

By: Patterson, Meyer, Turner, Ordaz, Button,
et al.

H.B. No. 3458

Substitute the following for H.B. No. 3458:

By: Button

C.S.H.B. No. 3458

A BILL TO BE ENTITLED

AN ACT

relating to the source of dogs and cats sold by pet stores;
providing a civil penalty.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by
adding Chapter 206 to read as follows:

CHAPTER 206. PROHIBITION OF DOGS OR CATS FOR SALE BY PET STORES

Sec. 206.001. DEFINITIONS. (a) In this chapter:

(1) "Animal care facility" means a facility, including
an animal control agency as defined by Section 92.001, Civil
Practice and Remedies Code, operated by or under contract with any
governmental entity for the purpose of collecting, impounding, or
keeping stray, homeless, abandoned, or unwanted dogs or cats, and
that:

(A) does not obtain dogs or cats from a breeder,
broker, or other animal seller for the purpose of reselling those
dogs or cats,

(B) does not acquire dogs or cats by providing
payment or compensation; and

(C) does not resell dogs or cats.

(2) "Animal rescue organization" means a private
nonprofit organization that is exempt from taxation under Section
501(a), Internal Revenue Code of 1986, as an organization described
by Section 501(c)(3) of that code, that accepts homeless or

1 unwanted dogs or cats for the purpose of finding permanent homes for
2 the dogs or cats, including an organization that does not have its
3 own building and that maintains dogs and cats solely in foster
4 homes, and that:

5 (A) does not breed dogs or cats;

6 (B) does not obtain dogs or cats for
7 compensation;

8 (C) does not obtain dogs or cats from a breeder or
9 broker, unless the dogs or cats are relinquished by the breeder or
10 broker without compensation;

11 (D) is not located on the same premises as a
12 breeder or broker; and

13 (E) does not maintain any employee or other
14 personnel who is a breeder or broker or is employed by or otherwise
15 affiliated with a breeder or broker.

16 (3) "Breeder" means a person, including a business,
17 that breeds or raises dogs or cats for the purpose of selling,
18 exchanging, or otherwise transferring them to the public.

19 (4) "Broker" means a person, including a business,
20 that transfers dogs or cats for resale by another person or
21 business.

22 (5) "Offer to sell" means offering to sell, barter,
23 auction, give away, transfer, or otherwise dispose of a dog or cat
24 and includes advertising a dog or cat for sale.

25 (6) "Pet store" means a retail establishment that
26 sells, offers to sell, or facilitates the sale of animals bred by
27 another person. The term does not include an individual who sells,

1 offers for sale, gives, or otherwise transfers directly to a
2 purchaser or other transferee animals raised, bred, or both raised
3 and bred by the individual on the individual's residential
4 premises.

5 Sec. 206.002. PROHIBITION ON THE SALE OR OFFER FOR SALE OF
6 DOG OR CAT BY PET STORE. (a) Except as otherwise provided by this
7 section, a pet store shall not sell or offer to sell any dog or cat.

8 (b) A pet store may provide space for an animal care
9 facility or animal rescue organization to showcase dogs or cats
10 owned by the animal care facility or animal rescue organization for
11 the purpose of adoption.

12 (c) A pet store that provides a space to showcase dogs or
13 cats for adoption under Subsection (b) may not:

14 (1) have an ownership interest in the dogs or cats
15 offered for adoption; or

16 (2) receive a fee for providing a space for the
17 showcase of the dogs or cats.

18 Sec. 206.003. CIVIL PENALTY. A pet store that violates
19 Section 206.002 is liable to this state or to the county in which
20 the violation occurs for a civil penalty in an amount not to exceed
21 \$500 per day for each dog or cat offered for sale or sold in
22 violation of this section. Each sale or offer for sale in violation
23 of Section 206.002 constitutes a separate violation.

24 (b) The attorney general, a district attorney, or a county
25 attorney may bring an action to:

26 (1) collect the civil penalty imposed under this
27 section; or

1 (2) obtain a temporary or permanent injunction to
2 restrain the violation.

3 (c) A civil penalty collected under Subsection (b) shall be
4 payable to the state, in an action brought by the attorney general,
5 or to the county in which the violation occurred, in an action
6 brought by a district attorney or county attorney.

7 SECTION 2. If any provision of this Act or its application
8 to any person or circumstance is held invalid, the invalidity does
9 not affect other provisions or applications of this Act that can be
10 given effect without the invalid provision or application, and to
11 this end the provisions of this Act are declared to be severable.

12 SECTION 3. The change in law made by this Act applies only
13 to pet stores selling or offering for sale dogs or cats on or after
14 the effective date of this Act. A pet store that sold or offered for
15 sale a dog or cat before the effective date of this Act is governed
16 by the law in effect on the date the dog or cat was sold or offered
17 for sale, and the former law is continued in effect for that
18 purpose.

19 SECTION 4. This Act takes effect September 1, 2025.