

By: Flores

H.B. No. 4777

A BILL TO BE ENTITLED

AN ACT

relating to liability for the loss, injury, or death of a domestic animal.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 87A to read as follows:

CHAPTER 87A. LIABILITY OF KENNELS AND ANIMAL SHELTERS

Sec. 87A.001. DEFINITIONS. In this chapter:

(1) "Animal shelter" has the meaning assigned by Section 823.001, Health and Safety Code.

(2) "Domestic animal" means a dog, cat, or other animal that is not a farm animal, wild animal, or livestock.

(3) "For-profit kennel" means a kennel that is not owned or operated by a nonprofit organization exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986, or a governmental unit.

(4) "Governmental unit" has the meaning assigned by Section 101.001.

(5) "Kennel" means a facility that hosts, boards, or otherwise holds domestic animals overnight in exchange for compensation.

(6) "Nonprofit kennel" means a kennel that is owned or operated by a nonprofit organization exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986.

1 (7) "Pet owner" means any person who owns or otherwise
2 cares for a domestic animal.

3 Sec. 87A.002. LIABILITY OF FOR-PROFIT KENNEL OWNER OR
4 OPERATOR. An owner or operator of a for-profit kennel is liable to
5 a pet owner as provided by this chapter if:

6 (1) while in the kennel's possession, care, or
7 control, the pet owner's domestic animal is lost, injured, or dies;
8 and

9 (2) a negligent, grossly negligent, or intentional act
10 or omission by the kennel contributes to the domestic animal's
11 loss, injury, or death.

12 Sec. 87A.003. LIABILITY OF NONPROFIT KENNEL OWNER OR
13 OPERATOR. An owner or operator of a nonprofit kennel is liable to a
14 pet owner as provided by this chapter if:

15 (1) while in the kennel's possession, care, or
16 control, the pet owner's domestic animal is lost, injured, or dies;
17 and

18 (2) a negligent, grossly negligent, or intentional act
19 or omission by the kennel is the proximate cause of the domestic
20 animal's loss, injury, or death.

21 Sec. 87A.004. LIABILITY OF ANIMAL SHELTER. An animal
22 shelter is liable to a pet owner as provided by this chapter if the
23 pet owner demonstrates by clear and convincing evidence that:

24 (1) while in the shelter's possession, care, or
25 control, the pet owner's domestic animal was lost or destroyed;

26 (2) the domestic animal was not in the possession of
27 the animal shelter as a result of a negligent act or omission by the

1 pet owner;

2 (3) the animal shelter's act or omission was grossly
3 negligent or intentional; and

4 (4) the animal shelter's act or omission proximately
5 caused the domestic animal's loss or destruction.

6 Sec. 87A.005. LIABILITY OF PUBLICLY OWNED KENNEL OR ANIMAL
7 SHELTER. (a) A governmental unit that owns or operates a kennel or
8 animal shelter is liable to a pet owner as provided by this chapter
9 if:

10 (1) while in the kennel's or shelter's possession,
11 care, or control, the pet owner's domestic animal is lost or
12 destroyed; and

13 (2) a grossly negligent or intentional act or omission
14 of the kennel or shelter was the proximate cause of the domestic
15 animal's loss or destruction.

16 (b) A governmental unit is liable in an action brought under
17 this chapter to the extent allowed by Chapter 101.

18 Sec. 87A.006. DEFENSE. It is an affirmative defense to
19 liability under this chapter that the loss, injury, or death of the
20 domestic animal was proximately caused by a health condition that
21 the domestic animal had before entering the kennel or shelter and of
22 which the pet owner gave the kennel or shelter notice.

23 Sec. 87A.007. EVIDENCE. (a) A claimant may prove causation
24 in an action brought under this chapter with direct,
25 circumstantial, or expert evidence. The claimant is not required
26 to provide testimony from a veterinarian or another causation
27 expert in the action. A trial court may not dismiss or otherwise

dispose of the action before trial solely because the claimant fails to provide expert evidence.

