

By: _____ .B. No. _____

Substitute the following for .B. No. _____:

By: _____ C.S..B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of animal shelters; providing a penalty.

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

SECTION 1. Section 821.052, Health and Safety Code, is amended to read as follows:

Sec. 821.052. METHOD ~~[METHODS]~~ OF EUTHANASIA. ~~[(a)]~~ A person may euthanize an animal ~~[a dog or cat]~~ in the custody of an animal shelter only by administering sodium pentobarbital ~~[or commercially compressed carbon monoxide]~~.

~~[(b) A person may euthanize all other animals in the custody of an animal shelter, including birds and reptiles, only in accordance with the applicable methods, recommendations, and procedures set forth in the 2000 Report of the American Veterinary Medical Association Panel on Euthanasia as modified or superseded by a subsequent report of the American Veterinary Medical Association Panel on Euthanasia that is approved by the board.]~~

SECTION 2. Section 823.001, Health and Safety Code, is amended by adding Subdivision (5) to read as follows:

(5) "Rescue organization" means an organization that has as its primary purpose animal protection by placing into new homes stray or owner-relinquished animals or animals that are removed from an animal shelter.

SECTION 3. Chapter 823, Health and Safety Code, is amended by adding Sections 823.004, 823.0045, and 823.0046 to read as

1 follows:

2 Sec. 823.004. REGISTRY OF RESCUE ORGANIZATIONS. (a) An
3 animal shelter that euthanizes animals shall maintain a registry of
4 rescue organizations willing to accept animals for adoption.

5 (b) Except as provided by Subsection (e), an animal shelter
6 may include any rescue organization on the registry and shall, on
7 the request of the organization, immediately place on the registry
8 a rescue organization that is exempt from taxation under Section
9 501(c)(3), Internal Revenue Code of 1986, as a charitable
10 organization, regardless of the organization's geographic location
11 or any other factor.

12 (c) The registry must include the following information for
13 each rescue organization listed:

- 14 (1) the organization's name;
15 (2) the organization's mailing address;
16 (3) the organization's telephone number;
17 (4) the organization's Internet website address;
18 (5) the organization's e-mail address;
19 (6) the organization's emergency contact information;
20 (7) the types of animals about which the organization
21 wishes to be contacted, including species and breed; and
22 (8) whether or not the organization is willing and
23 able to care for unweaned, sick, injured, feral, or aggressive
24 animals.

25 (d) An animal shelter shall seek rescue organizations to
26 include on the shelter's registry.

27 (e) An animal shelter may refuse to include a rescue

1 organization on the shelter's registry if:

2 (1) a current director or officer of the organization
3 has been convicted in a court of competent jurisdiction of cruelty
4 to animals under Section 42.09 or 42.092, Penal Code;

5 (2) a charge of cruelty to animals under Section 42.09
6 or 42.092, Penal Code, is pending against a current director or
7 officer of the organization; or

8 (3) the organization or a current director or officer
9 of the organization is constrained by a court order or legally
10 binding agreement that prevents the organization from taking in or
11 keeping animals.

12 (f) An animal shelter may require a rescue organization to
13 disclose any conviction, charge, or legal impediment described by
14 Subsection (e).

15 (g) An animal shelter may require a rescue organization on
16 the shelter's registry to provide information regarding the total
17 number of animals taken from the animal shelter by the organization
18 that have been adopted, have died, have been transferred, or are
19 still under the organization's care. An animal shelter may require
20 a rescue organization to provide the information under this
21 subsection not more than once a month. The information may be
22 provided in an informal format such as e-mail.

23 (h) An animal shelter may not request information other than
24 the information described by this section as a prerequisite for
25 including a rescue organization on the registry.

26 (i) An animal shelter may not euthanize an animal until the
27 shelter has notified or made a reasonable attempt to notify each

1 rescue organization on the shelter's registry that indicated that
2 it wishes to be contacted about that type of animal.

3 Sec. 823.0045. LIMITATION ON ADOPTION CRITERIA. An animal
4 shelter may not ban, bar, limit, or otherwise obstruct the adoption
5 of an animal based on arbitrary criteria, including the breed, age,
6 or color of the animal. An animal shelter may ban, bar, limit, or
7 otherwise obstruct the adoption of an animal from the shelter based
8 on the individual animal's medical condition or level of aggression
9 or the adopter's fitness to adopt.

10 Sec. 823.0046. ADDITIONAL REPORTING REQUIREMENTS. (a) An
11 animal shelter shall prepare a written summary not later than the
12 10th day of each month that includes the following information
13 reported for the previous month by species:

14 (1) the number of animals impounded;

15 (2) the number of impounded animals sterilized by the
16 shelter or by contract with a veterinarian;

17 (3) the number of animals euthanized by the shelter,
18 at the shelter's direction, with the shelter's permission, or by a
19 representative of the shelter;

20 (4) the number of animals that died or were lost or
21 stolen while in the shelter's direct or constructive care;

22 (5) the number of animals adopted or returned to the
23 animals' owners;

24 (6) the number of animals transferred to other
25 organizations for adoption; and

26 (7) the number of animals impounded from outside the
27 shelter's normal city or county service area.

1 (b) An animal shelter shall retain copies of the summaries
2 required by Subsection (a) for at least three calendar years and
3 shall make the summaries available for public inspection.

4 SECTION 4. Section 823.007, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 823.007. INJUNCTION. A court of competent
7 jurisdiction may, on the petition of any person, including an
8 animal shelter or rescue organization, prohibit by injunction the
9 substantial violation of this chapter.

10 SECTION 5. This Act takes effect September 1, 2011.