

BILL ANALYSIS

S.B. 248
By: West, Royce
Agriculture & Livestock
Committee Report (Amended)

BACKGROUND AND PURPOSE

To control the pet population, Texas law requires that animal shelters must sterilize animals before releasing them to the public. As technology continues to improve in the medical field, new methods of animal sterilization are emerging. Currently, veterinarians are allowed to use nonsurgical methods of sterilization in private practice, but because Texas statute specifically states that animals must be surgically sterilized when leaving animal shelters, shelters are prohibited from using any nonsurgical means of sterilization. With an extremely high number of shelter animals being euthanized in Texas and stray cats and dogs posing a large problem throughout the state, shelters are desperate for more effective and cost-efficient means of sterilization.

SB 248 gives animal shelters the option of using nonsurgical methods of sterilization that are FDA or USDA approved, and mandates that the sterilization must be performed by a licensed veterinarian. The bill protects a veterinarian's right to make independent medical decisions and specifically states that no member of an animal shelter may influence or have purview over the veterinarian's decision. The bill also requires the Texas State Board of Veterinary Medical Examiners to write an information sheet on surgical and nonsurgical methods of sterilization that is to be distributed by a releasing agent to a new owner. SB 248 is not intended for the benefit of any specific product, but rather is a forward looking bill that allows shelters access to the future advances in medicine that are certain to come. The bill puts Texas law in parity with the policy of the American Veterinary Medical Association, which promotes the surgical and nonsurgical sterilization of intact dogs and cats.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the State Board of Veterinary Medical Examiners in SECTIONS 2 & 7 of this bill.

ANALYSIS

This bill changes the definition of sterilization to include nonsurgical methods. This bill requires the State Board of Veterinary Medical Examiners to develop information sheets and also requires the board to adopt rules for marking an animal which has been sterilized by nonsurgical means.

This bill also adds a nonsurgical sterilization section to the Health & Safety Code. The bill requires the sterilization to be performed by a veterinarian and prohibits a person associated with a releasing agency from influencing the veterinarian's decision as to which method of sterilization to use on an animal.

EFFECTIVE DATE

If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.

EXPLANATION OF AMENDMENTS

Amendment No. 1 clarifies that veterinarians must use the medicines for nonsurgical sterilization only as labeled and approved by the FDA & USDA.