

## **TEXAS STATE LAWS AND REGULATIONS DEALING WITH ANIMAL SHELTERS**

Some of the questions most frequently asked of the Texas Humane Legislation Network involve the laws and regulations governing animal shelters. Also in working with local law enforcement officers and animal control officers we often find that these officials are not aware of these laws and regulations and their interplay with local ordinances. These laws are contained in five different Chapters of the Texas Health & Safety Code and the regulations adopted by the Texas Department of State Health Services (“DSHS”) are contained in Title 25, Part I, Chapter 169 of the Texas Administrative Code.

Because of these frequent inquiries we have published a summary of the laws and regulations governing animal shelters in Texas. Those summaries are set out below in the same order in which the laws appear in the Texas Health & Safety Code.

### **I. CHAPTER 821 HUMANE EUTHANASIA OF ANIMALS IN ANIMAL SHELTERS**

- Chapter 821, Subchapter C, of the Texas Health & Safety Code requires all animals in animal shelters be euthanized in a humane manner. In Subchapter C, “animal shelter,” is defined as a facility that collects, impounds or keeps stray, homeless, abandoned or unwanted animals. Thus, Subchapter C applies to rescue groups and humane societies as well as public animal shelters. *Subchapter C is attached as Appendix A.*
- Dogs and cats must be euthanized only by the administration of sodium phenobarbital. All other animals must be euthanized in accordance with the methods, recommendations and procedures set forth in the latest American Veterinary Medical Association Guidelines for the Euthanasia of Animals applicable to that species of animal. *The latest American Veterinary Medical Association Guidelines on Euthanasia can be viewed online at: [http://www.avma.org/issues/animal\\_welfare/euthanasia.pdf](http://www.avma.org/issues/animal_welfare/euthanasia.pdf).*
- The DSHS rules and regulations regarding the methods and procedures for euthanasia are contained in Sections 169.81 through 169.84 of the Texas Administrative Code. *These DSHS rules and regulations are attached as Appendix B.*
- All euthanasia must be performed by a licensed veterinarian or a person who has completed a training course in the proper methods and techniques for euthanizing animals. DSHS is responsible for approving sponsors for euthanasia training courses and the curriculum used in those courses. *The DSHS rules and*

*regulations regarding sponsors, curriculum and policy for euthanizing training are attached as Appendix C.*

- A violation of any provision of Subchapter C is punishable as a Class B misdemeanor which carries a penalty of up to 180 days in jail or a fine of up to \$2,000 or both.
- Unlike some other Chapters (namely Chapters 823 and 828) in the Texas Health & Safety Code dealing with animal shelters, Subchapter C and the DSHS regulations thereunder apply **to every animal shelter in the state** without regard to the human population of the city or county in which they are located.
- **Any private citizen may petition a court to stop an animal shelter from violating any provision** of Subchapter C or any DSHS regulation adopted thereunder. *For more details on how to assure compliance with the euthanasia requirements of this Subchapter and the DSHS regulations, see Appendix K attached hereto.*

## **II. CHAPTER 823**

### **ANIMAL SHELTERS IN COUNTIES OF 75,000 OR MORE**

- Chapter 823 of the Texas Health & Safety Code defines “animal shelter” as a facility that collects, impounds or keeps stray, homeless, abandoned or unwanted animals. Thus, Chapter 823 applies to rescue groups and humane societies as well as public animal shelters. However, **Chapter 823 applies only to animal shelters located in counties with a human population of 75,000 or more.** In those counties, Chapter 823: (1) sets standards for animal shelter facilities and the care of the animals therein; (2) prescribes training for animal control officers; and (3) requires the establishment of an animal shelter advisory committee. *Chapter 823 is attached as Appendix D.*
- Animal shelters covered by Chapter 823 must comply with the standards for housing and sanitation adopted by DSHS. These standards are set forth in Section 169.26 of the Texas Administrative Code. If the animal shelter also quarantines animals it must also comply with the standards set forth in Sections 169.27 and 169.28. *Sections 169.26-169.28 are attached as Appendix E.*
- As will be discussed below, Chapter 826 of the Texas Health & Safety Code also requires **all public animal shelters throughout the state regardless of the population of the county in which they are located to comply with these standards. Thus, even if a public animal shelter is located in a county with a human population of less than 75,000 that shelter will still be subject to the DSHS standards under the mandate in Chapter 826.**

