

By: Menendez

H.B. No. 4277

A BILL TO BE ENTITLED

AN ACT

relating to the sterilization of dogs and cats; providing a penalty.

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

SECTION 1. The heading to Chapter 828, Health and Safety Code, is amended to read as follows:

CHAPTER 828. DOG AND CAT ADOPTION AND STERILIZATION

SECTION 2. Section 828.002, Health and Safety Code, is amended to read as follows:

Sec. 828.002. REQUIREMENTS FOR ADOPTION. (a) Except as provided by Subsections (b) and (c) [~~Section 828.013~~], a releasing agency may not release a dog or cat for adoption unless the animal has been sterilized [~~or the release is made to a new owner who signs an agreement to have the animal sterilized~~].

(b) This section does not apply to an animal:

(1) that is less than six months old;

(2) for which a veterinarian has certified that the animal should not be sterilized for health reasons; or

(3) that is a service animal.

(c) This section does not apply to an animal that is claimed from a releasing agency by a person who already owns the animal if:

(1) the animal is exempt under Subsection (b);

(2) the animal is a purebred animal displayed at a competitive exhibition to determine how well it physically conforms

1 to an established breed standard; or

2 (3) the owner holds a permit for the animal issued
3 under Section 830.003.

4 SECTION 3. Section 828.0035, Health and Safety Code, is
5 amended to read as follows:

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

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

11 (2) adopt rules requiring a dog or cat ~~[an animal]~~ that
12 has been sterilized ~~[under this chapter]~~ to receive an
13 identification marker in a manner authorized by the board.

14 SECTION 4. Section 828.012(a), Health and Safety Code, is
15 amended to read as follows:

16 (a) Surgery or nonsurgical sterilization of a dog or cat
17 ~~[performed in accordance with this chapter]~~ must be performed by a
18 veterinarian or a full-time student of an accredited college of
19 veterinary medicine as provided by Chapter 801, Occupations Code.

20 SECTION 5. Title 10, Health and Safety Code, is amended by
21 adding Chapter 830 to read as follows:

22 CHAPTER 830. GENERAL RESPONSIBILITY OF DOG OR CAT OWNER TO
23 STERILIZE

24 Sec. 830.001. DEFINITIONS. In this chapter:

25 (1) "Sterilization" means the surgical removal of the
26 reproductive organs of a dog or cat or the use of nonsurgical
27 methods and technologies approved by the United States Food and

1 Drug Administration or the United States Department of Agriculture
2 to permanently render the animal unable to reproduce.

3 (2) "Veterinarian" means a person licensed to practice
4 veterinary medicine by the State Board of Veterinary Medical
5 Examiners.

6 Sec. 830.002. STERILIZATION REQUIRED. (a) Except as
7 provided by Subsection (b), a person who owns a dog or cat shall
8 have the animal sterilized.

9 (b) This section does not apply to an animal:

10 (1) that is less than six months old;

11 (2) for which a veterinarian has certified that the
12 animal should not be sterilized for health reasons;

13 (3) that is a service animal;

14 (4) that is a purebred animal displayed at a
15 competitive exhibition to determine how well it physically conforms
16 to an established breed standard; or

17 (5) for which the owner holds a permit issued under
18 Section 830.003.

19 Sec. 830.003. INTACT ANIMAL PERMIT. (a) A person must hold
20 an intact animal permit issued by the appropriate local animal
21 control authority for each dog or cat the person keeps unsterilized
22 for breeding purposes.

23 (b) An animal control authority shall charge a fee for the
24 issuance of a permit under this section in the amount of \$300.

25 Sec. 830.004. CRIMINAL PENALTY. A person who violates
26 Section 830.002 commits a Class C misdemeanor. Each animal that a
27 person owns in violation of that section is a separate offense.

1 SECTION 6. Sections 828.003, 828.004, 828.005, 828.006,
2 828.007, 828.008, 828.009, 828.010, 828.013, and 828.015, Health
3 and Safety Code, are repealed.

4 SECTION 7. This Act takes effect September 1, 2009.