



## TEXAS POISED TO ADOPT UNPRECEDENTED ANTI-PET LEGISLATION TARGETING BREEDERS AND PET STORES

**\*\* HB 3180 SET FOR COMMITTEE HEARING ON MAY 19<sup>TH</sup>! \*\***

### The Issue.

The Texas House of Representatives has passed legislation that would impose broad new restrictions on people breeding and selling pet animals. **House Bill 3180 is set to be heard before the Senate Committee on Criminal Justice on Tuesday, May 19<sup>th</sup> (Hearing Room E1.016 at 1:30 p.m.). The Texas legislature is due to adjourn at the start of June, so this bill is on the fast track. Persons concerned about HB 3180 must take IMMEDIATE action!**

Under the bill, a regulated commercial breeder would be anyone “who possesses 11 or more adult female animals and is engaged in the business of breeding animals for direct or indirect sale or for exchange in return for consideration.” A dealer includes anyone who “is required to collect sales tax for the sale of animals” to purchasers buying at retail.

A Breeders Advisory Committee would be established to advise the Department on proposed rules that include standards, administration and enforcement. Violations range from Class B and C misdemeanors to felonies. **The bill includes a ban on having more than 50 adult female dogs at a time. Such a ban does nothing to advance humane care of animals, and would actually increase hereditary defects by needlessly limiting blood lines that breeders could utilize for various breeds. Because of this ban, the more breeds a breeder has, the fewer blood lines he or she could utilize!**

### The Impact.

Breeder Facility operations:

- Applicants must undergo a criminal background check and may not hold a license if found during the prior 5 years to have been convicted of animal cruelty or a misdemeanor involving moral turpitude or a felony.
- The enforcing agency sets insurance limits for breeders **at whatever level it deems appropriate.**
- License fees are to be “in amounts sufficient to cover the costs of administration” of the Act. **The enforcing agency has complete discretion to set fees based on what it deems “sufficient.”**
- Each facility would be subject to at least one annual inspection.
- The Advisory Committee recommending standards for commercial breeders will be comprised of individuals representing animal interests and does not include representation for pet stores.
- To obtain a license, a prospective licensee must provide data on the number and breed of all adult animals possessed by applicant and the “estimated” number of puppies or kittens; the number of employees; and if USDA licenses, copies of all inspection reports for the past 5 years.
- Standards are to include, but will not be limited to, food and water, housing, ventilation, solid or slatted flooring, temperatures, lighting, cage design and placement, sanitation, exercise, socialization, animal and veterinary care, grooming, “adequate staffing,” and additional standards “considered necessary to protect the public health and the welfare of animals” under the Act. **These standards are not set by statute, however, but will be promulgated by regulations which will be recommended by an advisory commission.**



Dealer responsibility for retail sales includes:

- Provide each purchaser a written disclosure
  - Breeder's name, address, USDA license number, and Texas license number
  - Date of animal's birth; date dealer received animal
  - Breed, sex, color, and identifying tag, tattoo, microchip or collar number
  - Record of inoculations, worming treatments, and medication received while in dealer's possession
  - Name and registration number of sire and dam and the litter number
  - Statement that no known health problems or discloses those known to exist
  - Statement signed by veterinarian that lists any treatments animal received and any recommendation for future treatment
  - Not required for mixed breed animals if information not available and cannot be determined by the dealer
- If sold as registerable, documents to complete registration must be provided to purchaser within 90 following final payment or be subject to refund
- No animal may be offered for sale unless the animal examined by a veterinarian
- If a dealer is not the breeder, veterinarian exam must be within 2 days after received the animal and not later than 4 days after purchaser receives the animal AND the dealer must pay for both examinations
- An animal is unfit for sale if veterinarian states in writing
  - that within 20 days of delivery that the animal has health problem that existed at the time of delivery, or
  - that the animal died or is ill due to hereditary or congenital defect,
  - that the animal is not the breed represented to purchaser
- **The bill allows buyers to recover a remedy for up to a year after sale if a veterinarian certifies that the animal is "not the breed the dealer represented" it to be. Note that this provision guarantees frivolous claims since there is no scientific method for proving breed. Veterinarians are not competent to determine whether a particular animal sufficiently conforms to standards for a breed!**
- Consumer options, depending on reason for seeking a refund, exchange, or expense varies according to the facts. Remedies include range of remedies: return for refund, reimbursement of veterinary fees, exchanging animal, keeping the animal and receiving reimbursement of veterinary fees.
- **This bill allows buyers to get reimbursed for all veterinary fees, even for treatment that is unrelated to the condition that existed at time of purchase. The bill allows reimbursement of vet fees for "a reasonable period of time." What constitutes a reasonable period of time is not defined, and reimbursement under this subsection is NOT limited to the health problem with which the animal was originally diagnosed. An amendment on the House floor allows vet fee reimbursement up to 300% of the original cost of the animal. This is unprecedented. No other state has ever passed a pet warranty law allowing reimbursements at this level!**
- The dealer is not liable if health problem or death is due to maltreatment, neglect, or disease contracted while animal in possession of purchaser, or purchaser failed to provide treatment recommended by a veterinarian
- Dealer must post purchaser's rights in 48-point type AND provide purchaser with a statement of their rights which shall be acknowledged by the purchaser. The dealer shall also certify the accuracy of the information contained in the statement. Both parties shall have executed copies.

Purchaser's obligations:

- Notify dealer within 5 business days of veterinarian diagnosis of health problem including name and telephone number of veterinarian and a copy of the findings
- If seeking full refund, return animal to dealer within 5 business days of purchasers receiving written copy of veterinarian's finding(s).

**THIS ALERT SUMMARIZES HOUSE BILL 3180, AS AMENDED BY THE HOUSE OF REPRESENTATIVES. PERSONS INTERESTED IN REVIEWING THE PROVISIONS IN THEIR ENTIRETY ARE ENCOURAGED TO READ THE ACTUAL BILL ([HB 3180 TEXT](#)).**

**Recommended Action.**

**House Bill 3180 is set to be heard before the Senate Committee on Criminal Justice on Tuesday, May 19<sup>th</sup> (Hearing Room E1.016 at 1:30 p.m.).** Take immediate action to contact your own Senator and Representative to voice your concerns about the bill. **To easily contact your Senator and Representative at the click of a button, visit the Government Affairs page of PIJAC’s website ([www.pijac.org](http://www.pijac.org)).** You can choose from the bullet points offered, and you can also insert your own biggest concerns about this bill. **[CLICK HERE](#)** to access this feature directly! **ALSO, contact all members of the committee directly, whether or not they represent your district!**

You are also urged to check back with PIJAC’s website regularly. **You should attend the hearing so that you have an opportunity to express your views in person!**

If you have any further questions about the bill, contact PIJAC’s Michael Maddox or Marshall Meyers by phone at 202-452-1525 or by email at [info@pijac.org](mailto:info@pijac.org).

