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LICENSED BREEDERS

Justification for Administrative Rule Adoption

JUSTIFICATION FOR ADMINISTRATIVE RULE ADOPTION

Dog or Cat Breeders

16 TAC Chapter 91, amendments to §91.74

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to an existing rule at 16 Texas Administrative Code (TAC), Chapter 91, §91.74 without changes to the proposed text as published in the May 15, 2015, issue of the *Texas Register* (40 TexReg 2639). The rule will not be republished.

The adopted amendment is necessary to update the Department's internet address, to further strengthen Texas government brand recognition.

The adopted amendment to §91.74 updates the Department's internet address that must be listed on each contract for the sale or transfer of an animal.

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the May 15, 2015, issue of the *Texas Register* (40 TexReg 2639). The deadline for public comments was June 15, 2015. The Department received comments from three interested parties on the proposed rules during the 30-day public comment period.

Comment—One commenter wanted to know how to get a breeder's license.
Department Response—The comment was forwarded to the Licensing division for response.

Comment—One commenter suggested the entire language for §91.74 (2) be simplified for advertising reasons.
Department Response—The Commission notes that §91.74 (2) refers to what is required to be included in all breeder contracts. The section does not address the disclosures required in advertisements.

Comment—One commenter requested additional rule information/clarification of and how the Occupations Code, Chapter 802 applies to the practice of reselling puppies.
Department Response—Although the comment was outside the scope of the proposed rulemaking and the Department's jurisdiction, because it appeared time sensitive, the Department responded to the commenter with resources to further address this concern.

The amendments are adopted under Texas Occupations Code, Chapters 51 and 802, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adoption are those set forth in Texas Occupations Code, Chapters 51 and 802. No other statutes, articles, or codes are affected by the adoption.

§91.74. Responsibilities of Licensee—Mandatory Contract Provisions

A licensed breeder must include in each contract for the sale or transfer of an animal:

(1) the license number; and

(2) the following statement: "Dog and cat breeders are regulated by the Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711, 1-800-803-9202, 512-463-6599, www.tdlr.texas.gov" or a similar statement adopted by commission rule that includes the department's name, mailing address, telephone numbers, and internet website address.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State, on August 3, 2015.

William H. Kuntz, Jr.
 Executive Director
 Texas Department of Licensing and Regulation

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CONTACT INFORMATION

For questions concerning the Licensed Breeder program: clubreeders@tdlr.texas.gov

For traditional mailing, please address mail to
 TDLR Licensed Breeder Program
 P.O. Box 12157
 Austin, Texas 78711

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