

BILL ANALYSIS

Senate Research Center
86R184 KKR-D

S.B. 121
By: West
Health & Human Services
3/12/2019
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The federal Animal Welfare Act sets minimum standards for the care of animals used in medical research. It does not, however, offer protection for an animal once a research project has ended, other than to require that euthanasia be performed in a humane manner.

Several research facilities in the United States have instituted successful adoption programs for dogs and cats used in their studies. This model could prevent the euthanizing of otherwise healthy cats and dogs in Texas. At least nine other states have passed laws related to the adoption of research animals (California, Connecticut, Delaware, Illinois, Maryland, Minnesota, Nevada, New York, and Rhode Island). Similar legislation is pending in seven more states, including Indiana, Massachusetts, New Jersey, Oregon, Pennsylvania, and Virginia.

As filed, this bill requires research facilities in Texas that conduct experiments on dogs and cats to evaluate whether the animals used in research are sufficiently healthy to be candidates for adoption, and to offer those that are healthy for adoption through an animal rescue organization, animal shelter, or individual. They are absolved of any liability associated with the adoption.

As proposed, S.B. 121 amends current law relating to the adoption of cats and dogs previously used for research.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 830.005, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 10, Health and Safety Code, by adding Chapter 830, as follows:

CHAPTER 830. ADOPTION OF CERTAIN RETIRED RESEARCH ANIMALS

Sec. 830.001. DEFINITIONS. Defines "animal rescue organization," "animal shelter," "executive commissioner," "research facility," and "retired animal."

Sec. 830.002. LIMITATION. Provides that this chapter does not apply to a retired animal with a substantial medical condition that prevents the animal from successfully integrating into an adoptive home.

Sec. 830.003. ADOPTION OF RETIRED ANIMALS. (a) Requires a research facility, or its authorized employee or an authorized student of an institution of higher education associated with the facility, on retirement of a retired animal to offer the animal for adoption through an animal rescue organization or animal shelter, or by an individual through an arrangement between the facility and individual.

(b) Prohibits a research facility from offering any retired animal to an animal rescue organization or animal shelter unless the facility has a written agreement

with the organization or shelter addressing the transfer of the facility's retired animals to the organization or shelter.

Sec. 830.004. IMMUNITY FROM CIVIL LIABILITY. Provides that a research facility that in good faith and in compliance with this chapter and rules adopted under this chapter provides a research animal to an animal rescue organization, animal shelter, or individual is immune from civil liability with respect to a claim that is based on the facility's transfer of a retired animal to the organization, shelter, or individual under this chapter, or the adoption of a retired animal by an individual through the organization or shelter.

Sec. 830.005. RULES. Authorizes the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement this chapter.

SECTION 2. Effective date: September 1, 2019.