

SUBJECT: Allowing nonsurgical methods to sterilize dogs and cats at animal shelters

COMMITTEE: Agriculture and Livestock — favorable, as amended

VOTE: 6 ayes — Hardcastle, Anderson, B. Brown, Burnam, Farrar, Herrero

0 nays

1 absent — Olivo

WITNESSES: For — Howard C. "Butch" Johnson; Patricia M. Nordyke, Texas Federation of Humane Societies

Against — None

On — Ron Allen, Texas State Veterinary Board; Roland Lenarduzzi, Texas Veterinary Medical Association

BACKGROUND: Health and Safety Code, ch. 828, which governs the sterilization of dogs and cats, defines sterilization as the surgical removal of the reproductive organs of a dog or cat to render the animal unable to reproduce.

Sec. 828.002 prohibits, with some exceptions, animal pounds, shelters, and humane organizations from releasing a dog or cat for adoption unless it has been sterilized or the release is made to a new owner who agrees to have the animal sterilized. Exceptions to this prohibition include dogs and cats claimed by a person who already owns them, animals purchased by higher education institutions for research, and animal agencies in counties with populations of 20,000 or less and cities with populations of 10,000 or less.

DIGEST: HB 1808, as amended, would expand the Health and Safety Code's definition of sterilization of dogs and cats to include the use of nonsurgical methods and technologies approved by the U.S. Food and Drug Administration (FDA) or the U.S. Department of Agriculture (USDA). The bill would change the definition of sterilization to specify that the rendering the animal unable to reproduce must be permanent.

Licensed veterinarians would be authorized to use nonsurgical methods and technologies as labeled and approved by the FDA and the USDA for use humanely and permanently to render a dog or cat unable to reproduce. Nonsurgical sterilization would have to be performed by a licensed veterinarian or a full-time veterinary school student.

The Texas State Board of Veterinary Medical Examiners (TSBVME) would have to develop information sheets about surgical or nonsurgical sterilization to be distributed by animal pounds, shelters or humane organizations and adopt rules requiring that a sterilized animal receive an identification marker as authorized by the board. The rules would have to be adopted by January 1, 2006.

Those associated with animal pounds, shelters, or humane organizations would be prohibited from interfering with the independent professional judgment of a veterinarian employed by the organization.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 1808 would give Texas veterinarians more flexibility in choosing a method of sterilization for dogs and cats in the state's pounds, shelters, and humane organizations. Sterilization on these animals currently can be done only surgically. However, new methods of non-surgical sterilization have been developed but cannot be used in Texas because of this restrictive definition. HB 1808 would authorize non-surgical sterilization under certain circumstances.

One drug has been approved by the federal government for permanent sterilization in dogs, and others are being developed for dogs and cats. HB 1808 would allow veterinarians at shelters to take advantage of these drugs which can be administered without the risks and expense involved in putting an animal under anesthesia for surgical sterilization. HB 1808 would not mandate nonsurgical sterilization but would give veterinarians working at shelters the option. Vets working in private practice have the option of using federally approved nonsurgical sterilization, and it is unfair to restrict vets working at animal facilities from these methods.

HB 1808 includes many safeguards to ensure that only safe nonsurgical methods would be used and that vets and pet owners would understand the

procedure. The bill would require that the method have federal approval and that it be done by a veterinarian or vet school student. In addition the TSBVME would develop information sheets about surgical and non surgical sterilization. This would ensure that shelters, vets, and pet owners understood the nonsurgical sterilization procedure and its effect, including the possibility that it may not curb certain undesirable behaviors in animals. The bill also would require the TSBVME to adopt rules so that an animal that had been non-surgically sterilized could be identified. As with any other medical practice, procedures are in place to deal with problems that may arise.

By prohibiting those associated with animal shelters from interfering with the judgment of veterinarians, the bill would ensure that decisions about nonsurgical sterilization rightfully would remain entirely with the vets responsible for the animal's care.

OPPONENTS
SAY:

There is a risk that individuals adopting animals that have been nonsurgically sterilized may not understand the lack of long-term study about these drugs or the potential for these animals to continue exhibiting mating or aggressive behaviors that often are curbed by surgical sterilization.

OTHER
OPPONENTS
SAY:

It is unclear how animals that are nonsurgically sterilized would be marked and if doing so could be done without sedating the animal.

NOTES:

The committee amendment would require that nonsurgical methods and technologies approved by the federal government be labeled.

The companion bill, SB 248 by West, passed the Senate on April 14 on the Local and Uncontested Calendar and was reported favorably, as amended, by the House Agriculture and Livestock Committee on April 26, making it eligible to be considered in lieu of HB 1808.