**State of Texas  
Senate Committee on Criminal Justice  
Sam Houston Building, Room 470  
Austin, TX 78711  
512/463-0345**

<u>SENATOR</u>	<u>DISTRICT(S)</u>	<u>TEL. #</u>	<u>EMAIL</u>
John Whitmire (Ch)(D-15)	Houston, Harris	512/463-0115	<a href="http://www.senate.state.tx.us/75r/senate/members/dist15/dist15.htm#form">http://www.senate.state.tx.us/75r/senate/members/dist15/dist15.htm#form</a>
Kel Seliger (V-Ch)(R-31)	Amarillo, Midland, Odessa, Big Spring	512/463-0131	<a href="http://www.senate.state.tx.us/75r/senate/members/dist31/dist31.htm">http://www.senate.state.tx.us/75r/senate/members/dist31/dist31.htm</a>
John Carona (R-16)	Dallas	512/463-0116	<a href="http://www.senate.state.tx.us/75r/senate/members/dist16/dist16.htm#form">http://www.senate.state.tx.us/75r/senate/members/dist16/dist16.htm#form</a>
Rodney Ellis (D-13)	Fort Bend, Harris	512/463-1113	<a href="http://www.senate.state.tx.us/75r/senate/members/dist13/dist13.htm#Form">http://www.senate.state.tx.us/75r/senate/members/dist13/dist13.htm#Form</a>
Glenn Hegar (R-18)	Aransas, Bastrop, Caldwell, Calhoun, Colorado, De Witt, Fayette, Fort Bend, Goliad, Gonzales, Jackson, Lavaca, Matagorda, Refugio, Victoria, Waller, Washington, Wharton	512/463-0118	<a href="http://www.senate.state.tx.us/75r/senate/members/dist18/dist18.htm#form">http://www.senate.state.tx.us/75r/senate/members/dist18/dist18.htm#form</a>
Juan Chuy Hinojosa (D-20)	Brooks, Hidalgo, Jim Wells, Nueces	512/463-0120	<a href="http://www.senate.state.tx.us/75r/senate/members/dist20/dist20.htm#form">http://www.senate.state.tx.us/75r/senate/members/dist20/dist20.htm#form</a>
Dan Patrick (R-7)	Harris	512/463-0107	<a href="http://www.senate.state.tx.us/75r/senate/members/dist7/dist7.htm#Form">http://www.senate.state.tx.us/75r/senate/members/dist7/dist7.htm#Form</a>

**Not Yet a PIJAC Member?**

For more than thirty-five years, the Pet Industry Joint Advisory Council (PIJAC) has ensured the prosperity of the pet industry. To learn more about PIJAC, please visit our website at [www.pijac.org](http://www.pijac.org). For further information, please send an e-mail to [Members@pijac.org](mailto:Members@pijac.org) or phone 1-800-553-PETS (1-800-553-7387).

**Our Business IS Your Business. PIJAC: Keeping You in Business.**

By: Thompson, Lucio III, Rodriguez, Rose,  
Leibowitz

H.B. No. 3180

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the licensing and regulation of commercial dog and cat  
3 breeders and the regulation of dog and cat dealers; providing  
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Title 4, Occupations Code, is  
7 amended to read as follows:

8 TITLE 4. PROFESSIONS RELATED TO ANIMALS [~~ANIMAL HEALTH~~]

9 SECTION 2. Title 4, Occupations Code, is amended by adding  
10 Chapters 802 and 803 to read as follows:

11 CHAPTER 802. COMMERCIAL DOG AND CAT BREEDERS

12 SUBCHAPTER A. GENERAL PROVISIONS

13 Sec. 802.001. SHORT TITLE. This chapter may be cited as the  
14 Commercial Dog and Cat Breeders Act.

15 Sec. 802.002. DEFINITIONS. In this chapter:

16 (1) "Adult animal" means an animal six months of age or  
17 older.

18 (2) "Advisory committee" means the Dog and Cat  
19 Breeders Advisory Committee.

20 (3) "Animal" means a dog or a cat.

21 (4) "Cat" means a mammal that is wholly or partly of  
22 the species Felis domesticus.

23 (5) "Commercial breeder" means a person who possesses  
24 adult intact female animals that produce 20 or more litters in one

1 calendar year and is engaged in the business of breeding animals for  
2 direct or indirect sale or for exchange in return for  
3 consideration.

4 (6) "Commission" means the Texas Commission of  
5 Licensing and Regulation.

6 (7) "Controlling person" means an individual who:

7 (A) is a partner, manager, director, officer, or  
8 member of a commercial breeder;

9 (B) possesses the authority to set policy or  
10 direct management of a commercial breeder; or

11 (C) possesses a direct or indirect control of 25  
12 percent or more of a commercial breeder.

13 (8) "Department" means the Texas Department of  
14 Licensing and Regulation.

15 (9) "Dog" means a mammal that is wholly or partly of  
16 the species Canis familiaris.

17 (10) "Executive director" means the executive  
18 director of the department.

19 (11) "Facility" means the premises used by a  
20 commercial breeder for keeping or breeding animals. The term  
21 includes all buildings, property, and confinement areas used to  
22 conduct the commercial breeding business.

23 (12) "Family member" means a person's parent, spouse,  
24 child, or sibling.

25 (13) "Humane society" means a nonprofit organization  
26 exempt from federal taxation under Section 501(c)(3), Internal  
27 Revenue Code of 1986, that has as the organization's purpose the

1 prevention of animal cruelty or the sheltering of, caring for, and  
2 providing of homes for lost, stray, and abandoned animals.

3 (14) "Intact female animal" means a female animal that  
4 has not been spayed and is capable of sexual reproduction.

5 (15) "Kitten" means a cat less than six months old.

