



TEXAS BREEDER LICENSING BILL SET FOR HEARING

**** TUESDAY, MARCH 15TH HEARING DATE ****

The Issue:

The House Licensing and Administrative Procedures Committee has included [House Bill 1451](#) on its March 15th hearing agenda. Unlike legislation that passed the House last session, this bill is limited to licensing and regulating breeders, as opposed to also regulating pet stores. The measure is comprehensive in scope, however, and includes provisions that are inconsistent with federal standards under the Animal Welfare Act. While the bill's sponsor, Representative Senfronia Thompson, has indicated amendments are forthcoming, such amendments are not expected to be published before the hearing.

The Impact:

Enacting "the Commercial Dog and Cat Breeders Act" (Act), HB 1451 would mandate licensure by the Texas Department of Licensing and Regulation for anyone qualifying as a commercial breeder, which is defined by the Act as any person "who possesses 11 or more adult intact female animals and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration." Licensees would be subject to fees, the amount of which is unknown, because the Act places no limit on such fees in granting the Department authority to charge whatever it deems "sufficient to cover the costs of administering and enforcing" the Act.

The Act also provides for establishment of a Commercial Breeder Training and Enforcement Account, and the Department is authorized to fund the account with "gifts, grants, and other donations from any source" which the "Department may solicit and accept." The Act allows expenditures from this account for, among other things, "paying for information resulting in disciplinary action against" licensees.

Every licensee under the Act must be inspected at least once every 12 months, as well as "at other times as necessary to ensure compliance." Inspections may be done by agency employees, but the bill also allows the Department to "contract with a third-party inspector to enforce or assist in the enforcement" of the law. Third-party inspectors would be empowered to conduct inspections and investigations of breeders.

There are extensive provisions in the Act dealing with issuance of licensees, suspension and revocations, record-keeping and animal care standards. Additionally, the bill explicitly **places a limit on the number of dogs breeders may have**. As a general rule, breeder would be limited to possessing no more than "50 adult intact female animals in a facility at any time." The Department may, at its discretion, make limited exceptions to this limit for breeders who submit a special application. Even if a waiver is granted, however, such breeders could be subject to additional restrictions and requirements that are not applicable to other licensees, as well as additional fees.

In addition to mandating licensing requirements, House Bill 1451 requires the Texas Commission of Licensing and Regulation to “adopt rules establishing minimum standards for the humane handling, care, and transportation of dogs and cats by a commercial breeder to ensure the overall health, safety, and well-being of each animal in the commercial breeder’s possession.” Such rules must ensure:

- Unless otherwise certified by a veterinarian, that a commercial breeder provide each dog 12 weeks of age and older with at least one hour of daily exercise in an area that has a solid, level surface with adequate drainage; provides adequate protection against harsh weather, including exposure to the sun; and has at least three times more square feet than the dog’s primary enclosure;
- That each adult intact female animal be provided with adequate rest between breeding cycles;
- That a commercial breeder provide basic grooming to each animal, including bathing and nail trimming, as needed to prevent any condition that adversely affects the animal’s health and cleanliness;
- All primary enclosures have a solid floor surface with not more than 50 percent of the floor composed of a solid slatted surface;
- The placement of a primary enclosure of a dog is not stacked on top of another primary enclosure of a dog;
- The placement of a primary enclosure of a cat is not stacked on top of another primary enclosure of a cat, unless an impervious barrier is placed between the enclosures;
- At least one regular veterinary examination a year for a breeding animal;
- That necessary routine and preventive veterinary care is provided to each animal by a veterinarian to address any disease or illness, including immunization and treatment of animals for disease, parasites, and pest control;
- No person may euthanize an animal or perform a surgical birth of an animal unless the person is a veterinarian;
- That, for any person whose duties and responsibilities include the handling of or caring for an animal, criminal background check requirements of the Act are met and appropriate training is received; and
- Commercial breeders are prohibited from selling, trading, or giving away an animal before the animal is eight weeks of age.

The Commission is authorized to adopt additional standards as well, but these and all other care standards must “**meet or exceed federal regulations.**”

Under special provisions of the bill, this Act would become effective immediately upon passage if the bill receives passes each house of the legislature with a two-thirds vote (of all elected members). If that threshold is not reached, then the Act becomes effective on September 1, 2011.

PIJAC Position:

PIJAC supports responsible care of pet animals by all persons in the pet trade **but is opposed to this bill in its current form.** Legislation such as this should clearly set forth objective and science-based care standards that would be imposed on licensed facilities, rather than granting general authority to adopt merely any standards. Unnecessarily burdensome or overly restrictive requirements, such as the arbitrary numerical cap on dogs, should be eliminated, and enforcement should only be conducted by trained employees of the agency. The bill should ensure full due process for all regulated entities.

Recommended Action:

[House Bill 1451](#) is scheduled for hearing before the [Licensing and Administrative Procedures Committee](#) at 8:00 a.m. (Room E2.012) on Tuesday March 15, 2011. **All persons concerned about**

the impact of this legislation on the pet trade and pet owners in Texas are encouraged to contact members of the Committee in advance of the hearing to voice those concerns. Additionally, if at all possible, you should attend the hearing in person to make sure your voice is heard. When contacting committee members, always be respectful and polite, but do not be shy about expressing your views. Ask the member for a firm commitment as to his or her action on the bill in committee. In preparing your comments or testimony, you may wish to make the following points **in your own words**:

- Many commercial breeders are already licensed and regulated under federal law. Requiring them to also be state licensed would be duplicative, expensive and unnecessary.
- USDA establishes extensive care requirements for licensed breeders. The state should adopt these standards in any licensing law, rather than establish conflicting standards that are not well tested by science and research.
- An arbitrary cap on the number of animals a breeder may have does nothing to promote animal welfare but only imposes a burdensome restriction that can be very costly and limits the number and breed-type of dogs available to pet owners in Texas.
- Third-party inspectors may not be sufficiently trained, don't have appropriate oversight, and could be operating with bias when entering breeders' private property to conduct inspections and investigations. These duties should be limited to properly trained, full-time employees of the agency designated for administering the Act.
- Donations from members of the public with a personal agenda should not be authorized, and the awarding of "bounties" for people providing complaints about licensees should not be permitted.
- Any license and care standards established in state law should apply consistently across the state. Localities should not be permitted to substitute conflicting standards and subject licensees to additional requirements or restrictions not set forth in the state statute.

These are only some points to which you may wish to refer. You should offer legislators your views about the bill based on your personal concerns with its provisions. Remember to always communicate in your own words, even when referring to points offered in this *PetAlert*.

PIJAC will issue a revised *PetAlert* advising members of any change in status of the bill, and recommending appropriate further action. For questions or additional information about this legislation, contact PIJAC's Michael Maddox via email at Michael@pijac.org or by phone at 202-452-1525, ext 106.

PIJAC Members! PIJAC Fans! Join US...

The Pet Industry Joint Advisory Council (PIJAC) has been protecting and promoting responsible pet ownership for nearly forty years. Follow our successes, events, and action alerts through Facebook and/or Twitter at PIJAC4pets. If you are not already a Member, please join us today by visiting www.pijac.org/membership. For additional information on PIJAC and its many exciting campaigns, please visit: www.pijac.org and www.dontmesswithmypet.org. Or, contact us at 1-800-553-PETS (1-800-553-7387); members@pijac.org.

On behalf of pets, responsible pet owners, and the pet industry, we thank you!