

1-1 By: West S.B. No. 248
1-2 (In the Senate - Filed January 25, 2005; February 3, 2005,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 17, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 March 17, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 248 By: West

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to authorizing the use of approved nonsurgical methods to
1-11 sterilize dogs and cats.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (3), Section 828.001, Health and
1-14 Safety Code, is amended to read as follows:

1-15 (3) "Sterilization" means the surgical removal of the
1-16 reproductive organs of a dog or cat or the use of nonsurgical
1-17 methods and technologies approved by the United States Food and
1-18 Drug Administration or the United States Department of Agriculture
1-19 to permanently render the animal unable to reproduce.

1-20 SECTION 2. Chapter 828, Health and Safety Code, is amended
1-21 by adding Section 828.0035 to read as follows:

1-22 Sec. 828.0035. STATE BOARD OF VETERINARY MEDICAL EXAMINERS.
1-23 The State Board of Veterinary Medical Examiners shall:

1-24 (1) develop information sheets regarding surgical or
1-25 nonsurgical sterilization to be distributed by a releasing agency
1-26 to a new owner; and

1-27 (2) adopt rules requiring an animal that has been
1-28 sterilized under this chapter to receive an identification marker
1-29 in a manner authorized by the board.

1-30 SECTION 3. Subsection (c), Section 828.004, Health and
1-31 Safety Code, is amended to read as follows:

1-32 (c) A releasing agency may extend the deadline for 30 days
1-33 on presentation of a written report from a licensed veterinarian
1-34 stating that the life or health of the adopted animal may be
1-35 jeopardized by sterilization [~~surgery~~]. There is no limit on the
1-36 number of extensions that may be granted under this subsection.

1-37 SECTION 4. Chapter 828, Health and Safety Code, is amended
1-38 by adding Section 828.0045 to read as follows:

1-39 Sec. 828.0045. NONSURGICAL STERILIZATION. A licensed
1-40 veterinarian may use nonsurgical methods and technologies approved
1-41 by the United States Food and Drug Administration or the United
1-42 States Department of Agriculture for use by veterinarians to
1-43 humanely and permanently render a dog or cat unable to reproduce.

1-44 SECTION 5. Subsection (a), Section 828.005, Health and
1-45 Safety Code, is amended to read as follows:

1-46 (a) Except as provided by Section 828.006 or 828.007, each
1-47 new owner who signs a sterilization agreement under Section 828.002
1-48 shall deliver to the releasing agency from which the animal was
1-49 adopted a letter signed by the veterinarian who performed the
1-50 sterilization [~~surgery~~].

1-51 SECTION 6. Section 828.012, Health and Safety Code, is
1-52 amended by amending Subsection (a) and adding Subsection (c) to
1-53 read as follows:

1-54 (a) Surgery or nonsurgical sterilization performed in
1-55 accordance with this chapter must be performed by a veterinarian or
1-56 a full-time student of an accredited college of veterinary medicine
1-57 as provided by Chapter 801, Occupations Code.

1-58 (c) A person associated with a releasing agency may not
1-59 interfere with the independent professional judgment of a
1-60 veterinarian employed by or under contract with the releasing
1-61 agency.

1-62 SECTION 7. The State Board of Veterinary Medical Examiners
1-63 shall adopt rules as required by Section 828.0035, Health and

2-1 Safety Code, as added by this Act, not later than January 1, 2006.
2-2 SECTION 8. This Act takes effect immediately if it receives
2-3 a vote of two-thirds of all the members elected to each house, as
2-4 provided by Section 39, Article III, Texas Constitution. If this
2-5 Act does not receive the vote necessary for immediate effect, this
2-6 Act takes effect September 1, 2005.

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