6 (16) "Local animal control authority" means a  
7 municipal or county animal control office with authority over the  
8 premises in which an animal is kept or, in an area that does not have  
9 an animal control office, the county sheriff.

10 (17) "Possess" means to have custody of or control  
11 over.

12 (18) "Puppy" means a dog less than six months old.

13 (19) "Registered breeder inspector" means an  
14 individual employed and certified by the department to conduct  
15 investigations and inspections under this chapter.

16 (20) "Veterinarian" means a veterinarian in good  
17 standing and licensed to practice veterinary medicine in this state  
18 or another state.

19 Sec. 802.003. APPLICABILITY OF CHAPTER. (a) This chapter  
20 does not affect the applicability of any other law, rule, order,  
21 ordinance, or other legal requirement of the federal government,  
22 this state, or a political subdivision of this state.

23 (b) This chapter does not prevent a municipality or county  
24 from prohibiting or further regulating by order or ordinance the  
25 possession, breeding, or selling of dogs or cats.

26 (c) This chapter does not apply to an animal regulated under  
27 The Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

1 [Sections 802.004-802.050 reserved for expansion]

2 SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND DEPARTMENT

3 Sec. 802.051. GENERAL POWERS AND DUTIES; RULES. (a) The  
4 department shall administer this chapter.

5 (b) The commission shall adopt the rules necessary to  
6 enforce and administer this chapter, including rules to:

7 (1) establish qualifications required for licensing  
8 under this chapter; and

9 (2) establish qualifications and training for  
10 registered breeder inspectors.

11 Sec. 802.052. FEES. The commission shall establish  
12 reasonable and necessary fees in amounts sufficient to cover the  
13 costs of administering this chapter.

14 Sec. 802.053. PERSONNEL. The department may employ  
15 personnel necessary to carry out the functions and duties of the  
16 department under this chapter.

17 Sec. 802.054. EXPENSES. The department may authorize  
18 disbursements necessary to implement this chapter, including  
19 disbursements for office expenses, equipment costs, and other  
20 necessary facilities.

21 Sec. 802.055. CRIMINAL BACKGROUND CHECKS. (a) The  
22 department shall conduct a criminal background check on each  
23 applicant who submits an application for a license under this  
24 chapter and on any controlling person of the applicant. The  
25 department may examine any criminal conviction, guilty plea, or  
26 deferred adjudication of an applicant for issuance or renewal of a  
27 license, including by obtaining any criminal history or record

1 permitted by law.

2 (b) An applicant is not eligible for a license under this  
3 chapter if the applicant or any controlling person of the applicant  
4 has been convicted or received deferred adjudication for animal  
5 cruelty.

6 Sec. 802.056. INSURANCE REQUIREMENTS. The department may  
7 set insurance requirements for a license holder under this chapter.

8 Sec. 802.057. DIRECTORY. The department shall maintain a  
9 directory of commercial breeders licensed under this chapter.

10 Sec. 802.058. CONTRACTS FOR ENFORCEMENT. The department  
11 may contract with another state agency, a political subdivision of  
12 this state, a local animal control authority, or a registered  
13 breeder inspector to enforce this chapter and rules adopted under  
14 this chapter.

15 Sec. 802.059. INSPECTIONS AND INVESTIGATIONS. (a) The  
16 department at least annually shall inspect each facility of a  
17 licensed commercial breeder. The inspection must be conducted  
18 during the facility's normal business hours and the commercial  
19 breeder or a representative of the commercial breeder may be  
20 present during the inspection. The department is not required to  
21 provide advance notice to the commercial breeder before arriving at  
22 the facility, but must contact the commercial breeder or  
23 representative on arrival at the facility and before proceeding  
24 with the inspection.

25 (b) The inspector shall submit an inspection report to the  
26 department not later than the 10th day after the date of the  
27 inspection on a form prescribed by the department and provide a copy

1 of the report to the commercial breeder or the representative.

2 (c) The department may contract with another state agency, a  
3 local animal control authority, or a registered breeder inspector  
4 to conduct or assist in an inspection or investigation. The  
5 commission may adopt rules to establish methods by which another  
6 state agency, a local animal control authority, or a registered  
7 breeder inspector may conduct or assist in an inspection or  
8 investigation on behalf of the department.

9 (d) The department, a local animal control authority, or a  
10 registered breeder inspector may access the facility of a  
11 commercial breeder whose license has been suspended, revoked, or  
12 denied to verify that the facility is not operating as a commercial  
13 breeding facility.

14 (e) On receipt of a written complaint alleging a violation  
15 of this chapter, the department, a local animal control authority,  
16 a trained peace officer, or a registered breeder inspector  
17 designated by the department shall investigate the alleged  
18 violation.

19 Sec. 802.060. CONSUMER INTEREST INFORMATION. (a) The  
20 department shall prepare information of consumer interest  
21 describing:

22 (1) the functions performed by the department under  
23 this chapter; and

24 (2) the rights of a consumer affected by this chapter.

25 (b) The information must describe the procedure by which a  
26 consumer complaint is filed with and resolved by the department.

27 (c) The department shall make the information available to

1 the public.

2 [Sections 802.061-802.100 reserved for expansion]

3 SUBCHAPTER C. DOG AND CAT BREEDERS ADVISORY COMMITTEE

4 Sec. 802.101. ADVISORY COMMITTEE MEMBERSHIP. The Dog and  
5 Cat Breeders Advisory Committee consists of seven members appointed  
6 by the presiding officer of the commission with the approval of the  
7 commission as follows:

8 (1) two members who represent the public;

9 (2) one member who represents the interests of  
10 commercial breeders;

11 (3) one member who is a licensed veterinarian whose  
12 primary practice consists of the treatment of dogs and cats;

13 (4) one member who represents the American Kennel  
14 Club;

15 (5) one member who represents a humane society or an  
16 association of humane societies; and

17 (6) one member who represents the interests of animal  
18 control authorities in this state.

19 Sec. 802.102. TERMS; VACANCY. (a) Appointed advisory  
20 committee members serve staggered four-year terms. The terms of  
21 three or four appointed members expire on February 1 of each  
22 odd-numbered year.

23 (b) If a vacancy occurs during an appointed member's term,  
24 the vacancy shall be filled for the remainder of the unexpired term  
25 in the manner provided by Section 802.101.

