

BILL ANALYSIS

C.S.H.B. 2981
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Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent reports indicate that Texas is leading the nation in dog and cat euthanasia, euthanizing hundreds of thousands of dogs and cats every year. Interested parties have raised concerns regarding the number of animals subject to euthanasia each year, the lack of collaboration between governmental animal sheltering agencies in certain counties and qualified private animal organizations, and the refusal by certain animal shelters to adopt or transfer animals based solely on characteristics such as age, appearance, size, or breed. C.S.H.B. 2981 seeks to address these concerns and revise the applicable law governing animal shelters.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2981 amends the Health and Safety Code authorize an animal shelter, provided by the bill to include a governmental animal sheltering agency and a private animal sheltering organization but not a rescue organization, to house together same-species animals, limited to domestic dogs and cats, that are spayed or neutered, are nursing, or are younger than three months of age and to allow same-species animals to be placed together in a supervised, designated exercise area. The bill makes an exception to the prohibition against confining healthy animals with sick, injured, or diseased animals if the confinement is approved by a licensed veterinarian. The bill prohibits an animal shelter from refusing to adopt or transfer a dog or cat based solely on the animal's age, breed, type, breed mix, appearance, or size. The bill limits to a governmental animal sheltering agency the requirements of keeping and maintaining on its premises records of the date and disposition of animals in its custody and making the records available for inspection and removes a provision requiring each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times. The bill requires a rescue organization to house and separate unsterilized animals four months of age or older in its custody by species and gender and prohibits the organization from housing a healthy animal with an animal that has a communicable disease. The bill requires the rescue organization to sterilize, microchip, and vaccinate an animal four months of age or older before the adoption or release of the animal to another organization or person, unless a veterinarian certifies in writing that an animal should not be sterilized because of the animal's age or medical condition.

C.S.H.B. 2981 sets out provisions relating to the hold period of an animal shelter, the ownership of the animal during and after the hold period expires, and the transfer of animals to a rescue organization or private animal sheltering organization. The bill requires a governmental animal sheltering agency to post a list of the animals to be euthanized, with descriptions, photos, and information about when the animal's hold period expires, in a designated prominent public place or on an Internet website that can be accessed by rescue organizations and private animal

sheltering organizations. The bill sets out euthanasia procedures and provisions relating to the transfer of an animal scheduled for euthanasia to a rescue organization or a private animal sheltering organization. The bill makes it a Class C misdemeanor offense to violate provisions relating to euthanasia procedures and such transfer of animals scheduled for euthanasia. The bill exempts an irremediably suffering animal, a dangerous dog, or a dog with a documented history of certain unprovoked biting that caused severe physical injury to an individual from its provisions relating to the ownership of an animal during the hold period of an animal shelter and upon surrender by the owner to an animal shelter or rescue organization and relating to euthanasia procedures and the transfer of an animal scheduled for euthanasia.

C.S.H.B. 2981 authorizes a governmental animal sheltering agency to place a moratorium on animal transfers to a rescue organization until a majority of the animals received by the organization from the agency have been adopted if the organization receives at least 20 animals from the agency in one year and the majority of animals received by the organization from the agency have not been adopted. The bill authorizes a governmental animal sheltering agency to require, not more frequently than monthly, a rescue organization or private animal sheltering organization to provide certain information, orally, electronically, or in writing, regarding the number of animals the organization has received. The bill sets out requirements of a rescue organization relating to the retention of files and records and the provision of letters of recommendation and the organization's director and officer contact information. The bill sets out provisions relating to the authority of a governmental animal sheltering agency, if it reasonably suspects that the placement of an animal with a rescue organization or private animal sheltering organization will expose the animal to neglect or cruelty, to condition the release of the animal on the completion of a site visitation of the organization by a municipal or county agent or agency employee or enforcement agent.

C.S.H.B. 2981 exempts an animal shelter that complies with the requirements of the bill's provisions and statutory provisions governing animal shelters from civil or criminal liability for an adoption, transfer, or procedure conducted in accordance with its provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2981 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. This Act may be cited as the Tax Saving Pet Adoption, Sterilization, and Transfer Act of 2013.

