Legislative Bill Summary

South Central Region Legislative Committee

Working Update – May 21, 2021

Introductory Note: The following chart contains a working list of legislation that impact the cat fancy. This summary is provided to educate the members of the South Central Region, should a member wish to reach out to his or her state legislators to give feedback regarding any pending legislation. Mexico has not been included at this time due to difficulties with translation.

Both Arkansas and Texas have pending versions of WAPA (Working Animal Protection Acts), which have been introduced in other states across the country. Originally spear-headed by equine groups as a response to horse-drawn carriage bans in numerous cities, the cause has been championed by other animal groups and associations, including the AKC.

WAPA prohibit outright bans or undue hardship relating to the job or use of a working animal in “husbandry, education, or exhibition.” Working animal is defined as an animal (not production livestock animal) used for the purpose of performing a specific duty or function in commerce or animal enterprise, which includes examples such as education, competition, or exhibition. Please note – WAPA does not preclude local ordinances regarding animal care, public health, public safety, cruelty laws, or zoning provisions.

The AKC advised its members that working and competition animals would be included within WAPA protections. There is no language that currently excludes cats that are competition or exhibition animals. If cats are included in the category of competition or exhibition animals, a local municipality could not mandate spay/neuter for cats (or dogs) unless they exempted working animals as defined by this statute.

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| **ARKANSAS**  <https://www.arkleg.state.ar.us/Bills/Search>  Adjourned April 30, 2021 | | | |
| **BILL NO** | **SUMMARY** | **PROGRESS** | **NOTES** |
| [HB 1416](https://www.arkleg.state.ar.us/Acts/FTPDocument?path=%2FACTS%2F2021R%2FPublic%2F&file=659.pdf&ddBienniumSession=2021%2F2021R) | AN ACT TO ENCOURAGE HOME-BASED ENTREPRENEURSHIP:  Local governments may only license or regulate home-based work to enumerated list of items.  Home based work is defined as “any occupation performed or business conducted by a residence that is clearly incidental to and secondary to the principal use of the structure for residential dwelling purposes.  If a local government takes enforcement action against an individual for violating a local ordinance, it is the local government’s burden to show that the regulated activity falls within the enumerated list of activities that can be regulated. | **Passed – Act 659** | While health, fire, and safety codes are included in activities that may be regulated by local government, this bill could preclude local municipalities from regulating home catteries. *More research is needed regarding the legal impact of HB1416 as enacted as Act 659* |
| [HB 1883](https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FHB1883.pdf)  WAPA | THE WORKING ANIMAL PROTECTION ACT:  Local governments may not pass an ordinance or resolution that “terminates, bans, effectively bans, or creates an undue hardship relating to the job or use of a working animal or animal enterprise in commerce, service, legal hunting, agriculture, husbandry, transportation, transportation, ranching, entertainment, education, or exhibition.”  “Working animal” includes an animal used for the purpose of performing a specific duty or function in commerce or animal enterprise to include . . . education, competition, or exhibition.”  This section does not prohibit a municipality from establishing or altering an ordinance regarding animal care, public health, or public safety. | **Passed – Act 1091** | This language could be interpreted to preclude local governments from terminating, banning, or creating an undue hardship on breeding of cats used in education, competition, or exhibition. |

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| **COLORADO**  <https://leg.colorado.gov/bills>  Adjourns June 12, 2021 | | | |
| **BILL NO** | **SUMMARY** | **PROGRESS** | **NOTES** |
| [SB 21-135](https://leg.colorado.gov/sites/default/files/documents/2021A/bills/2021a_135_enr.pdf) | PROHIBITION ON THE USE OF CERTAIN ANIMALS IN A TRAVELING ANIMAL ACT:  Traveling animal act is defined as any performance where an animal is transported to, from, or between locations for the purpose of the performance.  Performance is defined as including, in pertinent part a performance during which animals are required to perform tricks, give rides, or participate as accompaniments for the entertainment, amusement, or benefit of an audience or used primarily for photographic purposes.  Any hybrid of Felidae other than domestic cats is expressly included within the bill’s prohibition of use in a traveling animal act. | **Signed by the Governor** – 5/14/21 | While domestic cats are expressly excluded from the prohibition for use in a traveling show, hybrids of Felidae other than domestic cats are expressly included.  Although not the stated intention, as written, the language could be broadly construed to include cat shows. While an exception is expressly included for “working dog trials,” none is given for cat exhibitions or performances. |

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| **KANSAS**  <http://www.kslegislature.org/li_2020/b2019_20/measures/bills/>  Adjourns May 26, 2021 | | | |
| **BILL NO** | **SUMMARY** | **PROGRESS** | **NOTES** |
| **NONE - CURRENTLY** | | | |

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| **LOUISIANA**  <https://www.legis.la.gov/legis/BillSearch.aspx?sid=last>  Adjourns June 10, 2021 | | | |
| **BILL NO** | **SUMMARY** | **PROGRESS** | **NOTES** |
| SB 50 | Determination of ownership of a domestic animal.  To claim ownership of a domestic animal, the individual in possession of the animal must prove that when acquired the animal lacked a microchip or other owner-identifying information such as a collar, rabies tag, or tattoo. “The presence of owner-identifying information creates a rebuttable presumption that the possessor has not satisfied the requirements for ownership under Article 3419 or 3490. | Referred to Committee on Civil Law and Procedure | A registered microchip creates a rebuttable presumption of ownership.  *Microchip your cats!* |