- In addition to the DSHS rules and regulations referred above, an animal shelter covered by Chapter 823 must: (i) separate animals in its custody by species, sex, and, if the animals are not related to one another, by size;(ii) not confine healthy animals with sick, injured or diseased animals; and (iii) employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of Chapter 823.
- DSHS has prescribed courses for training animal shelter personnel in animal health and disease control, humane care and treatment of animals, control of animals in an animal shelter, and the transportation of animals. Even though DSHS is required to provide this training, there is no state requirement that animal control officers attend or complete any of the courses. There are three levels of training: basic, advanced and administrative. The DSHS standards for training are set forth in Sections 169.61 through 169.65 of the Texas Administrative Code. *They are attached as Appendix F.*
- If an animal shelter is subject to Chapter 823, the county or municipality in which the animal shelter is located must appoint **an advisory committee to assist the shelter** in complying with the requirements of Chapter 823. The advisory committee must be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization. The advisory committee must meet at least three times a year.
- Any private citizen may petition a court to stop any violation of Chapter 823.

### **III. CHAPTER 826 RABIES CONTROL**

- Chapter 826 of the Texas Health & Safety Code deals with rabies control in the state and is referred to as the “Rabies Control Act.” It covers a number of subject matters and areas involving rabies control, one of which (in Subchapter F) is the standards for impoundment and quarantine of animals. *Subchapter F is attached as Appendix G.*
- Subchapter F requires DSHS to establish minimum standards for quarantine and impoundment facilities and for the care of impounded animals. In the DSHS rules establishing those standards, DSHS defines an “impoundment facility” as an enclosure or a structure in which an animal is collected or confined because of a state law or local ordinance or because of a contract with a county or municipality and defines a “quarantine facility” as a structure where animals are held for rabies observation. Based on these definitions the DSHS standards for impoundment facilities do not apply to an animal shelter operated by a humane society or other

private organization unless it is being operated pursuant to a contract with a county or municipality.

- The DSHS rules establishing minimum standards for quarantine and impoundment facilities and for the care of impounded animals are set forth in Sections 169.26-169.28 of the Texas Administrative Code (*see Appendix E attached*). These are the same rules that are referenced in Chapter 823 above, but **these standards apply to every impoundment facility and quarantine facility throughout the state regardless of the population of the city or county in which they are located.**
- Subchapter F also: (1) allows an employee of DSHS to conduct inspections of quarantine and impoundment facilities to determine if the facility complies with the minimum standards adopted by DSHS; (2) allows the Commissioner of Health to request the Attorney General to bring suit to close a quarantine or impoundment facility that fails to meet the standards established by DSHS; and (3) makes it an offense if a person operates a facility for quarantined or impounded animals without meeting the standards established by DSHS or stronger standards adopted by county or municipal ordinances in which they are located (the offense is a Class C misdemeanor punishable by a fine not to exceed \$500).

#### **IV. CHAPTER 828 STERILIZATION OF DOGS AND CATS ADOPTED FROM ANIMAL SHELTERS**

- Chapter 828 of the Texas Health & Safety Code does not use the term “animal shelter.” Instead, it uses the term “releasing agency” and defines a “releasing agency” as a public or private animal pound, shelter or humane organization but not including an individual who occasionally renders humane assistance or shelter in the individual’s home to a dog or cat. Thus the definition of releasing agency would include all public animal shelters and all animal shelters operated by a humane society. For purposes of discussion below, a releasing agency is referred to as an animal shelter.
- **Chapter 828 does not apply to an animal shelter located in a county with a human population of less than 20,000 or in a municipality with a human population of less than 10,000.** Thus, for an animal shelter to be governed by the requirements of Chapter 828 it must be located in a county that has a population of 20,000 or more and in addition, if it’s located in a city within that county, the city population must be 10,000 or more. *Chapter 828 is attached as Appendix H.*

- If an animal shelter is covered by the provisions of Chapter 828, it cannot release a dog or cat for adoption unless the animal has been sterilized or the adoptor signs an agreement with the animal shelter to have the animal sterilized.
- The sterilization agreement used by the animal shelter must contain the date of the agreement; the names, addresses and signatures of the animal shelter and the adoptor; a description of the animal adopted; the sterilization completion date; and a statement that sterilization of the animal is required under Chapter 828 and that a violation of that requirement is a criminal offense punishable as a Class C misdemeanor.
- Chapter 828 provides that an animal shelter may reclaim the animal from the adoptor if the adoptor does not fulfill the obligations of the adoption agreement and further provides that if the owner fails to comply with the sterilization agreement it is an offense punishable as a Class C misdemeanor (fine of up to \$500).
- Pursuant to recently enacted Section 828.0035, the State Board of Veterinary Medical Examiners has enacted a rule requiring the new owner of an animal sterilized under Chapter 828 to identify that the animal has been sterilized by a microchip or tattoo. *Texas Veterinary Medical Examiners Board Rule Section 573.76 is attached as Appendix I.*