SECTION 2. It is the intent of this state to reduce the amount of local tax money spent by local governments by fostering partnerships between animal shelters and rescue organizations and to reduce the number of animals euthanized. To accomplish these purposes, this state finds and declares that:

(1) the amount of local tax money spent to

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. It is the intent of this state to reduce the amount of local tax money spent by local governments by fostering partnerships between governmental animal sheltering agencies and rescue organizations and to reduce the number of animals euthanized. To accomplish these purposes, this state finds and declares that:

(1) the amount of local tax money spent to

provide shelter to animals is reduced by transferring as soon as possible animals housed at governmental animal sheltering agencies to rescue organizations or private animal sheltering organizations and that the reduction in tax money spent is a legitimate and compelling public interest;

(2) an animal shelter should be prohibited from refusing to adopt or transfer an animal based solely on animal characteristics such as age, appearance, size, or breed; and

(3) governmental animal sheltering agencies and private animal sheltering organizations can together promote pet adoption, promote pet sterilization, and reduce the number of animals euthanized.

SECTION 3. The heading to Chapter 823, Health and Safety Code, is amended.

SECTION 4. Section 823.001, Health and Safety Code, is amended to read as follows: Sec. 823.001. DEFINITIONS. In this chapter:

(1) "Animal" means a domestic dog, *Canis lupus familiaris*, or a domestic cat, *Felis catus*.

(2) "Animal shelter" means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals. The term includes a governmental animal sheltering agency and a private animal sheltering organization. The term does not include a rescue organization.

(3) "Business day" means any day an animal shelter is open to the public for animal reclaims.

~~[(2) "Board" means the Texas Board of Health.~~

~~[(3) "Commissioner" means the commissioner of health.]~~

(4) "Department" means the [Texas] Department of State Health Services.

(5) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(6) "Governmental animal sheltering agency" means:

(A) a municipal or county animal control shelter; or

(B) a private animal shelter, society for the prevention of cruelty to animals, humane society, individual, or group that contracts with and receives money from a municipality or county to accept and house

provide shelter to animals is reduced by transferring as soon as possible animals housed at governmental animal sheltering agencies to rescue organizations or private animal sheltering organizations and that the reduction in tax money spent is a legitimate and compelling public interest;

(2) an animal shelter should be prohibited from refusing to adopt or transfer an animal based solely on animal characteristics such as age, appearance, size, or breed; and

(3) governmental animal sheltering agencies and private animal sheltering organizations can together promote pet adoption, promote pet sterilization, and reduce the number of animals euthanized.

SECTION 3. Same as introduced version.

SECTION 4. Section 823.001, Health and Safety Code, is amended to read as follows: Sec. 823.001. DEFINITIONS. In this chapter:

(1) "Animal" means a domestic dog, *Canis lupus familiaris*, or a domestic cat, *Felis catus*.

(2) "Animal shelter" means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals. The term includes a governmental animal sheltering agency and a private animal sheltering organization. The term does not include a rescue organization.

(3) "Business day" means any day an animal shelter is open to the public for animal reclaims.

~~[(2) "Board" means the Texas Board of Health.~~

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(6) "Governmental animal sheltering agency" means:

(A) a municipal or county animal control shelter; or

(B) a private animal shelter, society for the prevention of cruelty to animals, humane society, individual, or group that contracts with and receives money from a municipality or county to accept and house

stray, abandoned, or owner-relinquished animals.

(7) "Hold period" means the time a governmental animal sheltering agency is required by state law, municipal ordinance, or county order to hold an animal before the animal is adopted or euthanized.

(8) "Irremediably suffering animal" means an animal that:

(A) has a medical condition with a poor prognosis for life without the animal experiencing severe and unremitting pain despite veterinary care; or

(B) is in severe pain caused by an injury or severe respiratory distress, and the animal shelter's lack of resources limits the veterinary care readily available to the animal.

