

A BILL TO BE ENTITLED

AN ACT

relating to pet cruelty by a pet groomer; providing civil penalties; creating a criminal offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 10, Health and Safety Code, is amended by adding Chapter 830 to read as follows:

CHAPTER 830. PET GROOMERS

Sec. 830.001. DEFINITIONS. In this chapter:

(1) "Abandon," "cruel manner," "custody," "necessary food, water, care, or shelter," and "torture" have the meanings assigned by Section 42.092, Penal Code.

(2) "Livestock animal" has the meaning assigned by Section 42.09, Penal Code.

(3) "Pet" means a domesticated animal, including a cat or dog, that an individual owns and keeps in or near the individual's household for the primary purpose of companionship. The term does not include a livestock animal.

(4) "Pet groomer" means a person who performs for compensation:

(A) grooming of a pet's hair or nails;

(B) beautifying, cleansing, massaging, or trimming a pet's body; or

(C) shampooing or conditioning a pet's hair or skin.

1           (5) "Veterinarian" and "veterinary assistant" have  
2 the meanings assigned by Section 801.002, Occupations Code.

3           Sec. 830.002. APPLICABILITY. This chapter does not apply  
4 to a veterinarian practicing veterinary medicine or a veterinary  
5 assistant providing animal care as an employee of a veterinarian.

6           Sec. 830.003. CRIMINAL OFFENSE. (a) A pet groomer commits  
7 an offense if the pet groomer with criminal negligence:

8           (1) tortures or in a cruel manner kills or causes  
9 serious bodily injury to a pet in the pet groomer's custody;

10           (2) without the pet owner's effective consent, kills,  
11 administers poison to, or causes serious bodily injury to a pet in  
12 the pet groomer's custody;

13           (3) fails unreasonably to provide necessary food,  
14 water, care, or shelter for a pet in the pet groomer's custody;

15           (4) abandons unreasonably a pet in the pet groomer's  
16 custody;

17           (5) in a cruel manner transports or confines a pet in  
18 the pet groomer's custody;

19           (6) without the pet owner's effective consent, causes  
20 bodily injury to a pet in the pet groomer's custody;

21           (7) causes one pet to fight another pet, if neither pet  
22 is a dog;

23           (8) uses a live pet as a lure in dog race training or in  
24 dog coursing on a racetrack; or

25           (9) seriously overworks a pet.

26           (b) An offense under Subsection (a)(3), (4), (5), (6), or  
27 (9) is a Class A misdemeanor, except that the offense is a state

1 jail felony if the pet groomer has previously been convicted two  
2 times under this section, two times under Section 42.09 or 42.092,  
3 Penal Code, or one time under this section and one time under  
4 Section 42.09 or 42.092, Penal Code.

5 (c) An offense under Subsection (a)(1) or (2) is a felony of  
6 the third degree, except that the offense is a felony of the second  
7 degree if the pet groomer has previously been convicted under  
8 Subsection (a)(1), (2), (7), or (8) or under Section 42.09 or  
9 42.092, Penal Code.

10 (d) An offense under Subsection (a)(7) or (8) is a state  
11 jail felony, except that the offense is a felony of the third degree  
12 if the pet groomer has previously been convicted under this section  
13 or under Section 42.09 or 42.092, Penal Code.

14 (e) If conduct that constitutes an offense under Subsection  
15 (a) also constitutes an offense under Section 42.092, Penal Code,  
16 the pet groomer may be prosecuted under Subsection (a) or Section  
17 42.092, Penal Code, but not both.

18 Sec. 830.004. CIVIL PENALTY. (a) A pet groomer who engages  
19 in conduct described by Section 830.003(a) is liable to the county  
20 or municipality in which the conduct occurs for a civil penalty of  
21 not more than:

22 (1) \$5,000 if the pet groomer engaged in conduct  
23 described by Section 830.003(a)(3), (4), (5), (6), or (9);

24 (2) \$10,000 if the pet groomer engaged in conduct  
25 described by Section 830.003(a)(1) or (2); or

26 (3) \$15,000 if the pet groomer engaged in conduct  
27 described by Section 830.003(a)(7) or (8).

1        (b) The county or municipality in which the conduct occurs  
2 may sue to collect a civil penalty. A civil penalty collected under  
3 this subsection may be retained by the county or municipality.

4        (c) The county or municipality in which the violation occurs  
5 may also recover the reasonable costs of investigation, reasonable  
6 attorney's fees, and reasonable expert witness fees.

7        SECTION 2. This Act takes effect September 1, 2023.