## **V. CHAPTER 829 ANIMAL CONTROL OFFICER TRAINING**

- Chapter 829 requires animal control officers to complete a basic animal control course of at least 12 hours prior to the first anniversary date after the officer assumes animal control duties and complete 30 hours of continuing education for each three year period thereafter. Any county with a population of less than 75,000 may elect out of the applications of Chapter 829. *A copy of Chapter 829 is attached as Appendix J.*
- The Department of State Health Services (DSHS) is required to prescribe the standards and curriculum for basic and continuing education animal control courses and to determine what is considered satisfactory completion of a course. In developing and approving the criteria, DSHS must consult with Texas Animal Control Association and other animal control and animal protection organizations as DSHS considers appropriate.
- DSHS must offer at least two basic animal control courses every year in each of the DSHS Zoonosis Control regions and offer at least 12 hours of continuing education animal control offices each calendar year in each of DSHS Zoonosis Control regions.

- DSHS must maintain training records for each animal control officer completing the course and issue a certificate to that person. DSHS must also issue a certificate to any animal shelter which it inspects and determines has complied with this Chapter 829.
- DSHS is required to develop and publish in the Texas Administrative Code the curriculum for both the basic and continuing education courses. That has not yet been done, but upon completion will be attached as an appendix to this paper.
- Any person may sue for injunctive relief to prevent or restrain a violation of Chapter 829. In other words, if the animal control officers are not certified a civil remedy to require certification is available to any person.

# **APPENDIX A**

## **HEALTH & SAFETY CODE**

### **CHAPTER 821. TREATMENT AND DISPOSITION OF ANIMALS**

#### **SUBCHAPTER C. EUTHANASIA OF ANIMALS**

Sec. 821.051. DEFINITIONS. In this subchapter:

- (1) "Animal" has the meaning assigned by Section 821.001.
- (2) "Animal shelter" means a facility that collects, impounds, or keeps stray, homeless, abandoned, or unwanted animals.
- (3) "Board" means the executive commissioner.
- (4) "Department" means the Department of State Health Services.
- (5) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

Sec. 821.052. METHODS OF EUTHANASIA. (a) A person may euthanize a dog or cat in the custody of an animal shelter only by administering sodium pentobarbital.

(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.

Sec. 821.053. REQUIREMENTS FOR USE OF SODIUM PENTOBARBITAL.

(a) The board by rule shall establish the requirements and procedures for administering sodium pentobarbital to euthanize an animal in the custody of an animal shelter.

(b) A person may administer sodium pentobarbital to euthanize an animal in the custody of an animal shelter only in accordance with the requirements and procedures established by board rule.

Sec. 821.054. REQUIREMENTS FOR USE OF COMMERCIALY COMPRESSED CARBON MONOXIDE.

(a) The executive commissioner by rule shall establish:

- (1) standards for a carbon monoxide chamber used to euthanize an animal to which Section 821.052(b) applies; and
- (2) requirements and procedures for administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies.

(b) A person administering commercially compressed carbon monoxide to euthanize an animal to which Section 821.052(b) applies:

(1) may use only a carbon monoxide chamber that meets the standards established by department rule; and

(2) may administer the commercially compressed carbon monoxide only in accordance with the requirements and procedures established by department rule.

Sec. 821.055. TRAINING FOR EUTHANASIA TECHNICIANS.

(a) A person may not euthanize an animal in the custody of an animal shelter unless the person has successfully completed, not more than three years before the date the person euthanizes the animal, a training course in the proper methods and techniques for euthanizing animals. The training course curriculum must include:

(1) the pharmacology, proper administration, and storage of euthanasia solutions;

(2) federal and state law regulating the storage and accountability of euthanasia solutions;

(3) euthanasia technician stress management;

(4) proper restraint and handling of an animal during euthanasia;

(5) the procedures for administering commercially compressed carbon monoxide to an animal;

(6) techniques for verifying an animal's death; and

(7) the proper disposal of a euthanized animal.

(b) The department must approve the sponsors and curriculum of the training course required by this section.

(c) This section does not apply to a person licensed to practice veterinary medicine in this state.

(d) Notwithstanding Subsection (a), an employee of an animal shelter is not required to have successfully completed the training course before the 120th day following the date of initial employment.

Sec. 821.056. OFFENSE AND PENALTY. (a) A person commits an offense if the person violates this subchapter or a board rule adopted under this subchapter.

(b) An offense under this section is a Class B misdemeanor.

§821.057. INJUNCTION. A court of competent jurisdiction, on the petition of any person, may prohibit by injunction the substantial violation of this subchapter or a board rule adopted under this subchapter.

