

## **BILL ANALYSIS**

C.S.S.B. 1781  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that certain reports indicate that an estimated 700,000 animals are euthanized each year in animal control facilities in Texas. C.S.S.B. 1781 seeks to provide an alternative to the euthanasia of animals in animal shelters located in certain counties.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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.S.B. 1781 amends the Health and Safety Code to prohibit a person in a county with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides or in a county that borders the United Mexican States and the Gulf of Mexico from euthanizing a dog, cat, or other animal in the custody of an animal shelter if the animal could safely be placed in an empty cage, kennel, or other living environment intended for animal habitation in the animal shelter or in a shared cage, kennel, or other living environment intended for animal habitation in the animal shelter with another animal of the same species. The bill establishes that such a cage, kennel, or other living environment does not include a cage, kennel, or other living environment in an animal shelter that is not attached to the animal shelter or the premises of the animal shelter or that is restricted to the public and designated for the provision of treatment or care to sick or injured animals. The bill establishes that the prohibition does not apply to an animal that is suspected of carrying and is otherwise exhibiting signs of rabies as determined by a licensed veterinarian; a dog that a court has determined to be a dangerous dog; a dog that has bitten a person severely enough that the person suffered an injury requiring more than minor medical attention; a dog that has bitten a cat or another dog, causing serious injury or death to the other animal; a dog that a certified animal behaviorist or qualified shelter staff has determined is a threat to human safety; or an animal that has a poor or grave prognosis for being able to live without severe, unremitting pain, even with comprehensive, prompt, and necessary veterinary care, as determined by a licensed veterinarian.

C.S.S.B. 1781 does not require a person who is an agent of an animal shelter to group dogs or cats together in a manner that does not provide each animal the ability to turn freely or to easily stand, sit, stretch, move the animal's head without touching the top of the enclosure, lie in a comfortable position with limbs extended, or move around to assume a comfortable posture for feeding, drinking, urinating, and defecating; group sick animals with healthy animals; or group a dog that weighs more than 30 pounds with another dog without prior approval of a shelter staff

member that is granted after the shelter staff member has supervised an introduction of the dogs. The bill does not prohibit a person who is an agent of an animal shelter from euthanizing an animal to make a cage or kennel space available for an additional animal, if the additional animal is in the custody of the animal shelter or the agent and is scheduled to arrive at the animal shelter within three hours.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1781 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

SECTION 1. Subchapter C, Chapter 821, Health and Safety Code, is amended by adding Section 821.0521 to read as follows:

Sec. 821.0521. EUTHANASIA OF CERTAIN ANIMALS PROHIBITED. (a)

This section applies only to a county:

(1) with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides; or

(2) that borders the United Mexican States and the Gulf of Mexico.

(b) A person may not euthanize a dog, cat, or other animal in the custody of an animal shelter if the animal could safely be placed:

(1) in an empty cage, kennel, or other living environment in the animal shelter; or

(2) in a shared cage, kennel, or other living environment intended for animal habitation in the animal shelter with another animal of the same species.

(c) A cage, kennel, or other living environment described by Subsection (b)(1) or (2) does not include a cage, kennel, or other living environment in an animal shelter that is:

(1) designated as an area where a person may get acquainted with an animal; or

(2) usually restricted to the public because sick or injured animals or animals that are receiving veterinary care are kept in the area.

(d) Subsection (b) does not apply to:

(1) an animal that is suspected of carrying and is otherwise exhibiting signs of rabies or another highly communicable disease as

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 821, Health and Safety Code, is amended by adding Section 821.0521 to read as follows:

Sec. 821.0521. EUTHANASIA OF CERTAIN ANIMALS PROHIBITED. (a)

This section applies only to a county:

(1) with a population of more than 1.5 million that contains a municipality in which at least 75 percent of the county's population resides; or

(2) that borders the United Mexican States and the Gulf of Mexico.

