

Written by:  
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And  
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*The Texas legislator that had committed to carry this bill for us at the 83rd Session had a change of heart due to pressure from his peers which is understandable. Our organization receives the same harassment from extremist animal "rights" organizations on a regular basis. It appears no Texas legislators want to touch it because of the controversy last session getting HB 1451 passed.*

**AN ACT relating to  
High Volume Dog and Cat breeders**

Texas Agriculture Code Section 135  
is available. Commercial dog and cat breeder regulations  
and are compatible with similar sections:  
Section 132 Eggs, Section 133 Poultry, Section 134 Aquaculture.

By: (No Sponsors)

An Act relating to high volume dog and cat breeders; creating the Commercial Dog and Cat Breeders Act of 2013 administered by the Texas Department of Agriculture; defining terms; authorizing Department to adopt certain rules; exemptions; requiring commercial dog and cat breeder license; providing exemption for USDA licensed breeders; providing for initial and annual inspections; requiring inspection report; prohibiting inspections by certain group; establishing license requirements; requiring separate licenses; permitting denial, renewal or revocation of license for certain reasons; establishing license renewal procedure; requiring certain notice; setting out certain duties; requiring submission of annual report; mandating certain records be kept; providing for penalties; repealing sections of law that previously established the Dog and Cat Breeders Act of 2011 HB 1451; and providing an effective date.

SUBJECT: Commercial Dog and Cat Breeders Act of 2013

BE IT ENACTED BY THE PEOPLE OF THE STATE OF TEXAS:

SECTION 1. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

This act shall be known and may be cited as the "Commercial Dog and Cat Breeders Act of 2013" and shall be administered by the Texas Department of Agriculture.

SECTION 2. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

As used in the Commercial Dog and Cat Breeders Act of 2013:

1. "Adult animal" means an animal twelve (12) months of age or older;

2. "Animal" means a dog or a cat;

3. "Cat" means a mammal that is wholly or partly of the species *Felis catus*;

4. "Department" means the Texas Department of Agriculture;

5. "Dog" means a mammal that is wholly or partly of the species *Canis familiaris*;

6. "Facility" means the premises used by one or more high volume breeders for keeping, housing, and breeding animals. The term includes all buildings, property, and confinement areas in a single location used to conduct the commercial breeding business;

7. "Family member" means the parent, spouse, child, or sibling of an individual;

8. "High Volume Dog or Cat Breeder" means any individual, association, trust, corporation, limited liability company, partnership or other entity that establishes commercial activity by breeding dogs or cats and conducts sales of more than 60 puppies or 60 kittens in a calendar year.

9. "Humane society" or "Society for Prevention of Cruelty to Animals" means a nonprofit organization exempt from federal income taxation as an organization described in Section 501(c)(3), Internal Revenue Code, that has as a principal purpose the prevention of animal cruelty or the sheltering of, caring for, and providing of homes for lost, stray, and abandoned animals;

10. "Inspector" means an authorized agent of the Department;

11. "Kitten" means a cat less than twelve (12) months of age;

12. "Person" means any individual, association, trust, corporation, limited liability company, partnership, or other entity;

13. "Pet" means a dog or cat, including a puppy or kitten;

14. "Puppy" means a dog less than twelve (12) months of age; and

15. "Veterinarian" means a person currently licensed to practice veterinary medicine in Texas.

SECTION 3. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. The Texas Department of Agriculture shall enforce and administer the provisions of the Commercial Dog and Cat Breeders Act of 2013.

B. The Department shall adopt the rules necessary to enforce and administer the Commercial Dog and Cat Breeders Act of 2013, including but not limited to rules that:

1. Establish reasonable and necessary fees;

2. Establish provisions related to initial and renewal applications, revocation or nonrenewal of licenses, and procedures for making complaints;

3. Establish any other rules deemed necessary by the Department.

SECTION 4. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads

as follows: Exemptions For Certain Persons Who Breed Special Purpose Dogs and Cats.

A. This section applies only to a dog or cat bred with the intent that it be used primarily for:

1) herding livestock, as defined by Section 1.003, Agriculture Code, or other agricultural uses;

(2) hunting, including tracking, chasing, pointing, flushing, or retrieving game; or

(3) training and competing in field trials, hunting tests, organized dog and cat conformation shows, dog obedience, rally and agility trials, Schutzhund trials, weight pulls or any similar organized performance events; or

(4) service dogs, police dogs, military dogs, drug and bomb detection dogs; or

(5) an animal regulated under the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

SECTION 5. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. An applicant for a commercial high volume dog and cat breeder license shall meet the criteria established by the Texas Department of Agriculture through rules promulgated pursuant to the Commercial Dog and Cat Breeders Act of 2013.