## ***APPENDIX B***

### TEXAS ADMINISTRATIVE CODE

#### §169.81 Purpose.

The purpose of this subchapter is to set minimum standards for allowable methods of euthanasia for an animal(s) in the custody of an animal shelter, in accordance with the Texas Health and Safety Code, Chapter 821.

#### §169.82 Definition.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Animal shelter--A facility that collects, impounds, or keeps stray, homeless, abandoned, or unwanted animals.
- (2) Department--The Department of State Health Services.

#### §169.83 Animal Identification and Owner Notification

Prior to euthanasia, each animal should first be scanned for microchip identification and searched for identification tattoos; at a minimum, the abdomen, inner thighs, and inside ear flaps should be searched for tattoos. If identification is located on an animal or the animal is wearing a tag(s), reasonable efforts to locate and notify the animal's owner shall be made and documented prior to euthanasia.

#### §169.84 Allowable Methods of Euthanasia

(a) Only sodium pentobarbital may be used to euthanize a dog or cat in the custody of an animal shelter.

(b) When sodium pentobarbital is used to euthanize a dog or cat, the following requirements apply.

(1) The preferential route of administration of sodium pentobarbital is intravenous injection by hypodermic needle. Other routes considered to be acceptable are:

(A) intraperitoneal injection by hypodermic needle; or

(B) intra-organ, limited to intraosseous, intracardiac, intrahepatic, intrasplenic, and intrarenal, injection by hypodermic needle.

(2) Any injection must be administered using a new, undamaged sterilized hypodermic needle of a size suitable for the size and species of the animal.

(3) Injection shall be conducted in an area out of public view and out of the view of another animal, except when euthanizing unweaned/nursing animals with their mother; when euthanizing a mother animal with her offspring, the mother animal shall be euthanized first immediately followed by euthanasia of her offspring. Additionally, the carcass(es) of any animal(s) shall be removed from the euthanasia area prior to a live animal(s) entering that area.

(4) The area used for injection shall be in a quiet location and have sufficient lighting to allow for visual accuracy during the injection process.

(5) A dose of sodium pentobarbital appropriate for the animal's weight shall be administered to that animal through the route most appropriate for that animal.

(6) Each animal given sodium pentobarbital by intraperitoneal injection must be given 3 to 4 times the intravenous dose.

(7) Each animal given sodium pentobarbital by intraperitoneal injection shall be placed in a quiet, darkened area and, except when euthanizing unweaned/nursing animals with their mother, separated from physical contact with any other animal(s) during the dying process. When euthanizing a mother animal with her offspring, the mother animal shall be euthanized first immediately followed by euthanasia of her offspring.

(8) Intra-organ injection shall not be used unless the animal is unconscious or anesthetized so that the animal is unable to feel pain.

(9) The carcass of any animal(s) euthanized by sodium pentobarbital must be stored and disposed of in a manner that minimizes the potential for scavenging by animals or humans.

(c) Any animal other than a dog or cat, including birds and reptiles, in the custody of an animal shelter shall be humanely euthanized only in accordance with the methods, recommendations, and procedures of the American Veterinary Medical Association (AVMA) in the latest edition of the *AVMA Guidelines for the Euthanasia of Animals* applicable to that species of animal.

(d) When commercially compressed carbon monoxide gas is used to euthanize an animal(s), the following requirements apply.

(1) It must be performed in a commercially manufactured carbon monoxide chamber or one designed and constructed, at a minimum, to equal the effectiveness of a commercially manufactured chamber.

(2) The chamber must be located outdoors or in a well-ventilated room.

(3) The chamber must be airtight and equipped with the following:

(A) an exhaust fan for indoor chambers which is capable of evacuating all gas from the chamber prior to the chamber being opened and is connected by a gas-type duct to the outdoors;

(B) a gas flow regulator and flow meter for the canister;

(C) a gas concentration gauge;

(D) an accurate temperature gauge for monitoring the interior of the chamber;

(E) if located indoors, a carbon monoxide monitor on the exterior of the chamber that is connected to an audible alarm system, which will sound in the room containing the chamber;

(F) explosion-proof electrical equipment if equipment is exposed to carbon monoxide;

(G) a view-port with either internal lighting or external lighting sufficient to allow visual surveillance of any animal(s) within the chamber; and

(H) if designed to euthanize more than one animal at a time, independent sections or cages to separate individual animals.

(4) The gas concentration process must achieve at least a 6% carbon monoxide gas concentration not to exceed 10% due to flammability and explosiveness throughout the chamber within 5 minutes after the introduction of carbon monoxide into the chamber is initiated.

