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AN ACT

relating to authorizing the use of approved nonsurgical methods to sterilize dogs and cats.

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

SECTION 1. Subdivision (3), Section 828.001, Health and Safety Code, is amended to read as follows:

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

SECTION 2. Chapter 828, Health and Safety Code, is amended by adding Section 828.0035 to read as follows:

Sec. 828.0035. STATE BOARD OF VETERINARY MEDICAL EXAMINERS.
The State Board of Veterinary Medical Examiners shall:

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

(2) adopt rules requiring an animal that has been sterilized under this chapter to receive an identification marker in a manner authorized by the board.

SECTION 3. Subsection (c), Section 828.004, Health and Safety Code, is amended to read as follows:

(c) A releasing agency may extend the deadline for 30 days

1 on presentation of a written report from a licensed veterinarian
2 stating that the life or health of the adopted animal may be
3 jeopardized by sterilization [~~surgery~~]. There is no limit on the
4 number of extensions that may be granted under this subsection.

5 SECTION 4. Chapter 828, Health and Safety Code, is amended
6 by adding Section 828.0045 to read as follows:

7 Sec. 828.0045. NONSURGICAL STERILIZATION. A licensed
8 veterinarian may use nonsurgical methods and technologies as
9 labeled and approved by the United States Food and Drug
10 Administration or the United States Department of Agriculture for
11 use by veterinarians to humanely and permanently render a dog or cat
12 unable to reproduce.

13 SECTION 5. Subsection (a), Section 828.005, Health and
14 Safety Code, is amended to read as follows:

15 (a) Except as provided by Section 828.006 or 828.007, each
16 new owner who signs a sterilization agreement under Section 828.002
17 shall deliver to the releasing agency from which the animal was
18 adopted a letter signed by the veterinarian who performed the
19 sterilization [~~surgery~~].

20 SECTION 6. Section 828.012, Health and Safety Code, is
21 amended by amending Subsection (a) and adding Subsection (c) to
22 read as follows:

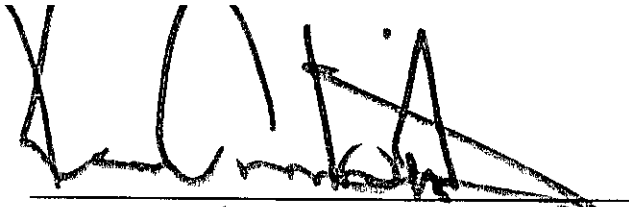
23 (a) Surgery or nonsurgical sterilization performed in
24 accordance with this chapter must be performed by a veterinarian or
25 a full-time student of an accredited college of veterinary medicine
26 as provided by Chapter 801, Occupations Code.


27 (c) A person associated with a releasing agency may not

1 interfere with the independent professional judgment of a
2 veterinarian employed by or under contract with the releasing
3 agency.

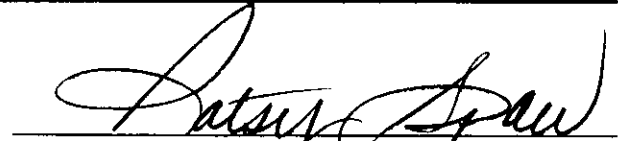
4 SECTION 7. The State Board of Veterinary Medical Examiners
5 shall adopt rules as required by Section 828.0035, Health and
6 Safety Code, as added by this Act, not later than January 1, 2006.

7 SECTION 8. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.

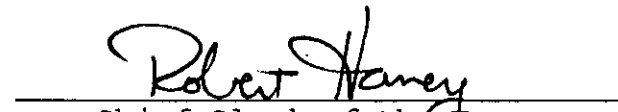

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 248 passed the Senate on April 14, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 17, 2005, by the following vote: Yeas 30, Nays 0. _____

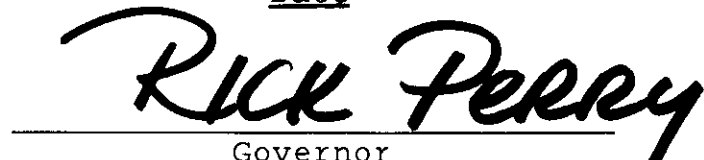

Secretary of the Senate

I hereby certify that S.B. No. 248 passed the House, with amendment, on May 9, 2005, by the following vote: Yeas 144, Nays 0, one present not voting. _____

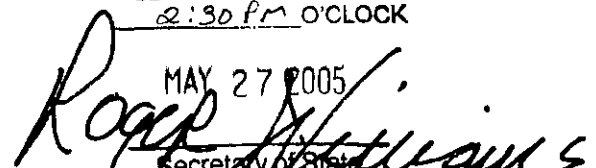

Chief Clerk of the House

Approved:

27 MAY 05
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK


MAY 27 2005
Secretary of State