(b) A person may not euthanize a dog, cat, or other animal in the custody of an animal shelter if the animal could safely be placed:

(1) in an empty cage, kennel, or other living environment intended for animal habitation in the animal shelter; or

(2) in a shared cage, kennel, or other living environment intended for animal habitation in the animal shelter with another animal of the same species.

(c) A cage, kennel, or other living environment described by Subsection (b)(1) or (2) does not include a cage, kennel, or other living environment in an animal shelter that is:

(1) not attached to the animal shelter or the premises of the animal shelter; or

(2) restricted to the public and designated for the provision of treatment and care to sick or injured animals.

(d) Subsection (b) does not apply to:

(1) an animal that is suspected of carrying and is otherwise exhibiting signs of rabies as determined by a licensed veterinarian;

determined by a licensed veterinarian;

(2) a dog that a court has determined to be a dangerous dog under Subchapter D, Chapter 822;

(3) a dog that has bitten a person severely enough that the person suffered an injury requiring medical attention;

(4) a dog that has bitten a cat or another dog, causing serious injury or death to the other animal;

(5) a dog that a certified animal behaviorist or shelter staff has determined is a threat to human safety; or

(6) an animal that has a poor or grave prognosis for being able to live without severe, unremitting pain, even with comprehensive, prompt, and necessary veterinary care, as determined by a licensed veterinarian.

(e) This section does not require a person who is an agent of an animal shelter to:

(1) group unrelated or unfamiliar animals together in a cage, kennel, or other living environment before a health and behavioral evaluation has been performed by an appropriate staff member and the grouping has been determined to be appropriate;

(2) group animals together who are not socialized to other animals and actively bully other animals;

(3) group more than six dogs together in a cage, kennel, or other living environment, unless:

(A) a health or behavioral examination has been performed on each dog by an appropriate staff member and the grouping has been determined to be appropriate;

(B) there is adequate space to allow the dogs to express a variety of normal behavior; and

(C) the dogs are provided sufficient resources to prevent competition between the dogs or resource guarding by the dogs;  
or

(4) group more than 12 cats together in a cage, kennel, or other living environment, unless:

(A) a health or behavioral examination has been performed on each cat by an appropriate staff member and the grouping has been determined to be appropriate;

(B) there is adequate space to allow the cats to express a variety of normal behavior; and

(C) the cats are provided sufficient resources to prevent competition between

(2) a dog that a court has determined to be a dangerous dog under Subchapter D, Chapter 822;

(3) a dog that has bitten a person severely enough that the person suffered an injury requiring more than minor medical attention;

(4) a dog that has bitten a cat or another dog, causing serious injury or death to the other animal;

(5) a dog that a certified animal behaviorist or qualified shelter staff has determined is a threat to human safety; or

(6) an animal that has a poor or grave prognosis for being able to live without severe, unremitting pain, even with comprehensive, prompt, and necessary veterinary care, as determined by a licensed veterinarian.

(e) This section does not require a person who is an agent of an animal shelter to:

(1) group dogs or cats together in a manner that does not provide each animal the ability to turn freely or to easily stand, sit, stretch, move the animal's head without touching the top of the enclosure, lie in a comfortable position with limbs extended, or move around to assume a comfortable posture for feeding, drinking, urinating, and defecating;

(2) group sick animals with healthy animals;  
or

(3) group a dog that weighs more than 30 pounds with another dog without prior approval of a shelter staff member that is granted after the shelter staff member has supervised an introduction of the dogs.

the cats or resource guarding by the cats.

(f) This section does not prohibit a person who is an agent of an animal shelter from euthanizing an animal to make a cage or kennel space available for an additional animal, if the additional animal is expected to arrive at the animal shelter within a reasonable period of time.

SECTION 2. This Act takes effect September 1, 2015.

(f) This section does not prohibit a person who is an agent of an animal shelter from euthanizing an animal to make a cage or kennel space available for an additional animal, if the additional animal is in the custody of the animal shelter or the agent and is scheduled to arrive at the animal shelter within three hours.

SECTION 2. Same as engrossed version.