

By: Van de Putte

S.B. No. 1517

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 828.001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (3-a) to read as follows:

(1) "Microchip" means a transponder injected beneath the surface of an animal's skin that can be read by a microchip scanner.

(1-a) "New owner" means a person who is legally competent to enter into a binding contract and who is adopting a dog or cat from a releasing agency.

(3-a) "Tattoo" means an indelible mark or figure on the body of an animal produced by inserting a pigment under the skin of the animal.

SECTION 3. Section 828.002, Health and Safety Code, is amended to read as follows:

Sec. 828.002. STERILIZATION REQUIREMENTS FOR RELEASE OF ANIMAL BY RELEASING AGENCY [~~ADOPTION~~]. (a) Except as provided by Subsections (b) and (c) [~~Section 828.013~~], a releasing agency may

1 not release a dog or cat to a new owner for adoption or to a person
2 who already owns the dog or cat unless the animal has been
3 sterilized [~~or the release is made to a new owner who signs an~~
4 ~~agreement to have the animal sterilized~~].

5 (b) This section does not apply to an animal released for
6 adoption to a new owner if the animal:

7 (1) is less than six months old;

8 (2) is an animal that a veterinarian has certified
9 should not be sterilized for health reasons; or

10 (3) is a service animal.

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

13 (1) the animal is exempt from sterilization under
14 Section 830.002(b); and

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

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

19 Sec. 828.0035. STATE BOARD OF VETERINARY MEDICAL EXAMINERS;
20 IDENTIFICATION MARKERS. (a) The State Board of Veterinary Medical
21 Examiners shall:

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

25 (2) adopt rules requiring an animal that has been
26 sterilized under this chapter or Chapter 830 to receive a tattoo or
27 a microchip as a permanent [~~an~~] identification marker [~~in a manner~~

1 ~~authorized by the board].~~

2 (b) The rules adopted under Subsection (a)(2) must require a
3 tattoo to:

4 (1) be located on the inside of the thigh, near the
5 abdomen, or on the caudal ventral abdomen of the animal;

6 (2) use pigment that is manufactured in the United
7 States;

8 (3) comply with the standards adopted by the United
9 States Food and Drug Administration for tattoos;

10 (4) use a pigment color that contrasts with the
11 predominant color of the skin of the animal; and

12 (5) consist of the universal symbol for a male or
13 female with a line drawn across the circle included in the symbol.

14 (c) The owner of a sterilized animal that has been injected
15 with a microchip as authorized by Subsection (a)(2) shall provide
16 information to the manufacturer of the microchip indicating that
17 the animal is sterilized.

18 SECTION 5. Section 828.012(a), Health and Safety Code, is
19 amended to read as follows:

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

25 SECTION 6. Chapter 828, Health and Safety Code, is amended
26 by adding Section 828.016 to read as follows:

27 Sec. 828.016. LOCAL REGULATION OF STERILIZATION. A county

1 or municipality may adopt additional sterilization requirements if
2 the requirements are more stringent than the requirements provided
3 by this chapter.

4 SECTION 7. Title 10, Health and Safety Code, is amended by
5 adding Chapter 830 to read as follows:

6 CHAPTER 830. GENERAL RESPONSIBILITY OF DOG OR CAT OWNER TO

7 STERILIZE

8 Sec. 830.001. DEFINITIONS. In this chapter:

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

14 (2) "Veterinarian" means a person licensed to practice
15 veterinary medicine by the State Board of Veterinary Medical
16 Examiners.

17 Sec. 830.002. STERILIZATION REQUIRED. (a) Except as
18 provided by Subsection (b), a person who owns a dog or cat shall
19 have the animal sterilized and comply with the rules adopted under
20 Section 828.0035(a)(2).

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

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

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

25 (3) that is a service animal;

26 (4) that is a purebred animal displayed at a
27 competitive exhibition to determine how well it physically conforms

1 to an established breed standard;

2 (5) that the owner keeps unsterilized for breeding
3 purposes; or

4 (6) that is a dog used for lawful hunting activities by
5 an owner who holds a valid hunting license issued by this state.

6 Sec. 830.003. INTACT ANIMAL PERMIT. (a) A person must hold
7 an intact animal permit issued by the appropriate local animal
8 control authority for each dog or cat the person keeps
9 unsterilized.

10 (b) An intact animal permit is valid for a period of one year
11 and may be renewed on payment of an annual renewal fee.

12 (c) An animal control authority shall charge a fee for the
13 issuance or renewal of a permit under this section in the amount of
14 \$50 for each dog or cat.

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

18 Sec. 830.005. LOCAL REGULATION OF STERILIZATION. A county
19 or municipality may adopt additional sterilization requirements if
20 the requirements are more stringent than the requirements provided
21 by this chapter.

22 SECTION 8. Sections 828.003, 828.004, 828.005, 828.006,
23 828.007, 828.008, 828.009, 828.010, 828.013, and 828.015, Health
24 and Safety Code, are repealed.

25 SECTION 9. This Act takes effect September 1, 2011.