26 Sec. 802.103. PRESIDING OFFICER. The presiding officer of  
27 the commission shall designate one member of the advisory committee

1 to serve as presiding officer of the advisory committee for a  
2 two-year term.

3 Sec. 802.104. COMPENSATION; REIMBURSEMENT. An advisory  
4 committee member serves without compensation but is entitled to  
5 reimbursement for actual and necessary expenses incurred in  
6 performing functions as an advisory committee member, subject to  
7 any applicable limitation on reimbursement provided by the General  
8 Appropriations Act and the department's budget.

9 Sec. 802.105. MEETINGS. The advisory committee shall meet  
10 at least once annually and may meet at other times at the call of the  
11 presiding officer of the commission or the executive director.

12 Sec. 802.106. MEMBERSHIP ELIGIBILITY. Except for the  
13 member representing the interests of commercial breeders as  
14 provided by Section 802.101(2), a person may not be a member of the  
15 advisory committee if the person or the person's family member:

16 (1) is required to be licensed under this chapter;

17 (2) is employed by or participates in the management  
18 of a business entity or other organization required to be licensed  
19 under this chapter;

20 (3) owns or controls, directly or indirectly, more  
21 than a 10 percent interest in a business entity or other  
22 organization required to be licensed under this chapter; or

23 (4) is an attorney, lobbyist, or veterinarian employed  
24 by or under a service contract with a person required to be licensed  
25 under this chapter.

26 Sec. 802.107. ADVISORY COMMITTEE DUTIES. (a) The advisory  
27 committee shall advise the commission in adopting rules and in

1 administering and enforcing this chapter.

2 (b) The advisory committee shall advise the commission in  
3 setting fees under this chapter.

4 Sec. 802.108. VOTE REQUIRED FOR ACTION. A decision of the  
5 advisory committee is not effective unless it receives the  
6 affirmative vote of at least a majority of the members present.

7 Sec. 802.109. APPLICABILITY OF OTHER LAW. Chapter 2110,  
8 Government Code, does not apply to the advisory committee.

9 [Sections 802.110-802.150 reserved for expansion]

10 SUBCHAPTER D. LICENSING OF COMMERCIAL BREEDERS

11 Sec. 802.151. LICENSE REQUIRED; QUALIFICATIONS. (a) A  
12 person may not act, offer to act, or hold the person out as a  
13 commercial breeder in this state unless the person holds a  
14 commercial breeder license under this subchapter for each facility  
15 that the person owns or operates in this state.

16 (b) A commercial breeder license for a single facility may  
17 cover more than one building on the same premises.

18 (c) The commission may adopt educational or training  
19 qualifications required for issuance or renewal of a license under  
20 this subchapter as necessary to protect the public health and  
21 safety.

22 Sec. 802.152. APPLICATION. (a) An applicant for a license  
23 under this subchapter must:

24 (1) submit to the department a completed application  
25 on a form prescribed by the department;

26 (2) submit to the department any other information  
27 regarding the applicant's facilities and operations as required by

1 rule;

2 (3) demonstrate to the satisfaction of the department  
3 the qualifications required by this chapter and rules adopted under  
4 this chapter; and

5 (4) pay the application fee.

6 (b) A license application must include a place for the  
7 applicant to:

8 (1) indicate whether the applicant's facility will  
9 operate under more than one name and, if so, each name under which  
10 the applicant will operate;

11 (2) indicate whether the applicant has an ownership  
12 interest in any other facility and the name and location of each  
13 facility in which the applicant has an interest;

14 (3) provide the number and breed of all adult animals  
15 that will be kept, housed, and maintained by the applicant at the  
16 facility and the estimated number of puppies or kittens to be kept,  
17 housed, and maintained at the facility during the term of the  
18 license;

19 (4) state whether a license held by an applicant under  
20 this subchapter or under another federal, state, county, or local  
21 law, ordinance, or other regulation relating to breeding, selling,  
22 dealing in, or handling dogs or cats has been suspended or revoked  
23 and whether a license application has been denied; and

24 (5) state whether the applicant has been charged with  
25 animal cruelty or neglect in any jurisdiction and, for an applicant  
26 that is a partnership, corporation, or limited liability company,  
27 whether any controlling person of the applicant has been charged

1 with animal cruelty or neglect in this or any other jurisdiction.

2 Sec. 802.153. INITIAL PRELICENSE INSPECTION. (a) The  
3 department shall inspect a facility before an initial commercial  
4 breeder license is issued for that facility.

5 (b) The department may contract with a local animal control  
6 authority or a registered breeder inspector to conduct or assist in  
7 an initial prelicense inspection.

8 (c) The department may not issue a commercial breeder  
9 license until the department receives an initial prelicense  
10 inspection report from the inspector in a format approved by the  
11 department certifying that the facility meets the requirements of  
12 this chapter and rules adopted under this chapter.

13 (d) Before the initial prelicense inspection may be  
14 conducted, each applicant shall pay to the department a  
15 nonrefundable inspection fee.

16 Sec. 802.154. ISSUANCE. The department shall issue a  
17 commercial breeder license to each commercial breeder who:

18 (1) meets the requirements of this chapter and rules  
19 adopted under this chapter;

20 (2) applies to the department on the form prescribed  
21 by the department; and

22 (3) pays the required fee.

23 Sec. 802.155. TERM. A license issued under this subchapter  
24 is valid until the first anniversary of the date of issuance and is  
25 nontransferable. The department shall include the expiration date  
26 on each license issued under this subchapter.

27 Sec. 802.156. LICENSE DENIAL. The department may deny a

1 license to an applicant who:

2 (1) fails to meet the standards of care adopted by the  
3 commission under Subchapter F;

4 (2) has been convicted of or received deferred  
5 adjudication for cruelty to animals under the laws of this state or  
6 any other jurisdiction or, for an applicant that is a partnership,  
7 corporation, or limited liability company, has a controlling person  
8 who has been convicted of or received deferred adjudication for  
9 cruelty to animals under the laws of this state or any other  
10 jurisdiction;

11 (3) has had a similar license by a federal, state, or  
12 local authority denied, revoked, or suspended;

13 (4) has falsified any material information requested  
14 by the department; or

15 (5) was an owner or controlling person of a commercial  
16 breeder whose license was revoked or suspended and was responsible  
17 for or participated in the violation that resulted in a revocation  
18 or suspension that is still in effect.

