

Legislation – What's Hot

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The San Antonio, Texas Animal Ordinance Becomes More Restrictive Once Again

San Antonio, Texas, is again intensifying restrictive animal ordinances already in place. The changes include punitive measures in the seller's permit section, changing the definition for licensed rescues, and an unworkable plan restricting the cats and dogs a pet shop may sell. Considerable advance work included a slick campaign and a series of Animal Care Services ("ACS") Animal Advisory Board meetings to get the ordinance drafted for quick staff briefing and discussion with the City Council's Community Health and Equity Committee on September 24, 2020 by Heber Lefgren, Director, Animal Care Services and passage at the October 29, 2020 city council meeting. The over-the-top marketing campaign began in July 2019, with the first of two surveys. The second survey took place in February 2020.

As part of its promotion plan, ACS created its own 141 page "[survey](#)" consisting of its own five supporting questions and recruited its own respondents. Given that pedigreed cats and purebred dogs rarely contribute to the problem of unowned or free-roaming pets, the responses reported by ACS are surprising but for the self-serving questions. Per ACS, most survey respondents agreed that individuals and businesses breeding cats and dogs solely to sell pets contribute to the problem of too many unowned pets in the city. Also, a majority of respondents agreed that individuals and businesses should be prohibited from selling cats and dogs not sourced from a shelter or other "humane" source. Respondents were mostly white or Hispanic women. ACS also supported its proposal with extensive, supporting fact/fiction information [document](#).

The concept that requiring individuals breeding cats and dogs solely to sell as pets should be mandated to sell only humanely sourced pets did not make it into the ordinance. Yet breeders did not come out unscathed. Already subject to litter and seller's permits, breeders will now be subject to punitive penalties for violating the seller's permit ordinance. Any violation will require the seller to "sterilize all dogs and cats at the location of the sale within sixty (60) days of receiving a citation for violation of this section." No warnings or fines for the first or second offense exist before proceeding directly to this egregious penalty.

Breeders involved with rescue will also want to take note of the new animal rescue organization definition. San Antonio already licenses rescues. But beginning in January 2021, an animal rescue organization will mean "any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, which rescues and places animals into permanent homes. Animal rescue organization does not include an entity that breeds animals; or in exchange for payment or compensation, obtains any dog or cat from a person who either breeds dogs or cats or facilitates the sale of dogs or cats that were obtained from a person who breeds dogs or cats." The new definition may not affect a breeder's involvement in rescue, but it could bring additional scrutiny to them.

The shift in the animal rescue organization definition probably derives from changing how city pet stores currently operate to a system similar to the original California pet shop ban model. As discussed in the [June](#) and [August](#) 2020 issues of What's Hot, some jurisdictions are changing to their original pet store sourcing laws to deal with the efforts of a few to circumvent the bans. The ACS plan is an unworkable scheme requiring pet stores to sell cats and dogs sourced solely from government shelters and city licensed rescues under the theory that this would still be a profitable business model. The for-profit pet stores will also be responsible for sterilizing the animals, treating the animals for internal and external parasites, vaccinating and microchipping them, and meeting facilities, care, and record-keeping requirements. Another mandate is that pet stores must guarantee the animal's

good health for two weeks after the purchase. Yet shelter and rescue organizations would not be required to guarantee the same animals' health if sold directly to the consumer.

The ordinance was placed on the Council's consent agenda, usually reserved for noncontroversial items such as approving meeting minutes. The number of people speaking in opposition to the ordinance suggests that it was controversial, at least for the owners and employees of four pet stores whose businesses would likely be unsustainable, and should not have been rubber-stamped by the city council.

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