

# Legislation – What’s Hot . . . . .

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## From the Texas Sunset Commission Review to the End of the 2021 Legislative Session, What Happened with the Licensed Breeder Program?

Speculation about the future of the Texas Licensed Breeder Program began with the Sunset Advisory Commission recommended eliminating the Program in the June 2020 Staff Report for the Texas Department of Licensing and Regulation (TDLR). The Sunset Advisory Commission reviews Texas agencies every 12 years to evaluate the agency’s relevancy, efficiency, and effectiveness and the programs it oversees. In the [Report](#), the Commission recommended elimination because the Program failed to achieve the self-funding mandate, did little to protect animals based on seizure statistics, had unenforceable provisions, and the agency lacked sufficient staff to enforce it. Despite these shortcomings, animal rights activists managed to convince the Commission to reject the recommendation. However, saving the Program from elimination does not rectify the deficiencies noted by the Commission, leaving people to anticipate what the 2021 legislative session might hold for the Program.

Only three bills were introduced in the legislative session related to licensed breeders. The first of these bills, S.B. 323, was the anticipated attempt to reduce the licensing threshold from the current 11 or more intact adult females with sales of (or offers to sell or transfer) not fewer than 20 animals in a calendar year. The bill would have reduced the licensing threshold to five breeding females with no minimum sales requirement. Fortunately, it never made it out of the Senate Water, Agriculture, and Rural Affairs Committee.

House Bill 3057, as introduced, would have required licensed breeders to provide copies of all these bills of sale to the state comptroller and the purchaser. The bill was later amended to remove the quarterly requirement to submit the bill of sales to the comptroller. If that section had remained, people could search for a wealth of information about a breeder’s sales activities – including the types of animals sold, the purchasers, and the amount paid to the breeder. This bill passed the House, but it never made it out of the Senate Business and Commerce Committee.

The last bill, [H.B. 1818](#), was a pet store dog and cat sourcing bill that as introduced included Texas licensed dog and cat breeders as allowed sources for pet stores to obtain for sale along with the usual “humane” sources -- animal control agencies, shelters, and rescues. The first Legislative Budget Board [Fiscal Note](#) stated:

“The bill would amend the Business and Commerce Code to require pet stores in certain counties to source cats and dogs for sale from only certain types of organizations or individuals. The bill would provide a civil penalty for noncompliance.”

Sometimes pet stores are allowed to source pets from USDA licensed pet dealers with some restrictions, but “individuals” was an intolerable red flag, followed by substitution of language restricted to the usual humane sources. However, the Senate [amended the bill](#) to again include “qualified” Texas breeders and passed it on third reading, with a bipartisan 26-5 vote. Then the House did not concur

in the Senate version and appointed a conference committee to negotiate final language with conferees then appointed by the Senate on the final day when this could be done; it was not, and the bill died in the Legislature.

The so-called “pet store ban” laws can also have different types of overreaching provisions that ensnare fanciers in unexpected ways, so each proposal should be checked and monitored until final disposition for detrimental amendments. For example, an entirely new kind of definition of rescue has emerged that seeks to prohibit rescues being in any way associated with breeders to keep their rescues out of pet store sales or even showcasing (See [What’s Hot July 2020](#)). Or, “pet stores” may include locations other than brick and mortar stores, such as fanciers’ businesses or even homes that might be deemed commercial. Or, there can be more extensive restriction on breeders included. Lawmakers in Euless, TX adopted a cat and dog sales ordinance in April 2021 that reads: “A person commits an offense if the person exchanges a cat or dog for consideration, regardless of the age of the cat or dog, at a location other than where the cat or dog was born.” Only specified organizations are exempt from this ordinance.

None of the shortcomings outlined by the Sunset Review Committee were addressed this year, and everyone will have to wait until the 2023 legislative session to again try to expand the scope of licensing, repeal the statute or enact other breeder incentives such as selling to pet stores, a novel idea that killed this year’s pet store ban bill.

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