19 Sec. 802.157. LICENSE RENEWAL. (a) A license holder may  
20 renew the person's license by:

21 (1) submitting a renewal application to the department  
22 on the form prescribed by the department;

23 (2) complying with any other renewal requirements  
24 adopted by the department; and

25 (3) paying the required fee.

26 (b) A person whose license has expired may not engage in  
27 activities that require a license until the license has been

1 renewed.

2 (c) Not later than the 60th day before the expiration of the  
3 person's license, the department shall send written notice of the  
4 impending license expiration to the person at the person's last  
5 known address according to the records of the department.

6 [Sections 802.158-802.200 reserved for expansion]

7 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

8 Sec. 802.201. DISPLAY OF LICENSE; INCLUSION OF LICENSE  
9 NUMBER AND DEPARTMENT INFORMATION. A commercial breeder shall:

10 (1) prominently display a copy of the commercial  
11 breeder license at the breeder's facility;

12 (2) include the commercial breeder's license number in  
13 each advertisement for the sale or transfer of an animal by the  
14 commercial breeder; and

15 (3) include in each contract for the sale or transfer  
16 of an animal by the commercial breeder:

17 (A) the commercial breeder's license number; and

18 (B) the following statement: "Commercial  
19 breeders are regulated by the Texas Department of Licensing and  
20 Regulation, P.O. Box 12157, Austin, Texas 78711, 1-800-803-9202,  
21 512-463-6599" or a similar statement adopted by commission rule  
22 that includes the department's name, address, and phone numbers.

23 Sec. 802.202. CHANGE IN LICENSE INFORMATION. A commercial  
24 breeder shall notify the department in a manner prescribed by the  
25 commission not later than the 10th day after the date any change  
26 occurs in the address, name, management, substantial control, or  
27 ownership of the business or operation.

1       Sec. 802.203. ANNUAL REPORT. (a) Not later than February 1  
2 of each year, a commercial breeder shall submit to the department an  
3 annual report on a form and in the manner prescribed by the  
4 department.

5       (b) The commercial breeder shall keep a copy of the annual  
6 report at the commercial breeder's facility and, on request, make  
7 the report available to the department, a local animal control  
8 authority, or a registered breeder inspector designated by the  
9 department.

10       (c) A license holder that has more than one facility must  
11 keep separate records and file a separate report for each facility.

12       Sec. 802.204. ANIMAL LOG. (a) A commercial breeder shall:

13               (1) maintain a separate written log for each animal  
14 documenting the animal's veterinary care; and

15               (2) make the log available on request to the  
16 department, a local animal control authority, or a registered  
17 breeder inspector designated by the department.

18       (b) The log must include:

19               (1) the date of the animal's birth;

20               (2) the date the commercial breeder took possession of  
21 the animal if the animal was acquired from another person;

22               (3) the breed, sex, color, and identifying marks of  
23 the animal;

24               (4) the animal's identifying tag, tattoo, microchip,  
25 or collar number;

26               (5) the name and, if applicable, the breed registry  
27 number of the sire and dam of the animal; and

1           (6) a record of all inoculations, medications, and  
2 other veterinary medical treatment received by the animal while in  
3 the possession of the commercial breeder that includes:

4                   (A) the date of the inoculation, medication, or  
5 treatment;

6                   (B) the type or nature of the inoculation,  
7 medication, or treatment; and

8                   (C) the name of the attending veterinarian, if  
9 applicable.

10           Sec. 802.205. LIMIT ON NUMBER OF INTACT ANIMALS. A  
11 commercial breeder may not possess more than 50 adult intact female  
12 animals in a facility at any time.

13           [Sections 802.206-802.250 reserved for expansion]

14           SUBCHAPTER F. STANDARDS OF CARE AND CONFINEMENT

15           Sec. 802.251. ADOPTION OF STANDARDS. (a) The commission,  
16 in accordance with this subchapter and with the advice of the  
17 advisory committee, shall adopt rules for the proper feeding,  
18 watering, housing, care, including veterinary care, grooming,  
19 treatment, transportation, and disposition of dogs and cats by a  
20 commercial breeder to ensure the overall health and welfare of each  
21 animal in the commercial breeder's facility.

22           (b) The standards adopted under this section must at a  
23 minimum:

24                   (1) require animals to be offered food at least once  
25 every 24 hours and to have continuous access to water unless  
26 otherwise prescribed by a veterinarian;

27                   (2) provide for safe and adequately sized indoor and

1 outdoor confinement areas;

2 (3) require daily removal of animal waste;

3 (4) include requirements for exercise, grooming, and  
4 bathing;

5 (5) include requirements for socialization through  
6 physical contact between animals and humans;

7 (6) include requirements to address disease and  
8 illness;

9 (7) require methods of transporting animals that  
10 protect the health and welfare of the animals; and

11 (8) include requirements for adequate training of  
12 staff.

13 (c) The standards adopted under this section must prohibit:

14 (1) a commercial breeder from housing females in  
15 estrus with unneutered males, except for breeding purposes;

16 (2) the placement of a primary enclosure on top of  
17 another primary enclosure without an impervious barrier between  
18 enclosures;

19 (3) the tethering or leashing of animals in a facility  
20 as a means of confinement; and

21 (4) a commercial breeder from selling, trading, or  
22 giving away an animal before the animal is six weeks of age.

23 Sec. 802.252. ADDITIONAL STANDARDS. The commission may  
24 establish any additional standards considered necessary to protect  
25 the public health and the welfare of animals covered under this  
26 chapter.

27 Sec. 802.253. CONSIDERATION OF ANIMAL HEALTH AND WELFARE

1 STANDARDS. In adopting standards under this subchapter, the  
2 commission shall consider relevant state, federal, and nationally  
3 recognized standards for animal health and welfare.

4 [Sections 802.254-802.300 reserved for expansion]

5 SUBCHAPTER G. ENFORCEMENT

6 Sec. 802.301. DISCIPLINARY ACTION. A person is subject to  
7 disciplinary action under Subchapter G, Chapter 51, if the person  
8 violates this chapter or a rule adopted under this chapter.