(9) "Private animal sheltering organization" means an animal shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group that:

(A) qualifies as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986;

(B) accepts animals into a physical facility other than a private residence;

(C) places into new homes stray, abandoned, or owner-relinquished animals, including animals that have been transferred from a governmental or other private animal sheltering organization; and

(D) does not receive municipal, county, or state funding and has not contracted with a municipality, a county, or this state to accept and house stray, abandoned, or owner-relinquished animals.

(10) "Rescue organization" means an organization that:

(A) has been in operation for at least one year, with a primary stated purpose of animal adoption, animal rescue, or sterilization of animals;

(B) qualifies as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986; and

(C) is described by Section 170(b)(1)(A)(vi), Internal Revenue Code of

stray, abandoned, or owner-relinquished animals.

(7) "Hold period" means the time an animal shelter is required by state law, municipal ordinance, or county order to hold an animal before the animal is adopted or euthanized.

(8) "Irremediably suffering animal" means an animal that:

(A) has a medical condition with a poor prognosis for life without the animal experiencing severe and unremitting pain despite veterinary care;

(B) is in severe pain caused by an injury or severe respiratory distress, and the animal shelter's lack of resources limits the veterinary care readily available to the animal;

(C) is suspected of carrying or is exhibiting signs of rabies; or

(D) is symptomatic of a highly communicable and potentially fatal disease, including parvovirus, distemper, canine influenza, or panleukopenia.

(9) "Private animal sheltering organization" means an animal shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group that:

(A) qualifies as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986;

(B) accepts animals into a physical facility other than a private residence;

(C) places into new homes stray, abandoned, or owner-relinquished animals, including animals that have been transferred from a governmental or other private animal sheltering organization; and

(D) does not receive municipal, county, or state funding and has not contracted with a municipality, a county, or this state to accept and house stray, abandoned, or owner-relinquished animals.

(10) "Rescue organization," for purposes of this chapter, means an organization that:

(A) has been in operation for at least one year, with a primary stated purpose of animal adoption, animal rescue, or sterilization of animals;

(B) qualifies and has been in operation for at least one year as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986; and

(C) is described by Section 170(b)(1)(A)(vi), Internal Revenue Code of

1986.

(11) "Unweaned animal" means any neonatal animal younger than four weeks of age that, in the absence of the animal's mother, requires supplemental bottle-feeding by humans to survive.

SECTION 5. Chapter 823, Health and Safety Code, is amended.

SECTION 6. The heading to Section 823.003, Health and Safety Code, is amended.

SECTION 7. Section 823.003, Health and Safety Code, is amended by amending Subsections (b), (c), and (e) and adding Subsections (c-1) and (e-1) to read as follows:

(b) Except as otherwise provided by this subsection, an [A~~n~~] animal shelter shall house and separate animals in its custody at all times by species and gender. An animal shelter may:

(1) house together same-species animals that:

(A) are spayed or neutered;

(B) are nursing; or

(C) are younger than three months of age; and

(2) allow same-species animals to be placed together in a supervised, designated exercise area[, by sex (if known), and if the animals are not related to one another, by size].

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals without the approval of a veterinarian licensed by this state to practice veterinary medicine.

(c-1) An animal shelter may not refuse to adopt or transfer a dog or cat based solely on the animal's age, breed, type, breed mix, appearance, or size.

(e) A governmental animal sheltering agency shall keep and maintain on its premises [The board may require each person operating an animal shelter to keep] records of the date and disposition of animals in its custody and make the records available for inspection at reasonable times on request [to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times].

(e-1) A rescue organization shall house and

1986.

SECTION 5. Substantially the same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Section 823.003, Health and Safety Code, is amended by amending Subsections (b), (c), and (e) and adding Subsections (c-1), (e-1), and (e-2) to read as follows:

(b) Except as otherwise provided by this subsection, an [A~~n~~] animal shelter shall house and separate animals in its custody at all times by species and gender. An animal shelter may:

(1) house together same-species animals that:

(A) are spayed or neutered;

(B) are nursing; or

(C) are younger than three months of age; and

(2) allow same-species animals to be placed together in a supervised, designated exercise area[, by sex (if known), and if the animals are not related to one another, by size].

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals without the approval of a veterinarian licensed by this state to practice veterinary medicine.