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| **OKLAHOMA**  <https://legiscan.com/OK>  Adjourns May 28, 2021 | | | |
| BILL NO | SUMMARY | PROGRESS | NOTES |
| [SB 547](http://www.oklegislature.gov/BillInfo.aspx?Bill=SB%20547)  [HB 2688](http://webserver1.lsb.state.ok.us/cf_pdf/2021-22%20FLR/HFLR/HB2688%20HFLR.PDF) | COMMERCIAL PET BREEDERS – REPEALING ANNUAL PET BREEDER FACILITY REPORT:  Commercial breeders are currently defined as a person having more than 11 intact adult female animals. If passed, would repeal requirement for submission of an annual pet breeder facility report. | Passed Senate - 3/2/21  Out of Committee in House – 4/8/21 | If passed, commercial breeders (more than 11 intact adult female cats) will no longer be required to file a yearly breeder facility report. |
| [HB 1581](http://webserver1.lsb.state.ok.us/cf_pdf/2021-22%20COMMITTEE%20AMENDMENTS/House/HB1581%20FULLPCS1%20MICKEY%20DOLLENS-AMM.PDF) | Restriction of sources of cats and dogs sold by a pet store to animal rescue organizations or public animal shelters. | In Committee in House – 2/2/21 | The AKC opposes this legislation |

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| **TEXAS**  <https://capitol.texas.gov/search/billsearch.aspx>  Last day of session – May 31, 2021 | | | |
| BILL NO | SUMMARY | PROGRESS | NOTES |
| [SB 323](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB00323I.pdf#navpanes=0) | EXPANDING APPPLICABILITY OF AN OCCUPATIONAL LICENSE FOR DOG AND CAT BREEDERS:  This bill expands the scope of the [Texas Occupations Code Section 802.002](https://statutes.capitol.texas.gov/Docs/OC/htm/OC.802.htm#802.002). The current definition of a breeder is a person who (1) possesses 11 or more adult intact female animals who is engaged in the breeding of the animals for sale and (2) who sells or offers to sell 20 or more animals in a calendar year. The proposed language would expand the scope of breeder licensing requirements to anyone who has **5 or more adult intact female animals** engaged in the business of breeding for sale, regardless of the number of animals offered for sale in a calendar year.  The requirement for licensing for those breeders with 5-10 intact female animals would be effective on January 1, 2022. | **Referred to Water, Agriculture, & Rural Affairs** – 3/9/21 | If passed, more hobby cat breeders would be required to obtain an occupational breeding license pursuant to [Chapter 802 of the Texas Occupation Code - Dog or Cat Breeders](https://statutes.capitol.texas.gov/Docs/OC/htm/OC.802.htm#802.002) |
| [HB 3057](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB03057E.pdf#navpanes=0) | REGULATION OF LICENSED DOG AND CAT BREEDERS – BILL OF SALE REQUIRED  If passed, would required a bill of sale with the name of the licensed breeder, the name of the purchaser, description of animal, date of sale or exchange, and amount paid. Bills of sale would have to be submitted to the comptroller on a quarterly basis. | **Passed House – 4/30/21**  **Referred to Senate Committee** – 5/17/21 | Adds [Section 802.155](https://statutes.capitol.texas.gov/Docs/OC/htm/OC.802.htm#802) to Texas Occupations Code.  All licensed breeders will be required to submit bills of sales to the state Comptroller on a quarterly basis. |
| [HB 543](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00543I.pdf#navpanes=0)  WAPA | RESTRICTING REGULATION OF WORKING ANIMALS BY A POLITICAL SUBDIVISION:  “A political subdivision may not impose a governmental requirement that terminates, bans, or effectively bans by imposing an undue financial hardship, the job or use of a working animal or an enterprise that employs a working animal.” A working animal means an animal sued for the purpose of performing a specific duty or function, including entertainment, transportation, or education. | **Left pending in committee** – 3/18/21 | The AKC supports this legislation |
| [HB 1818](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01818I.pdf#navpanes=0) | SALE OF DOGS AND CATS BY PET STORES:  If passed, sales of dogs and cats at pet stores would be limited to animals sourced from an animal control agency, animal rescue organization, animal shelter, or a licensed breeder (see Tex. Occupations Section 802.002). Violation will result in up to $500 daily fine/per day for each dog or cat obtained by a pet store. | **Passed House and Received by Senate** – 4/28/21 | Adds Texas Business and Commerce Code Chapter 205.  The AKC opposes this legislation. Unsure if TICA has done so as well.  The bill has bipartisan support. |
| [HB 1083](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB01083I.pdf#navpanes=0) | TERMINATION OF THE OWNERSHIP INTEREST IN AN ANIMAL IMPOUNDED BY AN ANIMAL SHELTER:  Holding periods for impounded animals would be set by local ordinance or rule where the shelter is located. No minimum holding period is required. Once the holding period has expired, the shelter may offer the animal for adoption or transfer. Any ownership interest in the impounded animal terminates upon adoption or transfer. | **Left pending in committee** – 4/20/21 | The AKC opposes this legislation, which would amend [Texas Health and Safety Code Section 823.002](https://statutes.capitol.texas.gov/Docs/HS/htm/HS.823.htm#823.002).  If passed, this legislation will create uncertainty regarding the length of holding periods before a cat (or dog) could be adopted out. Once adopted out, any pre-existing ownership interest terminates in favor of party to whom adopted or transferred. |
| [HB 604](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00604I.pdf#navpanes=0) | REQUIRING ANIML SHELTER AND RESCUES TO CONDUCT MICROCHIP SCANS AS SOON AS PRACTICABLE: | **Left pending in committee** – 5/3/21 | The AKC supports this legislation. |
| [HB 652](https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB00652I.pdf#navpanes=0) | REQUIRING ANIMAL SHELTERS TO GIVE NOTICE OF EPIZOOTIC INFECTION DISEASE TO ADOPTORS | **Sent to Governor -**  5/14/21 | The AKC supports this legislation |