

## **BILL ANALYSIS**

C.S.H.B. 2276  
By: Elkins  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties explain that policies, laws, and regulations to help make animal shelters more humane, efficient, and effective and better stewards of taxpayer dollars cannot be accurately shaped without data identifying the details of how animal shelters are operating. In an effort to promote transparency, C.S.H.B. 2276 seeks to require animal shelters and releasing agencies to maintain certain records that are available to the public.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2276 amends the Health and Safety Code, including provisions amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to require each animal shelter or releasing agency operated in Texas to prepare monthly records regarding the intake and disposition of animals in the care of the shelter or agency. The bill sets out information to be included in the records and requires an animal shelter or releasing agency to maintain such records until at least the third anniversary of the date the record was prepared and to make the records available to the public.

C.S.H.B. 2276 replaces the authority of the executive commissioner of the Health and Human Services Commission to require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain those records on the shelter's business premises, and to make the records available for inspection at reasonable times with the requirement that the executive commissioner require each person operating an animal shelter to keep records as required by the bill's provisions. The bill authorizes the board to require the animal shelter to maintain the records on the shelter's business premises and to make the records available for inspection at reasonable times.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2276 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill and does not indicate differences relating to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.

#### INTRODUCED

SECTION 1. Subchapter C, Chapter 821, Health and Safety Code, is amended by adding Section 821.058 to read as follows:

Sec. 821.058. WRITTEN EUTHANASIA POLICY. An animal shelter that has a policy of routinely euthanizing dogs based on the breed or size of the dog must develop a written statement of the shelter's euthanasia policy. A dog that is euthanized according to the policy developed under this section must be included in the shelter's record of disposition of animals required by Section 823.010.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 2. Chapter 823, Health and Safety Code, is amended by adding Section 823.010 to read as follows:

Sec. 823.010. INTAKE AND DISPOSITION RECORDS.

#### HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. The heading to Chapter 823, Health and Safety Code, is amended to read as follows:

CHAPTER 823. ANIMAL SHELTERS AND RELEASING AGENCIES

SECTION 2. Section 823.001, Health and Safety Code, is amended by adding Subdivision (5) to read as follows:

(5) "Releasing agency" has the meaning assigned by Section 828.001.

SECTION 3. Section 823.003(e), Health and Safety Code, as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended to read as follows:

(e) The executive commissioner of the Health and Human Services Commission shall ~~may~~ require each person operating an animal shelter to keep records as required by Section 823.010. The board may require the animal shelter ~~[of the date and disposition of animals in its custody,]~~ to maintain the records on the business premises of the animal shelter~~[-]~~ and to make the records available for inspection at reasonable times.

SECTION 4. Chapter 823, Health and Safety Code, is amended by adding Section 823.010 to read as follows:

Sec. 823.010. INTAKE AND DISPOSITION RECORDS FOR ANIMAL

(a) Each animal shelter operated in this state shall prepare and maintain records regarding the intake and disposition of animals in the shelter, including:

(1) the total number of animals, categorized by species, as dog, cat, or other, taken in by the animal shelter and the reason an animal was taken in, including whether the animal was:

(A) surrendered by the animal's owner;

(B) identified as a stray;

(C) impounded;

(D) confiscated;

(E) transferred to the shelter from a location in this state;

(F) transferred to the shelter from a location outside this state; or

(G) born in the shelter;

(2) the number of animals at the animal shelter on the last day of each month; and

(3) the disposition of each animal taken in by the animal shelter, categorized by species, including whether the animal:

(A) was adopted;

(B) was reclaimed by the animal's owner;

(C) died in the shelter;

(D) was transferred to another shelter;

(E) was euthanized by the shelter on a decision made by the shelter;

(F) was euthanized at the owner's request;

(G) was released into its natural habitat; or

(H) was lost while in the shelter's care.

(b) An animal shelter shall monthly prepare the records required by Subsection (a).

(c) An animal shelter shall maintain records prepared under Subsection (a) until at least the third anniversary of the date the record was prepared.

(d) An animal shelter shall make the records required by this section available to the public.

SHELTERS AND RELEASING AGENCIES. (a) Each animal shelter or releasing agency operated in this state shall prepare and maintain records regarding the intake and disposition of animals in the care of the shelter or agency, including:

(1) the total number of animals, categorized by species, as dog, cat, or other, taken in by the animal shelter or releasing agency and the reason an animal was taken in, including whether the animal was:

(A) surrendered by the animal's owner;

(B) impounded as a stray;

(C) impounded for a reason other than being a stray;

(D) confiscated;

(E) transferred to the shelter or agency from a location in this state;

(F) transferred to the shelter or agency from a location outside this state; or

(G) born in the shelter or under the care of the agency;

(2) the number of animals at the animal shelter or releasing agency on the last day of each month; and

(3) the disposition of each animal taken in by the animal shelter or releasing agency, categorized by species, including whether the animal:

(A) was adopted;

(B) was reclaimed by the animal's owner;

(C) died in the shelter or under the care of the agency;

(D) was transferred from the shelter or agency;

(E) was euthanized by the shelter or agency on a decision made by the shelter or agency;

(F) was euthanized at the owner's request;

(G) was a cat returned to the field as part of a sterilization program; or

(H) was lost or stolen while in the shelter's or agency's care.

(b) An animal shelter or releasing agency shall monthly prepare the records required by Subsection (a).

(c) An animal shelter or releasing agency shall maintain records prepared under Subsection (a) until at least the third anniversary of the date the record was prepared.

(d) An animal shelter or releasing agency shall make the records required by this section available to the public.

SECTION 3. The changes in law made by this Act apply only to an animal taken in or disposed of by an animal shelter or counted in the shelter's animal total on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 5. The changes in law made by this Act apply only to an animal taken in or disposed of by an animal shelter or releasing agency or counted in the shelter's or agency's animal total on or after the effective date of this Act.

SECTION 6. Same as introduced version.