(5) The ambient temperature inside the chamber should not exceed 85 degrees Fahrenheit (29.4 degrees Celsius) when it contains a live animal(s). For an outdoor chamber, achievement may be facilitated by use of the chamber during early morning.

(6) All equipment, as specified in paragraph (3)(A) - (H) of this subsection, must be in proper working order and used at all times during the operation of the chamber.

(7) An animal(s) must be left in the chamber with a continuous gas supply for a minimum of 15 minutes.

(8) The chamber must be thoroughly vented prior to removing any carcasses.

(9) The chamber must be thoroughly cleaned after the completion of each cycle. Chamber surfaces must be constructed and maintained so they are impervious to moisture and can be readily sanitized.

(10) Operation, maintenance, and safety instructions and guidelines must be displayed prominently in the area containing the chamber.

(11) Carbon monoxide shall not be used to euthanize any animal reasonably presumed to be less than 16 weeks of age. Carbon monoxide shall also not be used to euthanize any animal that could be anticipated to have decreased respiratory function, such as the elderly, sick, injured, or pregnant. Such animals may be resistant to the effects of carbon monoxide and the time required to achieve death in these animals may be significantly increased. In animals with decreased respiratory function, carbon monoxide levels rise slowly, making it more likely that these animals will experience elevated levels of stress.

(12) Only compatible animals of the same species may be placed in the chamber simultaneously.

(13) No live animal(s) may be placed in the chamber with a dead animal(s).

(e) Prior to using any method of euthanasia, all available measures should be taken to minimize the fear, anxiety, and distress of the animal scheduled for euthanasia.

(f) When using any of the allowable methods of euthanasia, each animal must be monitored between the time euthanasia procedures have commenced and the time death occurs, and the animal's body must not be disposed of until death is confirmed by examination of the animal for cessation of vital signs.

(g) As specified under the Texas Health and Safety Code, §821.055, a person (excluding licensed veterinarians) may not euthanize any animal in the custody of an animal shelter unless the person has successfully completed a training course in the proper methods and techniques for euthanizing animals not later than three years before the date the person euthanizes the animal. The training course must be pre-approved by the department. A person has until the 120th day following the date of initial employment to complete this training.

## ***APPENDIX C***

### **Application Process for Approval of Animal Control Officer Training Courses Texas Department of State Health Services, Zoonosis Control Branch**

#### **Mandated Animal Control Officer (ACO) Basic and Continuing Education (CE) Training**

The following document pertains to entities outside of the Texas Department of State Health Services (DSHS) Zoonosis Control Branch (ZCB) seeking approval for conducting DSHS-approved ACO basic or CE courses. It does not pertain to courses being conducted by the DSHS ZCB, as these are pre-approved through statute.

To be in compliance with Texas Health and Safety Code, Chapter 829, Animal Control Officer Training, a person may not perform the duties of an animal control officer unless

(1) the person:

(A) completes a basic animal control course under this chapter not later than the first anniversary of the date the person assumes animal control duties; or

(B) completed a personnel training course on or before June 30, 2008, under Section 823.004 as it existed on that date; and

(2) the person completes 30 hours of continuing education under this chapter during each three-year period following:

(A) the date the person completes the basic animal control course; or

(B) June 30, 2008, if the person completed a personnel training course under Subdivision (1)(B).

This statute defines an animal control officer as a person who is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control; it does not include peace officers.

To satisfactorily complete a DSHS-approved ACO basic course, the participant must attend the entire course and pass both parts (General and Legal) of the exam prepared and administered by the DSHS.

To satisfactorily complete a DSHS-approved continuing education course, the participant must attend the entire continuing education course, plus satisfactorily complete any testing if required by the course sponsor.

#### **Requirements for ACO Training Course Implementation**

According to Section 829.003, the training course curricula for the basic and continuing education courses must include the following topics:

(1) state laws governing animal control and protection and animal cruelty;

(2) animal health and disease recognition, control, and prevention;

(3) the humane care and treatment of animals;

- (4) standards for care and control of animals in an animal shelter;
- (5) standards and procedures for the transportation of animals;
- (6) principles and procedures for capturing and handling stray domestic animals and wildlife, including principles and procedures to be followed with respect to an instrument used specifically for deterring the bite of an animal;
- (7) first aid for injured animals;
- (8) the documentation of animal cruelty evidence and courtroom procedures;
- (9) animal shelter operations and administration;
- (10) spaying and neutering, microchipping, and adoption;
- (11) communications and public relations; and
- (12) state and federal laws for possession of controlled substances and other medications.