B. A USDA licensed commercial dog and cat breeder is exempt from state registration as long as their USDA breeder license is current.

C. Upon expiration of the USDA license, the commercial dog and cat breeder must comply with state statutes for licensing and regulation.

SECTION 6. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. The Department shall not hire nor allow any humane society group or society for the prevention of cruelty for animals group, employees, or members of these groups to perform any inspections nor conduct any educational or training classes required by the Commercial Dog and Cat Breeders Act.

B. The Department shall arrange for an inspection at a facility prior to issuance of an initial commercial dog and cat breeder license for that facility.

1. The Department shall not issue a commercial dog and cat breeder license to any person until the Department receives an initial prelicense inspection report from the inspector in a format approved by the Department certifying that the facility meets the requirements of the Commercial Dog and Cat Breeders Act of 2013.

2. Prior to the initial prelicense inspection, each applicant shall pay to the Department a nonrefundable inspection fee.

C. The Department shall inspect each facility of a licensed high volume dog and cat breeder at least once in every 18-month period. The inspection shall be conducted during normal business hours by appointment and the high volume breeder or a representative of the high volume breeder shall be present.

D. The American Kennel Club (AKC) dog breeders who have satisfactorily passed mandatory AKC inspections for registration of more than seven (7) litters in a calendar year are exempt from regularly scheduled state inspections if approved to be licensed as a Commercial Dog and Cat Breeder in the state.

E. The Cat Fanciers' Association (CFA) cat breeders who have satisfactorily passed mandatory CFA inspections for registration of more than 75 kittens in a calendar year are exempt from regularly scheduled state inspections if approved to be licensed as a Commercial Dog and Cat Breeder in the state.

F. The inspector shall submit an inspection report to the Department not later than ten (10) days after the date of the inspection on a form prescribed by the Department and provide a copy of the report to the commercial dog and cat breeder or the representative at that time.

G. On receipt of a valid written, signed, and notarized complaint alleging a violation of the Commercial Dog and Cat Breeders Act of 2013, an inspector designated by the Department may investigate the alleged violation.

H. Anonymous complaints shall not be accepted. A false or baseless complaint shall be considered an offense as described in Penal Code Sec. 42.06 False Alarm Or

Report, or Sec. 42.07 Harassment, or Section 42.072 Stalking. Repeated false or baseless complaints shall be considered an offense under Penal Code Section 42.07 Harassment.

SECTION 7. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. The Texas Department of Agriculture shall issue a Commercial Dog and Cat Breeder License to each high volume dog and cat breeder who:

1. Meets the requirements of the Commercial Dog and Cat Breeders Act of 2013;
2. Applies to the Department on the form prescribed by the Department; and
3. Pays the required fee.

B. A high volume dog and cat breeder shall obtain a separate license for each facility where breeding animals are kept. A separate license shall be issued for each facility of the dog and cat breeder.

C. If a single facility is shared by more than one person, only one person shall be required to become individually licensed.

D. A license issued under the Commercial Dog and Cat Breeders Act of 2013 is valid until July 1 of each calendar year and is nontransferable.

SECTION 8. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

The Texas Department of Agriculture may deny a license, or renewal thereof, or revoke a license of any applicant or high volume dog and cat breeder who fails to meet the standards of animal care or fails to follow the application process adopted by the Department, or if the person:

1. Is convicted of the crime of animal cruelty;
2. Has held or applied for a United States Department of Agriculture license pursuant to the Animal Welfare Act and whose license was suspended or revoked, or whose application was refused due to the improper care of animals.

SECTION 9. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. A high volume dog and cat breeder who is not in violation of the Commercial Dog and Cat Breeders Act of 2013 or any rule adopted under the Commercial Dog and Cat Breeders Act of 2013 may renew the license of the person by:

1. Submitting a renewal application to the Texas Department of Agriculture on the form prescribed by the Department;

2. Complying with any other renewal requirements adopted by the Department; and

3. Paying the required fee by renewal date on the renewal notice.

B. Any person who fails to apply for a renewal in a manner prescribed by the Department, and whose license has expired, may not engage in activities that require a license until the license has been renewed.

C. Not later than sixty (60) days before the expiration of the license, the Department shall send written notice of the impending license expiration to the high volume pet breeder at the last-known address according to the records of the Department.