(b) Evidence that a defendant complied with local, state, or federal standards, licensing requirements, or regulations is not admissible in an action brought under this chapter unless:

(1) the claimant alleges that the defendant's noncompliance contributed to the domestic animal's loss, injury, or death; and

(2) compliance would have prevented the domestic animal's loss, injury, or death.

Sec. 87A.008. DAMAGES. (a) A prevailing claimant in an action brought under this chapter may recover:

(1) if the domestic animal is lost or dies, the market value of the domestic animal in an amount equal to the greater of:

(A) \$5,000;

(B) 80 percent of the purchase price of the domestic animal if the domestic animal is at least one year old at the time the cause of action accrues;

(C) the purchase price of the domestic animal if the domestic animal is less than one year old at the time the cause of action accrues; or

(D) the market value of the domestic animal as testified to by an expert qualified to testify as to the market value of domestic animals;

(2) if the domestic animal is injured and not lost or dead, the amount by which the domestic animal's market value, as determined under Subdivision (1), is reduced by the injury, as

determined by the finder of fact;

(3) reasonable and necessary veterinary expenses incurred, as proved by affidavit of a veterinarian, veterinarian's assistant, or staff member of a veterinarian's clinic;

(4) future veterinary expenses, as proved by affidavit of a veterinarian;

(5) reasonable and necessary medical expenses of the pet owner;

(6) pain and suffering of the domestic animal;

(7) the following noneconomic damages sustained by the pet owner for the loss or death of a domestic animal:

(A) bystander damages;

(B) mental anguish; and

(C) loss of animal companionship;

(8) the following noneconomic damages sustained by the pet owner if the pet owner has a disability or other documented condition requiring the use of a service animal and the domestic animal that is the subject of the action is a service animal:

(A) bystander damages;

(B) mental anguish;

(C) pain and suffering;

(D) loss of animal companionship; and

(E) inconvenience;

(9) statutory damages of the greater of \$10,000 per domestic animal or an amount not to exceed three times the amount of actual damages if the claimant proves by clear and convincing evidence that the death of the domestic animal was the result of a

fire and the defendant did not have an operational smoke alarm, operational fire alarm, or other fire-suppressing equipment in the kennel or shelter, as applicable;

(10) if Subdivision (9) does not apply, statutory damages of \$10,000 if the defendant proximately caused the loss or death of at least 10 domestic animals in less than 24 hours; and

(11) except as provided by Subsection (b), if the act or omission of the defendant was the result of gross negligence or intentional conduct, exemplary damages in an amount not to exceed:

(A) the greater of:

(i) \$200,000; or

(ii) two times the amount of actual damages; or

(B) the limit imposed by Section [41.008](#).

(b) A claimant may not recover exemplary damages from a nonprofit kennel or animal shelter that operates with either volunteer or paid staff on location at all times.

(c) A claimant that prevails in an action brought under this chapter against a for-profit kennel or a defendant providing services to the claimant under a contract for compensation at the time the cause of action accrued may recover court costs and reasonable attorney's fees.

(d) There is a rebuttable presumption that a claimant making a claim for the loss or death of the claimant's domestic animal is entitled to damages for mental anguish. The claimant is not required to provide evidence of physical pain or present expert testimony to receive mental anguish damages.

1 (e) The damages and liability limits prescribed by this
2 section as a dollar amount are increased by five percent per annum
3 between September 1, 2025, and the date damages are awarded in the
4 action.

5 Sec. 87A.009. CONSTRUCTION OF CHAPTER. (a) This chapter
6 may not be construed to limit a person from bringing an action under
7 another law, including an action for breach of contract or a
8 deceptive trade practice.

9 (b) This chapter shall be liberally construed to favor the
10 protection of domestic animals and the rights of pet owners.

11 SECTION 2. Chapter 87A, Civil Practice and Remedies Code,
12 as added by this Act, applies only to a cause of action that accrues
13 on or after the effective date of this Act.

14 SECTION 3. This Act takes effect September 1, 2025.