

By: Morales of Harris

H.B. No. 3587

A BILL TO BE ENTITLED

AN ACT

relating to the required sterilization of adult animals seized and placed in the custody of a releasing agency more than once.

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

SECTION 1. Title 10, Health and Safety Code, is amended by adding Chapter 828A to read as follows:

CHAPTER 828A. REQUIRED STERILIZATION OF CERTAIN ADULT ANIMALS

Sec. 828A.001. DEFINITIONS. In this chapter:

(1) "Adult animal" means a dog or cat six months of age or older.

(2) "Releasing agency," "sterilization," and "veterinarian" have the meanings assigned by Section 828.001.

Sec. 828A.002. NOTICE TO OWNER OF ADULT ANIMAL SEIZED AND PLACED IN CUSTODY OF RELEASING AGENCY. (a) This section applies to an unsterilized adult animal that was seized while running at large and placed in the custody of a releasing agency.

(b) Not later than the 30th day after the date a releasing agency releases an adult animal described by Subsection (a) to the animal's owner, the releasing agency shall provide to the owner written notice that:

(1) if the animal is again seized while running at large and placed in the custody of the releasing agency, state law requires the owner to have the animal sterilized by a veterinarian; or

1           (2) if the animal was previously seized while running  
2 at large and placed in the custody of the releasing agency, state  
3 law requires the owner to have the animal sterilized by a  
4 veterinarian not later than the 60th day after the date the notice  
5 is provided unless an exemption under Section 828A.003 applies.

6           Sec. 828A.003. REQUIRED STERILIZATION OF CERTAIN ANIMALS;  
7 EXEMPTIONS. (a) Except as provided by Subsection (c), not later  
8 than the 60th day after the date a releasing agency provides the  
9 notice required under Section 828A.002(b)(2) to the owner of an  
10 unsterilized adult animal, the owner shall:

11           (1) have the animal sterilized by a veterinarian; and

12           (2) submit to the releasing agency a form provided by  
13 the releasing agency and signed by the veterinarian who performed  
14 the sterilization verifying the animal's sterilization.

15           (b) Except as provided by Subsection (c), if an unsterilized  
16 adult animal is seized while running at large and placed in the  
17 custody of a releasing agency a third time, the releasing agency may  
18 not release the animal to the animal's owner until:

19           (1) a veterinarian employed or contracted by the  
20 releasing agency sterilizes the animal; and

21           (2) the owner of the animal reimburses the releasing  
22 agency for the costs associated with the sterilization.

23           (c) An unsterilized adult animal's owner is exempt from the  
24 requirement of having the animal sterilized under Subsection (a) or  
25 (b) if:

26           (1) the animal is registered with a national registry  
27 as a sporting dog, livestock dog, or working dog;

1           (2) the owner is a member of a national breed club,  
2 local breed club, local all-breed club, sporting club, or hunting  
3 club;

4           (3) the animal was running at large at the time it was  
5 seized due to a fire, weather emergency, or criminal or negligent  
6 act of a third party who was not residing at the owner's residence  
7 at the time of the act; or

8           (4) the releasing agency did not provide to the owner  
9 the notice required under Section 828A.002(b)(1).

10           Sec. 828A.004. EFFECT OF CHAPTER ON OTHER LAW. This chapter  
11 preempts an ordinance, order, or regulation relating to the  
12 sterilization of an adult animal unless the ordinance, order, or  
13 regulation:

14           (1) is compatible with and at least as stringent as  
15 this chapter; or

16           (2) relates to an issue not specifically addressed by  
17 this chapter.

18           SECTION 2. The first time an adult animal is seized while  
19 running at large and placed in the custody of a releasing agency on  
20 or after the effective date of this Act is considered the first  
21 seizure and placement of the animal with that agency for purposes of  
22 Chapter 828A, Health and Safety Code, as added by this Act,  
23 regardless of the number of times the animal was seized and placed  
24 in the custody of the releasing agency preceding the effective date  
25 of this Act.

26           SECTION 3. This Act takes effect September 1, 2023.