

By: West

S.B. No. 248

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the use of approved nonsurgical methods to sterilize dogs and cats.

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

SECTION 1. Subdivision (3), Section 828.001, Health and Safety Code, is amended to read as follows:

(3) "Sterilization" means the surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce.

SECTION 2. Chapter 828, Health and Safety Code, is amended by adding Section 828.0035 to read as follows:

Sec. 828.0035. STATE BOARD OF VETERINARY MEDICAL EXAMINERS.  
The State Board of Veterinary Medical Examiners shall:

(1) develop information sheets regarding surgical or nonsurgical sterilization to be distributed by a releasing agency to a new owner; and

(2) adopt rules requiring an animal that has been sterilized under this chapter to receive an identification marker in a manner authorized by the board.

SECTION 3. Subsection (c), Section 828.004, Health and Safety Code, is amended to read as follows:

(c) A releasing agency may extend the deadline for 30 days

1 on presentation of a written report from a licensed veterinarian  
2 stating that the life or health of the adopted animal may be  
3 jeopardized by sterilization [~~surgery~~]. There is no limit on the  
4 number of extensions that may be granted under this subsection.

5 SECTION 4. Chapter 828, Health and Safety Code, is amended  
6 by adding Section 828.0045 to read as follows:

7 Sec. 828.0045. NONSURGICAL STERILIZATION. A licensed  
8 veterinarian may use nonsurgical methods and technologies approved  
9 by the United States Food and Drug Administration or the United  
10 States Department of Agriculture for use by veterinarians to  
11 humanely and permanently render a dog or cat unable to reproduce.

12 SECTION 5. Subsection (a), Section 828.005, Health and  
13 Safety Code, is amended to read as follows:

14 (a) Except as provided by Section 828.006 or 828.007, each  
15 new owner who signs a sterilization agreement under Section 828.002  
16 shall deliver to the releasing agency from which the animal was  
17 adopted a letter signed by the veterinarian who performed the  
18 sterilization [~~surgery~~].

19 SECTION 6. Section 828.012, Health and Safety Code, is  
20 amended by amending Subsection (a) and adding Subsection (c) to  
21 read as follows:

22 (a) Surgery or nonsurgical sterilization performed in  
23 accordance with this chapter must be performed by a veterinarian or  
24 a full-time student of an accredited college of veterinary medicine  
25 as provided by Chapter 801, Occupations Code.

26 (c) A person associated with a releasing agency may not  
27 interfere with the independent professional judgment of a

1 veterinarian employed by or under contract with the releasing  
2 agency.

3 SECTION 7. The State Board of Veterinary Medical Examiners  
4 shall adopt rules as required by Section 828.0035, Health and  
5 Safety Code, as added by this Act, not later than January 1, 2006.

6 SECTION 8. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2005.

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COMMITTEE AMENDMENT NO. 1

2 Amend SB 248 on page 2, line 8 by inserting the words "as labeled  
3 and" after the word "technologies" and before the word "approved".

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Hardcastle