

## **BILL ANALYSIS**

Senate Research Center  
81R10318 CS-F

S.B. 1860  
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3/31/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Chapter 823 (Animal Shelters), Health and Safety Code, establishes standards for animal shelters. The Department of State Health Services (DSHS) is responsible for inspecting shelters for compliance with the statute. The current definition states that an animal shelter is a "facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals." In practice, DSHS does not have the resources to inspect the numerous privately operated backyard kennels in counties such as Harris County.

Serious public health, safety, environmental, and animal cruelty concerns can be associated with these operations, and unlike other sources for acquiring a pet, these private kennels can circumvent mechanisms for ensuring that an animal is appropriately registered, vaccinated, and spayed or neutered.

Currently, counties are not authorized to inspect these facilities or issue citations for specific violations of the standards. As proposed, S.B. 1860 authorizes counties to inspect these facilities and issue citations for specific violations of the standards. The bill also provides a civil remedy for addressing violations as an alternative to criminal sanctions.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 823, Health and Safety Code, by adding Sections 823.008 and 823.009, as follows:

Sec. 823.008. ENFORCEMENT BY COUNTY. (a) Authorizes a county to enforce this chapter.

(b) Provides that this section does not authorize a county to establish standards for operating an animal shelter.

Sec. 823.009. CIVIL PENALTY. (a) Prohibits a person from causing, suffering, allowing, or permitting a violation of this chapter or a rule adopted under this chapter.

(b) Requires that a person who violates this chapter or a rule adopted under this chapter be assessed a civil penalty. Prohibits a civil penalty under this chapter from being less than \$100 or more than \$500 for each violation and for each day of a continuing violation.

(c) Authorizes the Texas Department of Health (TDH) or the county or municipality in which the violation occurs, if it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, to institute a civil suit in district court for injunctive relief to restrain the

person from continuing the violation or threat of violation, the assessment and recovery of the civil penalty, or both injunctive relief and the civil penalty.

(d) Provides that a bond is not required in an action brought under this section.

(e) Provides that if TDH or a county or municipality prevails in a suit brought under this section, TDH or the county or municipality is entitled to the award of reasonable costs of investigation, reasonable attorney's fees, and costs of court.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.