(c-1) An animal shelter may not refuse to adopt or transfer a dog or cat based solely on the animal's age, breed, type, breed mix, appearance, or size.

(e) A governmental animal sheltering agency shall keep and maintain on its premises [The board may require each person operating an animal shelter to keep] records of the date and disposition of animals in its custody and make the records available for inspection at reasonable times on request [to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times].

(e-1) A rescue organization shall house and

separate unsterilized animals four months of age or older in its custody by species and gender. A rescue organization may not house a healthy animal with an animal that has a communicable disease.

separate unsterilized animals four months of age or older in its custody by species and gender. A rescue organization may not house a healthy animal with an animal that has a communicable disease.

(e-2) A rescue organization shall sterilize, microchip, and vaccinate an animal four months of age or older before the adoption or release of the animal to another organization or person, unless a veterinarian certifies in writing that an animal should not be sterilized because of the animal's age or medical condition.

SECTION 8. Chapter 823, Health and Safety Code, is amended by adding Sections 823.004, 823.0041, 823.0042, 823.0043, 823.0044, 823.0045, and 823.0046 to read as follows:

SECTION 8. Chapter 823, Health and Safety Code, is amended by adding Sections 823.004, 823.0041, 823.0042, 823.0043, 823.0044, 823.0045, and 823.0046 to read as follows:

Sec. 823.004. TRANSFER OF ANIMALS.

Sec. 823.004. HOLD PERIOD AND TITLE TRANSFER.

(a) A governmental animal sheltering agency may, in its discretion, transfer an animal that does not have a microchip or tag identification to a rescue organization or a private animal sheltering organization immediately after impound. During the hold period, the animal shelter transferring the animal shall post in a conspicuous location readily visible to persons entering the facility and on the animal shelter's Internet website:

No equivalent provision.

(1) a description and photo of the animal; and

(2) the contact information of the organization that has possession of the animal.

No equivalent provision.

(b) If a transferred animal's owner is identified before expiration of the governmental animal sheltering agency's hold period and the owner wishes to reclaim the animal, the rescue organization or private animal sheltering organization shall return the animal to the agency within 24 hours of the time the organization is notified of the owner's wishes. The owner is responsible for all costs incurred by the agency related to the animal.

(c) During the hold period, the animal shelter or rescue organization in possession of the animal is considered the owner of the animal for purposes of Section 801.004,

(a) During the hold period of an animal shelter, the animal shelter is considered the owner of each animal in its possession for purposes of Section 801.004, Occupations

Occupations Code.

(d) A private animal sheltering organization or rescue organization that accepts an animal during the animal's hold period may not transfer the animal to another organization or allow the adoption of the animal before the hold period expires.

(e) A governmental animal sheltering agency may at any time transfer an animal surrendered by the animal's owner to a rescue organization or private animal sheltering organization.

Sec. 823.0041. NOTIFICATION REGARDING AND TRANSFER OF UNWEANED ANIMALS.

(a) An animal shelter shall immediately notify, in person or by e-mail, or by posting notice on the organization's Internet website or in a designated prominent public place, any rescue organizations and other animal shelters that have expressed by written notice a willingness and ability to care for unweaned animals if the animal shelter:

(1) impounds an unweaned animal without its mother;

(2) lacks the resources to provide necessary or essential feedings to the unweaned animal; and

(3) is unable to make an adoption or pet foster care placement for the unweaned animal.

(b) An animal shelter shall provide any rescue organization or other animal shelter notified under Subsection (a) with at least eight hours after the time of notification to take possession of the unweaned animal.

Sec. 823.0042. EUTHANASIA PROCEDURES; TRANSFER REFUSAL; CRIMINAL PENALTY.

(a) At least one business day before the date an animal is

Code.

(b) On expiration of the hold period, ownership of the animal vests absolutely in the animal shelter.

(c) Ownership of an animal immediately vests in an animal shelter or rescue organization if the animal is surrendered by the owner to the animal shelter or rescue organization.

Sec. 823.0041. TRANSFER OF ANIMALS. (a) An animal shelter may at any time transfer an animal surrendered by the animal's owner to a rescue organization or private animal sheltering organization.