SECTION 10. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A high volume pet breeder shall notify the Texas Department of Agriculture in writing not later than ten (10) days after the date any change that occurs in the address, name, management, substantial control, dissolution or ownership of the business or operation.

SECTION 11. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. Not later than April 15 of each year, a high volume pet breeder shall submit to the Texas Department of Agriculture an annual report for the licensed facility on a form prescribed by the Department setting forth name, address, license number, date, total number of animals at

the facility, the number of each species and their breed(s) and sex.

B. The high volume pet breeder shall keep a copy of the annual report at the facility of the high volume pet breeder and, on request, make the report available to the authorized agent of the Department.

C. A license holder that has more than one facility shall keep separate records and file a separate report for each facility.

SECTION 12. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. A high volume pet breeder shall maintain a health record for each animal in the facility documenting the healthcare of the animal.

B. The health record may include:

1. The breed, sex, color, and identifying marks of the animal; and

2. A record of all inoculations, medications, and other veterinary medical treatment received by the animal while in the possession of the breeder.

C. The high volume pet breeder shall make the health records available on request to the Department.

SECTION 13. NEW LAW  
Standards of Care and Confinement  
(A) The standards adopted under this section:

(1) require that a dog or cat breeder provide basic grooming to each animal, including bathing and nail trimming, to the extent required to maintain the animal in a state of good health;

(2) require that all primary enclosures:  
(a) be composed of materials that are safe for the animal based on the animal's species, breed, size, and age;

(b) have adequate space appropriate to the age, size, weight, breed, species that allows the animal to comfortably stand, sit, turn around, and lie down in a natural position;

(c) have adequate drainage; and

(d) shall provide at least partial solid flooring. Non-solid flooring must be safe for the species, breed, size and age of animal; be free from protruding edges; and be designed so the animal's paws are unable to extend through, or become caught in, the floor.

(3) prohibit the placement of a primary enclosure of an animal on top of the primary enclosure of another animal without an impervious barrier between enclosures to prevent the transfer of any liquid or animal waste from one enclosure to the other enclosure.

(4) ensure that necessary routine and preventive care is provided to each animal and that each animal receives appropriate care and treatment for any disease or illness, to the extent required to maintain the animal in a state of good health.

SECTION 14. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. After notice and opportunity for a hearing in accordance with the Texas Rules of Civil Procedures, if the Texas Department of Agriculture finds any person in violation of the Commercial Dog and Cat Breeders Act of 2013 or any rule promulgated or order issued pursuant thereto, the Department shall have the authority to assess a penalty of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) for each violation. Total penalties assessed in any licensed year shall not exceed \$2,500.

B. A person commits an offense if the person violates the Commercial Dog and Cat Breeders Act of 2013 or any rule adopted under the Commercial Dog and Cat Breeders Act of 2013 which is not corrected within 30 days of the violation notification.

C. A person commits an offense if the person knowingly falsifies information in a license application, annual report, or record required under the Commercial Dog and Cat Breeders Act of 2013.

D. A high volume pet breeder commits an offense if the high volume breeder interferes with, hinders, or thwarts any inspection or investigation under the Commercial Dog and Cat Breeders Act of 2013 or refuses to allow an inspector full access to all areas of the facility where animals are kept or cared for and all records required to

be kept under the Commercial Dog and Cat Breeders Act of 2013 or any rule adopted under the Commercial Dog and Cat Breeders Act of 2013.

1. Any violation of subsection B or C, of this section shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

2. Any violation of subsection D of this section shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00).

E. Nothing in the Commercial Dog and Cat Breeders Act of 2013 shall preclude the Department from seeking penalties in the maximum amount allowed by law in the district court in the county of the pet breeder. The assessment of penalties in an enforcement proceeding shall not prevent the subsequent assessment by a court in the county of the pet breeder of the maximum civil or criminal penalties for violations of the Commercial Dog and Cat Breeders Act of 2013 and rules promulgated pursuant thereto.

SECTION 15. NEW LAW A new section of law to be codified in the Texas Agriculture Code as Section 135 reads as follows:

A. The Commercial Dog and Cat Breeders Act of 2013 shall not supersede the applicability of any other law, rule, order, ordinance, or other legal requirement of this state, or a political subdivision of this state.

SECTION 16. REPEALER of HB 1451. [Sections XXXXXXXXX] are hereby repealed in the Dog and Cat Breeders Act of 2011 (HB1451).

SECTION 13. This act shall become effective September 1, 2013.