**Basic training courses** approved by DSHS must cover all the mandated topics listed above. However, according to statute, these courses may include additional topics if they are pertinent to animal control and animal shelter personnel. Course sponsors must provide a letter of documentation to each qualifying participant verifying that the participant attended the entire training and is eligible for testing (DSHS will provide a template letter to the sponsor). The participant must present this letter of attendance documentation to DSHS personnel at the testing site to qualify to take the exam.

It is the course sponsors' responsibility to advise their course participants that, although basic course sponsors may use other documents in teaching their courses, the DSHS will use information contained in the *DSHS Animal Control Officer Training Manual* to develop the test for all basic courses. Failure to study the DSHS manual could lessen the participant's likelihood of passing the exam. It is also the course sponsors' responsibility to inform participants **prior** to attending a DSHS-approved basic course that DSHS will test participants through a DSHS Regional office at a later date when the Regional office has a scheduled testing session (the participant can test at a DSHS site whenever a testing session becomes available after attending a basic course, but the participant must contact the Regional DSHS ZC office to register for the testing). **It is the basic course sponsors' responsibility to retain exam results they receive from DSHS and attendance rosters for courses they conduct.\*** Additionally, course sponsors must inform participants that any participants who fail either part of the exam will need to re-take a DSHS-approved basic course to be eligible to re-test. The DSHS will provide a contact list for the Regional ZC offices to the course sponsor for their information and to share with course participants.

**Continuing education courses** approved by DSHS must pertain to one or more of the 12 topics listed above; however, according to statute, DSHS may approve other topics if they are pertinent to animal control and animal shelter personnel. **It is the CE course sponsors' responsibility to retain their exam results (if applicable) and attendance rosters for courses they conduct.\***

It is the **basic or continuing education** course sponsors' responsibility to provide certificates of completion to participants; the certificate must contain at minimum the participant's name,

whether the course is basic or CE, the length of the course in hours, the course date, location, and sponsor's name and contact information. **For basic courses, course sponsors shall not issue a certificate of completion until they receive confirmation from DSHS that the student has passed the required exam.** It is the participants' responsibility to retain proof of their training.

**Basic or continuing education** course sponsors must include the following statement in a legible format and visible location on course material:

"If a participant wants to provide feedback on this course and/or its sponsor, the participant can mail comments to the Texas Department of State Health Services, Training Course Coordinator, Zoonosis Control, MC 1956, P.O. Box 149347, Austin, Texas, 78714-9347 or email them to [The.Vet@dshs.state.tx.us](mailto:The.Vet@dshs.state.tx.us)."

### **Requirements for and Approval of ACO Training Course Instructors**

**For the basic training course**, course sponsors must provide DSHS with a summary document indicating each instructor's relevant education, work, and training backgrounds, including dates. In this documentation, each instructor at each basic course must:

- 1) have satisfactorily completed a DSHS-approved ACO basic training course and have at least 2 years full-time experience in animal control, animal shelter, and/or humane society work; or
- 2) have satisfactorily completed a DSHS ACO Advanced and/or Administrative training course prior to June 30, 2008; or
- 3) be a licensed veterinarian; or
- 4) be a bar-qualified lawyer; or
- 5) be a Registered Veterinary Technician, a Certified Veterinary Technician and/or have 3 years experience working as a veterinary technician; or
- 6) have an associate or higher college degree in a science- or education-related field from an accredited institution of post-high school education; or
- 7) have a college degree in teaching from an accredited institution of post-high school education and/or at least 3 years teaching experience for high school level or above; or
- 8) be a licensed or certified instructor through the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE); or
- 9) have at least 3 years full-time experience in law enforcement; or
- 10) have at least 3 years full-time experience in animal control, animal shelter, and/or humane society work: or
- 11) have at least 3 years experience in city, county, state, and/or federal public health work.

Instructors subject to Ch. 829 who attend an entire basic course at which they are teaching may apply that course toward their continuing education training requirement. However, they can only apply a maximum of 12 CE hours per 3-year CE period through this means.

**For continuing education courses**, course sponsors must provide DSHS with a summary document indicating each instructor's relevant education, work, and training backgrounds,

including dates. The document must address the instructor's expertise and qualifications for effectively instructing participants on the topic(s) covered at the CE course. Instructors subject to Ch. 829 who teach a CE course may apply that presentation toward their continuing education training requirement. However, they can only apply a maximum of 15 CE hours per 3-year CE period through this means and the topic must be different for each presentation for which they are applying credit per 3-year CE period.