(b) The animal shelter may release custody of the animal on a first-come, first-served basis to any rescue organization or private animal sheltering organization that is on site to receive the animal.

No equivalent provision.

Sec. 823.0042. EUTHANASIA PROCEDURES; TRANSFER REFUSAL; CRIMINAL PENALTY; MORATORIUM.

scheduled to be euthanized by an animal shelter, the animal shelter shall:

(1) notify any rescue organizations and private animal sheltering organizations that have requested notification of any scheduled euthanasia; or

(2) post a list of the animals to be euthanized, with descriptions and photos, in a designated prominent public place or on an Internet website that can be accessed by rescue organizations and private animal sheltering organizations.

(b) An animal shelter may not euthanize an animal within 24 hours of the time the notification or posting required by Subsection (a) occurs. If, within 24 hours of the notification or posting, a rescue organization or private animal sheltering organization does not respond in writing or orally that the organization will take the animal, the animal shelter may euthanize the animal.

(c) Before the scheduled euthanasia, a rescue organization or private animal sheltering organization that intends to take possession of an animal scheduled for euthanasia may notify the animal shelter that has possession of the animal of that intention using reasonable commercial means or in person. If the transfer of possession is scheduled to take place after the animal shelter's hold period expires, the transfer must take place within 24 hours of the time the animal shelter receives notification of the organization's intention. If the transfer does not take place within 24 hours of the time the animal shelter receives notification of the organization's intention, the animal shelter may euthanize the animal.

(d) The animal shelter possessing the animal scheduled to be euthanized may make an adoption placement of the animal during the waiting period required by Subsection (b).

(e) The animal shelter may:

(1) charge a fee not to exceed the animal shelter's standard adoption fee for each animal released to a rescue organization or private animal sheltering organization; and

(2) establish the same requirements for the animal that are used for public adoptions.

(a) A governmental animal sheltering agency shall post a list of the animals in the agency's custody to be euthanized, with descriptions, photos, and information about when the animal's hold period expires, in a designated prominent public place or on an Internet website that can be accessed by rescue organizations and private animal sheltering organizations.

(b) A governmental animal sheltering agency may not euthanize an animal within 24 hours of the time the posting required by Subsection (a) occurs. If, after 24 hours of the posting, a rescue organization or private animal sheltering organization does not respond in writing that the organization will take the animal, the governmental animal sheltering agency may euthanize the animal.

(c) Before the scheduled euthanasia, a rescue organization or private animal sheltering organization that intends to take possession of an animal scheduled for euthanasia may notify, in writing or using other reasonable commercial means, the governmental animal sheltering agency that has possession of the animal of that intention. The transfer shall take place within 24 hours of the time the agency receives notification of the organization's intention. If the transfer does not take place within 24 hours of the time the agency receives notification of the organization's intention, the agency may euthanize the animal.

(d) The governmental animal sheltering agency possessing the animal scheduled to be euthanized may make an adoption placement of the animal during the waiting period required by Subsection (b).

(e) The governmental animal sheltering agency may:

(1) charge a fee not to exceed the agency's standard adoption fee for each animal released to a rescue organization or private animal sheltering organization; and

(2) establish the same requirements for the animal that are used for public adoptions.

(f) An animal shelter shall transfer an animal scheduled to be euthanized to a rescue organization or private animal sheltering organization that requests transfer of the animal under this section, subject to the express limitations of this chapter or other law.

(g) Notwithstanding Subsection (f), an animal shelter may refuse to transfer an animal to a rescue organization or other animal shelter if:

(1) any of the rescue organization's or other animal shelter's current directors, officers, staff, or volunteers have been convicted of, have charges pending for, or have received a citation for an offense involving animal cruelty or neglect or a public health nuisance;

(2) the rescue organization or other animal shelter is constrained by a court order that prevents the organization or shelter from accepting or housing animals;

(3) a governmental law enforcement agency is conducting an active and ongoing investigation into the rescue organization or other animal shelter; or

(4) the rescue organization fails to provide:
(A) copies of veterinary records requested under Section 823.0044(1) indicating that the organization sterilizes animals in its care unless a veterinarian certifies in writing that an animal should not be sterilized because of age or a medical condition; or
(B) letters of recommendation requested under Section 823.0044(2).

