.

(b) Provides that Chapter 802 (Dog or Cat Breeders) does not apply to a person to the extent the person breeds dogs described by Subsection (a) for a use described by Subsection (a), rather than for personal use.

SECTION 3. Requires the Texas Department of Licensing and Regulation, as soon as practicable after the effective date of this Act, to prescribe the forms and procedures necessary to implement the changes in law made by this Act.

SECTION 4. Provides 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 under Chapter 802, Occupations Code, to act as a dog or cat breeder before January 1, 2024, notwithstanding Section 802.002(8), Occupations Code, as amended by this Act.

SECTION 5. Effective date: September 1, 2023.