By: Patterson H.B. No. 1120

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 ON SALE OF DOGS AND CATS BY PET STORES

Sec. 206.001. DEFINITION. In this chapter, "pet store" means a retail establishment that sells, offers to sell, or facilitates the sale of animals not bred by the retail establishment. The term does not include an individual who sells, offers to sell, gives, or otherwise directly transfers to another individual animals raised or bred, or both raised and bred, by the individual on the individual's residential premises.

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

(b) A pet store may provide space for the following entities to showcase dogs or cats owned by the entities for the purpose of adoption:

(1) an animal care facility, including an animal control agency, as that term is defined by Section 92.001, Civil Practice and Remedies Code, if the facility or agency is operated by or under contract with a governmental entity for the purpose of

collecting, impounding, or keeping stray, homeless, abandoned, or unwanted dogs and cats that does not:

(A) obtain dogs or cats from a breeder, animal broker, or other seller for the purpose of resale;

(B) obtain dogs or cats for compensation; or

(C) resell dogs or cats; or

(2) an animal rescue organization that is a nonprofit private 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 unwanted dogs or cats for the purpose of finding permanent homes for the dogs or cats, including an organization that does not operate out of its own building but houses dogs and cats in foster homes, and that:

(A) does not breed dogs or cats;

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

(C) obtains dogs or cats from a breeder or animal broker only if the dogs or cats are relinquished by the breeder or animal broker for no compensation;

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

(E) does not maintain any employee, volunteer, or other personnel who is also a breeder or animal broker or an employee, volunteer, or other personnel for a breeder or animal broker.

(c) A pet store that provides a space for an entity

described by Subsection (b) to showcase dogs or cats owned by the entity for the purpose of adoption may not:

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

(2) receive a fee for providing a space for the showcase.

Sec. 206.003. CIVIL PENALTY; INJUNCTION. (a) A pet store that violates Section 206.002 is liable to this state or to a county in which a violation occurs for a civil penalty in an amount not to exceed $500 per day for each dog or cat sold or offered for sale in violation of that section.

(b) The attorney general or the appropriate district or county attorney may bring an action to:

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

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

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

SECTION 2. Every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to every person, group of persons, or circumstances, are severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid, preempted, or

unconstitutional, for any reason whatsoever, then the remaining applications of the Act to all other persons and circumstances shall be severed and preserved and shall remain in effect. All constitutionally valid applications of the provisions in this Act shall be severed from any applications that a court finds to be invalid, preempted, or unconstitutional, because it is the legislature's intent and priority that every single valid application of every statutory provision be allowed to stand alone. The legislature further declares that it would have enacted this Act, and each provision, section, subsection, sentence, clause, phrase, or word, and all constitutional applications of the provisions of this Act, irrespective of the fact that any provision, section, subsection, sentence, clause, phrase, or word, or applications of this chapter were to be declared invalid, preempted, or unconstitutional.

SECTION 3. The change in law made by this Act applies only to a dog or cat obtained, sold, or offered for sale by a pet store on or after the effective date of this Act. A dog or cat obtained, sold, or offered for sale by a pet store before the effective date of this Act is governed by the law in effect on the date the dog or cat was obtained, sold, or offered for sale, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2027.