(h) A rescue organization or animal shelter shall disclose to an animal shelter seeking to transfer an animal to the organization or shelter any applicable conviction, charge, citation, or legal impediment described in Subsection (g).

(i) A person commits an offense if a person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

(j) Notwithstanding any other provision of this section, in the case of a mass seizure of animals by law enforcement, euthanasia of animals may occur within 24 hours of the

(f) A governmental animal sheltering agency shall transfer an animal scheduled to be euthanized to a rescue organization or private animal sheltering organization that requests transfer of the animal under this section, subject to the express limitations of this chapter or other law.

(g) Notwithstanding Subsection (f), a governmental animal sheltering agency may refuse to transfer an animal to a rescue organization or private animal sheltering organization if:

(1) any of the organization's current directors, officers, staff, or volunteers have been convicted of, have charges pending for, or have received a citation for an offense involving animal cruelty or neglect or a public health nuisance;

(2) the organization is constrained by a court order that prevents the organization from accepting or housing animals;

(3) a governmental law enforcement agency is conducting an active and ongoing investigation into the organization; or

(4) the rescue organization fails to provide:
(A) copies of veterinary records requested under Section 823.0044(1) indicating that the organization sterilizes animals in its care unless a veterinarian certifies in writing that an animal should not be sterilized because of age or a medical condition;
(B) letters of recommendation requested under Section 823.0044(2); or

(C) adoption paperwork, if the rescue organization receives more than 20 animals from a governmental animal sheltering agency in one year.

(h) A rescue organization or private animal sheltering organization shall disclose to a governmental animal sheltering agency seeking to transfer an animal to the organization any applicable conviction, charge, citation, or legal impediment described in Subsection (g).

(i) A person commits an offense if a person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

(j) Notwithstanding any other provision of this section, in the case of a mass seizure of animals by law enforcement, euthanasia of animals may occur within 24 hours of the

time the notification or posting required by Subsection (a) occurs.

No equivalent provision.

Sec. 823.0043. INFORMATION REGARDING TRANSFERRED ANIMALS. An animal shelter may require not more frequently than monthly that a rescue organization or private animal sheltering organization provide information, orally, electronically, or in writing, regarding:

- (1) the number of animals the organization has received; and
- (2) of the number described in Subdivision (1), the number of animals that were adopted, died, were transferred to another organization, were euthanized, or are still under the organization's care.

Sec. 823.0044. REQUIREMENTS FOR RESCUE ORGANIZATIONS. A rescue organization shall:

- (1) retain in its files and provide on request of an animal shelter a copy of records regarding the veterinary examinations and treatments, including animal sterilization, of each animal housed by the organization;
- (2) provide on request of an animal shelter letters of recommendation from two other animal shelters;
- (3) provide quarterly, on request of the animal shelter, the names and addresses of the directors, officers, or volunteers of the rescue organization; and
- (4) in accordance with state law, sterilize, microchip, and vaccinate an animal four months of age or older before the adoption or release of the animal to another organization or person.

Sec. 823.0045. TRANSFER OF ANIMAL

time the posting required by Subsection (a) occurs.

(k) A governmental animal sheltering agency may place a moratorium on animal transfers to a rescue organization until a majority of the animals received by the organization from the agency have been adopted if:

- (1) the organization receives at least 20 animals from the agency in one year; and
- (2) the majority of animals received by the organization from the agency have not been adopted.

Sec. 823.0043. INFORMATION REGARDING TRANSFERRED ANIMALS. A governmental animal sheltering agency may require not more frequently than monthly that a rescue organization or private animal sheltering organization provide information, orally, electronically, or in writing, regarding:

- (1) the number of animals the organization has received; and
- (2) of the number described in Subdivision (1), the number of animals that were adopted, died, were transferred to another organization, were euthanized, or are still under the organization's care.