### **Application for Approval of ACO Training Course Sponsors and Curricula**

The DSHS is the approval authority of course sponsors and curricula for ACO training. Course sponsors desiring approval must apply to DSHS at least 8 weeks prior to the course date. Sponsors must submit the date, time, duration, and location of the course; a course agenda, including curriculum; the name and a summary document describing the qualifications of the instructor(s) to present the course subject matter; and a course contact name, mailing address, phone number, and email address, plus fax number if available, to:

Texas Department of State Health Services  
Training Course Coordinator  
Zoonosis Control, MC 1956  
P.O. Box 149347  
Austin, Texas 78714-9347

Within 6 weeks, DSHS will respond as to whether or not the course has been approved and/or to inform the sponsor of additional documentation or information that must be provided to DSHS in order to have the course approved.

Once DSHS has approved a course, the course sponsor may present subsequent sessions of the identical course using the same instructors without re-submitting a course agenda, name and credentials of the instructor(s), and course contact information; however, the course sponsor must notify DSHS of the date, time, duration, and location of additional course sessions at least 2 weeks prior to the course date. If there are changes to the agenda or the instructors for a previously approved course, the sponsor must submit those changes to DSHS for approval at least 4 weeks prior to conducting a course.

If a course sponsor wants a course posted at <http://TexasZoonosis.org> (which is part of the DSHS website), they must submit a written request and provide the following information for posting on the internet: date, course location, contact name, contact's phone number, and contact's email address.

Course sponsors who are interested in obtaining Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) credits for their students should contact TCLEOSE at 512-936-7700.

\* The advised retention period for ACO basic and continuing education course exam results and attendance rosters is a minimum of 3 years beyond the end of the calendar year in which the course was given; the results can be retained either in hard copy or database format.

# ***APPENDIX D***

## HEALTH & SAFETY CODE

### CHAPTER 823. ANIMAL SHELTERS

Sec. 823.001. DEFINITIONS. In this chapter:

- (1) "Animal shelter" means a facility that keeps or legally impounds stray, homeless, abandoned, or unwanted animals.
- (2) "Board" means the Texas Board of Health.
- (3) "Commissioner" means the commissioner of health.
- (4) "Department" means the Texas Department of Health.

Sec. 823.002. EXEMPTION FOR CERTAIN COUNTIES, CLINICS, AND FACILITIES. This chapter does not apply to:

- (1) a county having a population of less than 75,000;
- (2) a veterinary medicine clinic; or
- (3) a livestock commission facility.

Sec. 823.003. STANDARDS FOR ANIMAL SHELTERS; CRIMINAL PENALTY.

(a) Each animal shelter operated in this state shall comply with the standards for housing and sanitation existing on September 1, 1982, and adopted under Chapter 826 (Rabies Control Act of 1981).

(b) An animal shelter shall separate animals in its custody at all times by species, by sex (if known), and if the animals are not related to one another, by size.

(c) An animal shelter may not confine healthy animals with sick, injured, or diseased animals.

(d) Each person who operates an animal shelter shall employ a veterinarian at least once a year to inspect the shelter to determine whether it complies with the requirements of this chapter. The veterinarian shall file copies of his report with the person operating the shelter and with the department on forms prescribed by the department.

(e) The board may require each person operating an animal shelter to keep records of the date and disposition of animals in its custody, to maintain the records on the business premises of the animal shelter, and to make the records available for inspection at reasonable times.

(f) A person commits an offense if the person substantially violates this section. An offense under this subsection is a Class C misdemeanor.

Sec. 823.004. PERSONNEL TRAINING. The board shall prescribe standards and charge reasonable fees for training animal shelter personnel in animal health and disease control, humane care and treatment of animals, control of animals in an animal shelter, and the transportation of animals.

Sec. 823.005. **ADVISORY COMMITTEE.** (a) The governing body of a county or municipality in which an animal shelter is located shall appoint an advisory committee to assist in complying with the requirements of this chapter.

(b) The advisory committee must be composed of at least one licensed veterinarian, one county or municipal official, one person whose duties include the daily operation of an animal shelter, and one representative from an animal welfare organization.

(c) The advisory committee shall meet at least three times a year.

Sec. 823.007. **INJUNCTION.** A court of competent jurisdiction may, on the petition of any person, prohibit by injunction the substantial violation of this chapter.

Sec. 823.008. **ENFORCEMENT BY COUNTY.** (a) A county may enforce this chapter.

(b) This section does not authorize a county to establish standards for operating an animal shelter.

(c) A county may not enforce this chapter at an animal shelter operated by a municipality.

Sec. 823.009. **CIVIL PENALTY.** (a) A person may not cause, suffer, allow, or permit a violation of this chapter or a rule adopted under this chapter.

(b) A person who violates this chapter or a rule adopted under this chapter shall be assessed a civil penalty. A civil penalty under this chapter may not be less than \$100 or more than \$500 for each violation and for each day of a continuing violation. This subsection does not apply at an animal shelter operated by a municipality.