9 Sec. 802.302. SUSPENSION AND REVOCATION OF LICENSE; REFUSAL  
10 TO RENEW LICENSE. (a) The department may suspend, revoke, or  
11 refuse to renew a license for:

12 (1) a violation of this chapter or a rule adopted under  
13 this chapter;

14 (2) failure to comply with an order of the commission  
15 or the executive director;

16 (3) failure to pay a civil penalty under this chapter;

17 (4) failure to meet a standard of care adopted by the  
18 commission under Subchapter F;

19 (5) failure to comply with any corrective action  
20 required under an inspection report in the time provided by the  
21 report;

22 (6) falsification of information requested by the  
23 department;

24 (7) the denial, revocation, or suspension of a similar  
25 license by another federal, state, or local authority; or

26 (8) conviction or deferred adjudication for animal  
27 cruelty under the laws of this state or any other jurisdiction by a

1 commercial breeder or any controlling person.

2 (b) A person whose commercial breeder license is revoked may  
3 not reapply for a commercial breeder license before the first  
4 anniversary of the date of revocation. The department shall  
5 permanently revoke a commercial breeder license if the basis for  
6 the revocation was a conviction or deferred adjudication for animal  
7 cruelty.

8 Sec. 802.303. ADMINISTRATIVE SANCTIONS; ADMINISTRATIVE  
9 PROCEDURE. (a) The commission shall revoke, suspend, or refuse to  
10 renew a license or shall reprimand a license holder for a violation  
11 of this chapter or a rule or order of the commission under this  
12 chapter.

13 (b) The commission may place on probation a person whose  
14 license is suspended. If a license suspension is probated, the  
15 commission may require the person to report regularly to the  
16 department on matters that are the basis of the probation.

17 (c) A respondent is entitled to a hearing conducted by the  
18 State Office of Administrative Hearings if the department proposes  
19 to deny, suspend, or revoke a license.

20 (d) A proceeding under this chapter to deny, suspend, or  
21 revoke a license is a contested case under Chapter 2001, Government  
22 Code.

23 Sec. 802.304. INJUNCTIVE RELIEF; CIVIL PENALTY. (a) The  
24 attorney general or the executive director may institute an action  
25 for injunctive relief to restrain a violation by and to collect a  
26 civil penalty from a person that appears to be in violation of or  
27 threatening to violate this chapter or a rule or order of the

1 commission or executive director under this chapter.

2 (b) An action filed under this section must be filed in a  
3 district court in Travis County.

4 (c) The attorney general and the department may recover  
5 reasonable expenses incurred in obtaining injunctive relief under  
6 this section including court costs, reasonable attorney's fees,  
7 investigative costs, witness fees, and deposition expenses.

8 Sec. 802.305. CEASE AND DESIST; EMERGENCY ORDER. (a) The  
9 executive director may issue a cease and desist order as necessary  
10 to enforce this chapter if the executive director determines that  
11 the action is necessary to prevent a violation of this chapter and  
12 to protect public health and safety.

13 (b) The executive director may issue an emergency order as  
14 necessary to enforce this chapter if the executive director  
15 determines that an emergency exists requiring immediate action to  
16 protect the public health and safety. The executive director may  
17 issue the emergency order without notice and hearing or with any  
18 notice and hearing the executive director considers practicable  
19 under the circumstances. The executive director shall set the time  
20 and place for a hearing to affirm, modify, or set aside an emergency  
21 order that was issued without a hearing.

22 Sec. 802.306. CRIMINAL OFFENSES AND PENALTIES. (a) A  
23 person commits an offense if the person violates this chapter or any  
24 rule adopted under this chapter. Each animal to which a violation  
25 applies and each day that violation continues constitutes a  
26 separate offense. An offense under this subsection is a Class C  
27 misdemeanor.

1       (b) A person commits an offense if the person knowingly  
2 falsifies information in a license application, annual report, or  
3 record required under this chapter. An offense under this  
4 subsection is a Class C misdemeanor.

5       (c) An unlicensed commercial breeder commits an offense if  
6 the breeder advertises animals for sale. An offense under this  
7 subsection is a Class C misdemeanor.

8       (d) A commercial breeder commits an offense if the  
9 commercial breeder interferes with, hinders, or thwarts any  
10 inspection or investigation under this chapter or refuses to allow  
11 an inspector full access to all areas of the facility where animals  
12 are kept or cared for and all records required to be kept under this  
13 chapter or any rule adopted under this chapter. An offense under  
14 this subsection is a Class C misdemeanor.

15                   CHAPTER 803. DOG AND CAT DEALERS

16                   SUBCHAPTER A. GENERAL PROVISIONS

17       Sec. 803.001. SHORT TITLE. This chapter may be cited as the  
18 Dog and Cat Dealers Act.

19       Sec. 803.002. DEFINITIONS. In this chapter:

20           (1) "Animal" means a dog or a cat.

21           (2) "Breeder" means a person who is engaged in the  
22 business of breeding animals for direct or indirect sale or for  
23 exchange in return for consideration.

24           (3) "Broker" means a person who purchases animals for  
25 resale to dealers or other brokers.

26           (4) "Cat" means a mammal that is wholly or partly of  
27 the species Felis domesticus.

1           (5) "Commercial breeder" means a breeder required to  
2 be licensed under Chapter 802.

3           (6) "Dealer" means a person who is required to collect  
4 sales tax for the sale of animals to a retail purchaser. The term  
5 does not include a humane society or local animal control  
6 authority.

7           (7) "Dog" means a mammal that is wholly or partly of  
8 the species Canis familiaris.

9           (8) "Health problem" means a disease, illness, or  
10 congenital or hereditary condition that:

11           (A) impairs the health or function of an animal  
12 and is apparent at the time of sale; or

13           (B) is or should be apparent to the seller from  
14 the veterinary history of the animal or either of the animal's  
15 parents.

16           (9) "Humane society" means a nonprofit organization  
17 exempt from federal taxation under Section 501(c)(3), Internal  
18 Revenue Code of 1986, that has as the organization's purpose the  
19 prevention of animal cruelty or the sheltering of, caring for, and  
20 providing of homes for lost, stray, and abandoned animals.

21           (10) "Kitten" means a cat less than six months old.

22           (11) "Local animal control authority" means a  
23 municipal or county animal control office with authority over the  
24 premises in which an animal is kept or, in an area that does not have  
25 an animal control office, the county sheriff.

26           (12) "Possess" means to have custody of or control  
27 over.

1           (13) "Puppy" means a dog less than six months old.

2           (14) "Veterinarian" means a veterinarian in good  
3 standing and licensed to practice veterinary medicine in this state  
4 or another state.