Sec. 823.0044. REQUIREMENTS FOR RESCUE ORGANIZATIONS. A rescue organization shall:

- (1) retain in its files and provide on request of a governmental animal sheltering agency a copy of records regarding the veterinary examinations and treatments, including animal sterilization, of each animal housed by the organization;
- (2) provide on request of a governmental animal sheltering agency letters of recommendation from two animal shelters located in this state; and
- (3) provide quarterly, on request of the governmental animal sheltering agency, the names and addresses of the directors and officers of the organization.

Sec. 823.0045. TRANSFER OF ANIMAL

BY ANIMAL SHELTER; SITE VISITATION.

(a) If an animal shelter reasonably suspects that the placement of an animal with a rescue organization or private animal sheltering organization will expose the animal to neglect or cruelty, the animal shelter may condition the release of the animal on the completion of a site visitation of the organization by a municipal or county agent as provided by Subsection (e).

(b) The reasonable suspicion may not be based solely on an anonymous complaint unless the complaint is made by a relative of the owner of the organization.

(c) The animal shelter, on request, shall disclose to the rescue organization or private animal sheltering organization all information related to the shelter's decision to require a site visitation under Subsection (a), except the identity of a person who submitted a complaint.

(d) If the rescue organization or private animal sheltering organization agrees to a site visitation, the visit must be conducted within 48 hours of the time the organization agrees to the visit. If the visit is not conducted within 48 hours, the animal shelter's right to a site visitation is waived. If the rescue organization or private animal sheltering organization refuses a site visitation, the animal shelter may decline to place the animal with the organization.

(e) The municipal or county employee who is responsible for and oversees zoning and health code enforcement in the municipality or county shall conduct a site visitation required under this section.

(f) The animal shelter within 24 hours of the completion of the site visitation shall notify the rescue organization or private animal sheltering organization of the results of the site visitation and whether the shelter will release the animal to the organization. If the site visitation documents significant violations, the animal shelter must include

BY GOVERNMENTAL ANIMAL SHELTERING AGENCY; SITE VISITATION.

(a) If a governmental animal sheltering agency reasonably suspects that the placement of an animal with a rescue organization or private animal sheltering organization will expose the animal to neglect or cruelty, the agency may condition the release of the animal on the completion of a site visitation of the organization by a municipal or county agent or agency employee or enforcement agent.

(b) The reasonable suspicion of the governmental animal sheltering agency may not be based solely on an anonymous complaint unless the complaint is made by a relative of a person affiliated with the rescue organization or private animal sheltering organization who has direct responsibility for animal care.

(c) The governmental animal sheltering agency, on request, shall disclose to the rescue organization or private animal sheltering organization all information related to the agency's decision to require a site visitation under Subsection (a), except the identity of a person who submitted a complaint.

(d) If the rescue organization or private animal sheltering organization agrees to a site visitation, the visit must be conducted within 72 hours after the time the organization agrees to the visit. If the visit is not conducted within 72 hours, the governmental animal sheltering agency's right to a site visitation is waived. If the organization refuses a site visitation, the agency may decline to place the animal with the organization.

No equivalent provision.

(e) The governmental animal sheltering agency within 24 hours of the completion of the site visitation shall notify the rescue organization or private animal sheltering organization of the results of the site visitation and whether the agency will release the animal to the organization. If the site visitation documents significant

with the notification a list of the deficiencies that prohibit the release of an animal to the organization.

(g) If the site visitation results in the filing of criminal neglect or cruelty to animals charges, the site visitation constitutes a failed inspection.

Sec. 823.0046. LIMITED LIABILITY. An animal shelter that complies with the requirements of this chapter is not civilly or criminally liable for an adoption or transfer conducted in accordance with this chapter.

SECTION 9. (a) The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

(b) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 10. This Act takes effect September 1, 2013.

violations, the agency must include with the notification a list of the deficiencies that prohibit the release of an animal to the organization.

(f) If the site visitation results in the filing of criminal neglect or cruelty to animals charges, the site visitation constitutes a failed inspection.

Sec. 823.0046. LIMITED LIABILITY. An animal shelter that complies with the requirements of this chapter is not civilly or criminally liable for an adoption, transfer, or procedure conducted in accordance with this chapter.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.