

BILL ANALYSIS

C.S.H.B. 1818
By: Patterson
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are concerns that state law does not do enough to protect consumers and animals from commercial pet stores who are bad actors, which results in consumers purchasing animals with undisclosed health defects that can lead to increased veterinary costs and, in certain cases, even death of the animal. In addition, it is estimated that millions of dogs and cats are sold annually by breeders across the county, while dogs and cats that are in need of a home are left in shelters and euthanized. C.S.H.B. 1818 seeks to address both issues by limiting the sources from which for-profit pet stores in more populous counties may legally obtain dogs or cats and requiring store owners to disclose the source of each dog or cat up for sale.

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. 1818 amends the Business & Commerce Code to prohibit a for-profit pet store that sells dogs or cats in a county with a population of 200,000 or more from selling a dog or cat that was not obtained by the store from one of the following sources:

- an animal control agency;
- an animal shelter; or
- a 501(c)(3) tax-exempt animal rescue organization.

The bill makes a pet store that violates that prohibition liable to the state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of that prohibition. The attorney general may bring an action to collect the civil penalty.

C.S.H.B. 1818 requires such a pet store to maintain a record documenting from which such source the pet store obtained each dog or cat in its possession for not less than one year following the date the store takes possession of the dog or cat and requires the store to make the records reasonably available for inspection by the source from which the pet store has received a dog or cat during the preceding 12 months. The bill requires the store to post in a conspicuous location affixed to the enclosure of each dog or cat available for sale the name of the source from which the pet store obtained the dog or cat.

C.S.H.B. 1818 does not apply to an individual who sells, gives, or otherwise transfers dogs or cats raised, bred, or both by the individual. The bill defines "animal control agency," "animal rescue organization," "animal shelter," and "pet store" for purposes of its provisions.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1818 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a licensed dog or cat breeder among the authorized sources of dogs or cats to be sold at an applicable for-profit pet store as in the original.