5           Sec. 803.003. APPLICABILITY OF CHAPTER. (a) This chapter  
6 does not affect the applicability of any other law, rule, order,  
7 ordinance, or other legal requirement of the federal government,  
8 this state, or a political subdivision of this state.

9           (b) This chapter does not prevent a municipality or county  
10 from prohibiting or further regulating by order or ordinance the  
11 selling of dogs or cats.

12           [Sections 803.004-803.050 reserved for expansion]

13           SUBCHAPTER B. RETAIL SALES OF DOGS AND CATS

14           Sec. 803.051. DISCLOSURE. (a) At the time of purchase,  
15 each dealer shall deliver to each retail purchaser of an animal a  
16 written disclosure that includes the following:

17                   (1) the breeder's name and address;

18                   (2) the name and address of any broker who has had  
19 possession of the animal;

20                   (3) the date of the animal's birth;

21                   (4) if the dealer is not the breeder, the date the  
22 dealer received the animal;

23                   (5) the breed, sex, color, and identifying marks of  
24 the animal;

25                   (6) the individual identifying tag, tattoo,  
26 microchip, or collar number;

27                   (7) the name and, if applicable, the breed registry

1 number of the sire and dam and the litter number; and

2 (8) a record of inoculations, worming treatments, and  
3 medication received by the animal while in the possession of the  
4 dealer.

5 (b) The written disclosure must include:

6 (1) a statement signed by the dealer that the animal  
7 does not have any known health problem or that discloses any known  
8 health problem; and

9 (2) a statement signed by a veterinarian that lists  
10 any treatments the animal has received and any recommendations for  
11 future treatment.

12 (c) The written disclosure required under this section is a  
13 part of the purchaser rights required under this subchapter.

14 (d) Except as provided by this subsection, a written  
15 disclosure is not required for a mixed breed animal if the  
16 information is not available and cannot be determined by the  
17 dealer. The dealer must disclose all known health problems and  
18 medical records of a mixed breed animal.

19 Sec. 803.052. RECORDS. The dealer shall retain until the  
20 first anniversary of the date of issuance a copy of the statement of  
21 purchaser rights delivered to the retail purchaser.

22 Sec. 803.053. REGISTRATION. (a) A dealer who represents an  
23 animal as eligible for registration with an animal pedigree  
24 organization shall, not later than the 90th day after the date the  
25 final payment is received, provide to the retail purchaser the  
26 documents necessary for registration with the organization.

27 (b) If the dealer fails to provide the registration

1 documents to the retail purchaser as required by Subsection (a),  
2 the purchaser may:

3 (1) retain the animal and receive a refund of 50  
4 percent of the purchase price of the animal; or

5 (2) return the animal and all documentation previously  
6 provided to the purchaser and receive a full refund of the purchase  
7 price.

8 (c) The dealer is not responsible for delays in registration  
9 that are the result of the actions or inaction of persons other than  
10 the dealer.

11 Sec. 803.054. EXAMINATION BY VETERINARIAN. A dealer may  
12 not offer an animal for sale to a retail purchaser unless the animal  
13 has been examined by a veterinarian.

14 Sec. 803.055. RIGHTS OF PURCHASER. (a) An animal is  
15 considered unfit for sale by a dealer if:

16 (1) a veterinarian states in writing not later than  
17 the 20th day after the date a purchaser takes possession of an  
18 animal that the animal has a health problem that existed in the  
19 animal at the time of delivery; or

20 (2) a veterinarian states in writing not later than  
21 the first anniversary of the date that a purchaser took possession  
22 of an animal that the animal:

23 (A) died or is ill due to a hereditary or  
24 congenital defect; or

25 (B) is not the breed the dealer represented the  
26 animal to be to the purchaser.

27 (b) If the dealer misrepresents the breed of the animal to

1 the purchaser, the dealer shall provide to the purchaser one of the  
2 following remedies selected by the purchaser:

3 (1) return of the animal to the dealer for a refund of  
4 the full purchase price; or

5 (2) exchange of the animal for an animal of the breed  
6 represented by the dealer to the purchaser, provided the dealer has  
7 an animal of that breed available for sale.

8 (c) If an animal dies due to a health problem that existed in  
9 the animal at the time the purchaser took possession of the animal,  
10 the dealer shall provide to the purchaser one of the following  
11 remedies selected by the purchaser:

12 (1) another animal of equal value, if available, and  
13 reimbursement of all reasonable veterinary fees incurred by the  
14 purchaser for the deceased animal, not to exceed 300 percent of the  
15 purchase price of the animal; or

16 (2) a refund of the full purchase price and  
17 reimbursement of all reasonable veterinary fees incurred by the  
18 purchaser for the deceased animal, not to exceed 300 percent of the  
19 purchase price of the animal.

20 (d) If a health problem existed at the time the purchaser  
21 took possession of the animal, the dealer shall provide to the  
22 purchaser one of the following remedies selected by the purchaser:

23 (1) return of the animal to the dealer for a refund of  
24 the full purchase price;

25 (2) exchange of the animal with a health problem for  
26 another animal of the purchaser's choice of equivalent value,  
27 provided a replacement is available; or

1           (3) retention of the animal with a health problem by  
2 the purchaser for a reasonable period of time and reimbursement of  
3 reasonable veterinary fees, not to exceed 300 percent of the  
4 purchase price of the animal.

5           (e) The price of a veterinary service is considered  
6 reasonable if the service is appropriate for the diagnosis and  
7 treatment of the health problem and the price for the service is  
8 comparable to a similar service rendered by other veterinarians in  
9 proximity to the treating veterinarian.

10           Sec. 803.056. RESPONSIBILITIES OF PURCHASER. (a) To be  
11 eligible for the remedies provided in Section 803.055, the retail  
12 purchaser of an animal with a health problem shall:

13           (1) notify the dealer not later than the fifth  
14 business day after the date a veterinarian diagnoses a health  
15 problem; and

16           (2) provide the dealer with the name and telephone  
17 number of the veterinarian and a copy of the veterinarian's report  
18 on the animal.

19           (b) A retail purchaser who is seeking a full refund of the  
20 purchase price of an animal shall return the animal to the dealer  
21 not later than the fifth business day after the date the purchaser  
22 receives a written statement from a veterinarian indicating that  
23 the animal is unfit due to a health problem.

24           (c) If an animal has died, the retail purchaser must provide  
25 the dealer with a written statement from a veterinarian indicating  
26 that the animal died from a health problem that existed on or before  
27 the date the purchaser took possession of the animal.

1       Sec. 803.057. RIGHTS OF DEALER. A dealer is not required to  
2 provide a refund, replacement, or reimbursement of veterinary fees  
3 if one or more of the following conditions exist:

4           (1) the health problem or death resulted from  
5 maltreatment, neglect, or a disease contracted while in the  
6 possession of the purchaser or from an injury sustained after  
7 delivery of the animal to the purchaser;

8           (2) a veterinarian's statement was provided to the  
9 purchaser under Section 803.051 that disclosed the health problem  
10 for which the purchaser seeks to return the animal; or

11           (3) the purchaser failed to provide to the animal a  
12 treatment recommended by the examining veterinarian under Section  
13 803.051.

14       Sec. 803.058. CONTEST OF RELIEF; CIVIL ACTION. (a) A  
15 dealer seeking to contest a demand for relief specified in Section  
16 803.053 or 803.055 may require the retail purchaser to produce the  
17 animal for examination or necropsy by a veterinarian designated by  
18 the dealer. The dealer shall pay the cost of the examination or  
19 necropsy. The dealer has a right of recovery against the purchaser  
20 if the dealer is not obligated to provide a remedy under Section  
21 803.055.

22           (b) If the dealer does not provide the relief selected by  
23 the retail purchaser under Section 803.053 or 803.055, the  
24 purchaser may bring a civil action against the dealer. The  
25 prevailing party in the civil action has the right to recover costs  
26 and reasonable attorney's fees.

27       Sec. 803.059. POSTING OF PURCHASER RIGHTS NOTICE. Each

1 dealer shall post in a prominent location in the dealer's facility a  
2 notice, in 48-point boldfaced type, that states the following:

3 "Information is available on each dog or cat sold by this  
4 establishment. You are entitled to a statement of purchaser rights  
5 related to the sale of a dog or cat by this establishment. Please  
6 ensure that you receive this statement at the time you purchase a  
7 dog or cat."

8 Sec. 803.060. STATEMENT ACKNOWLEDGING RECEIPT OF PURCHASER  
9 RIGHTS. (a) Each dealer shall provide each retail purchaser with a  
10 written statement of the purchaser's rights under this chapter.  
11 The purchaser must sign an acknowledgment that the purchaser  
12 received the statement and has reviewed the statement. The dealer  
13 shall certify in writing the accuracy of the information contained  
14 in the statement. The dealer shall retain a copy of the signed  
15 acknowledgment and provide a copy of the signed acknowledgment to  
16 the purchaser.

17 (b) The statement of purchaser rights must be in 16-point  
18 boldfaced type as follows:

19 "STATEMENT OF TEXAS LAW GOVERNING SALE OF DOGS AND CATS: The  
20 sale of dogs and cats is subject to consumer protection  
21 regulations. Texas law also provides safeguards to protect dealers  
22 and animal purchasers. Attached is a copy of Subchapter B, Chapter  
23 803, Occupations Code. Contained in this law is a statement of your  
24 purchaser rights. These rights are not your exclusive rights and do  
25 not limit the rights or remedies available to you as a purchaser  
26 under any other law."

27 (c) The statement of purchaser rights must contain or have

1 attached to the statement the disclosures required under Section  
2 803.051.

3 Sec. 803.061. LIMITATION; WAIVER PROHIBITED. (a) Nothing  
4 in this chapter shall limit the rights or remedies otherwise  
5 available to a purchaser under any other law.

6 (b) An agreement or contract by a purchaser to waive any  
7 rights under this chapter is null, void, and unenforceable.

8 [Sections 803.062-803.100 reserved for expansion]

9 SUBCHAPTER C. OFFENSES AND PENALTIES

10 Sec. 803.101. CRIMINAL OFFENSE FOR ACQUIRING ANIMAL FROM  
11 UNLICENSED COMMERCIAL BREEDER. A broker or dealer commits an  
12 offense if the broker or dealer knowingly acquires a dog or cat from  
13 an unlicensed commercial breeder for the purpose of reselling the  
14 dog or cat to another person. Each animal to which a violation  
15 applies constitutes a separate offense. An offense under this  
16 section is a Class C misdemeanor. It is a defense to prosecution  
17 for an offense under this section that the dealer was a humane  
18 society or a local animal control authority.

19 Sec. 803.102. CRIMINAL OFFENSE FOR SELLING YOUNG ANIMALS.  
20 A dealer commits an offense if the dealer sells an animal under the  
21 age of eight weeks to another person. Each animal to which a  
22 violation applies constitutes a separate offense. An offense under  
23 this section is a Class C misdemeanor. It is a defense to  
24 prosecution for an offense under this section that the dealer was a  
25 humane society or a local animal control authority.

26 SECTION 3. Not later than December 31, 2009, the Texas  
27 Commission of Licensing and Regulation shall appoint the members of

1 the Dog and Cat Breeders Advisory Committee in accordance with  
2 Chapter 802, Occupations Code, as added by this Act. In making the  
3 initial appointments, the commission shall designate:

4 (1) three members for terms expiring February 1, 2011;  
5 and

6 (2) four members for terms expiring February 1, 2013.

7 SECTION 4. Not later than June 1, 2010, the Texas Commission  
8 of Licensing and Regulation shall adopt the rules, standards,  
9 procedures, and fees necessary to implement Chapter 802,  
10 Occupations Code, as added by this Act, and Section 5 of this Act.

11 SECTION 5. Notwithstanding Chapter 802, Occupations Code,  
12 as added by this Act, a commercial breeder is not required to:

13 (1) hold a license under that chapter to act as a  
14 commercial breeder before September 1, 2010; or

15 (2) comply with the standards adopted under Subchapter  
16 F, Chapter 802, Occupations Code, as added by this Act, before  
17 September 1, 2010.

18 SECTION 6. (a) The change in law made by this Act applies  
19 only to an offense committed on or after the effective date of this  
20 Act. For purposes of this section, an offense is committed before  
21 the effective date of this Act if any element of the offense occurs  
22 before that date.

23 (b) An offense committed before the effective date of this  
24 Act is covered by the law in effect when the offense was committed,  
25 and the former law is continued in effect for that purpose.

26 SECTION 7. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 3180

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2009.