(c) If it appears that a person has violated, is violating, or is threatening to violate this chapter or a rule adopted under this chapter, the county or municipality in which the violation occurs may institute a civil suit in district court for:

(1) injunctive relief to restrain the person from continuing the violation or threat of violation;

(2) the assessment and recovery of the civil penalty; or

(3) both injunctive relief and the civil penalty.

(d) A bond is not required in an action brought under this section.

## ***APPENDIX E***

### TEXAS ADMINISTRATIVE CODE

#### §169.26 Facilities for the Quarantining or Impounding of Animals

(a) Generally.

(1) Structural strength. Housing facilities shall be structurally sound and shall be maintained in good repair in order to protect the animals from injury, to contain them, and to prevent transmission of diseases.

(2) Water and electric power. Reliable and adequate electric power, if required to comply with other provisions of these sections, and adequate potable water shall be available.

(3) Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin. Refrigeration shall be provided for supplies of perishable food. Non-perishable foods, such as dry food, do not require refrigeration. For example, open bags of non-perishable dry food may be stored in sealed cans, and unopened bags may be stacked on pallets or shelves with at least 12 inches of clearance between the floor and the first level.

(4) Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestations, odors, and disease hazards. A suitable method shall be provided to rapidly and safely remove water and other liquid waste from housing facilities. Housing facilities should be designed to have animal excreta removed through sanitary sewers, septic systems, or garbage. All closed drainage systems should be equipped with traps, vents, and acceptable drain covers to exclude rodents and prevent any backup of sewer gas and odors into the facility.

(5) Washrooms and sinks. Facilities for personal hygiene, such as washrooms, basins, or sinks, shall be provided for employees.

(6) Management. The manager of a quarantine facility should be either a licensed veterinarian or an individual who has satisfactorily completed an appropriate TDH training course.

(7) Records. Records shall be kept on each animal processed through the housing facility. At a minimum, the records shall document the animal's description, impoundment date, disposition date, and method of disposition. Records shall be available for inspection by the department.

(8) Heating. Adequate shelter shall be provided to protect animals from any form of cold or inclement weather and direct effects of wind, rain, or snow. Auxiliary heat or clean, dry bedding material shall be provided any time the ambient temperature falls below 50 degrees Fahrenheit (10 degrees Celsius) for more than four consecutive hours when animals are present. If bedding material is used, larger quantities should be used as temperatures drop.

(9) Cooling and Ventilation. Adequate shelter shall be provided to protect animals from any form of overheating and direct rays of the sun. Facilities shall be

provided with fresh air either by means of windows, doors, vents, fans, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as fans or air conditioning, shall be provided in indoor facilities when the ambient temperature is 85 degrees Fahrenheit (29.5 degrees Celsius) or higher.

(10) Lighting. Housing facilities shall have ample light of sufficient intensity to permit routine inspection and cleaning. Primary enclosures shall be situated to protect the animals from excessive illumination.

(11) Construction. Housing facilities must be constructed in such a manner that they will protect the animal and not create a health risk or public nuisance. The building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized. Floors shall be made of durable, nonabsorbent material.

(12) Primary enclosures. Primary enclosures shall:

(A) be structurally sound and maintained in good repair;

(B) provide convenient access to clean food and water;

(C) enable the animal to remain dry and clean;

(D) be constructed and maintained so that the surfaces are impervious to moisture and may be readily sanitized;

(E) be constructed so as to protect the animal's feet and legs from injury; and

(F) provide sufficient space to allow each animal to turn around fully, stand, sit, and lie in a comfortable normal position.

(b) Feeding.

(1) Dogs and cats shall be fed at least once a day except as directed by a licensed veterinarian. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(2) Domestic ferrets shall have 24-hour access to food. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition, size, and age of the domestic ferret.

(3) Food receptacles shall be accessible to all dogs, cats, and domestic ferrets and shall be located so as to minimize contamination by excreta. Food pans or bowls shall be durable and kept clean and sanitary. Disposable food receptacles may be used but must be discarded after each feeding or for domestic ferrets, after 24 hours of use. Self feeders may be used for feeding dry pet foods and shall be kept clean and sanitary.

(c) Watering. If potable water is not accessible to dogs and cats at all times, it shall be offered to them at least twice daily for periods of not less than one hour, except as directed by a licensed veterinarian. Domestic ferrets shall have potable water accessible at all times, provided in drinking bottles of appropriate size to maintain a fresh supply. Water receptacles shall be kept clean and sanitary.

(d) Sanitation.

(1) Cleaning of primary enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the inhabitants, but not less than daily.

(2) Sanitation of primary enclosures. Cages, rooms, and pens shall be maintained in a sanitary condition.

(3) Building and premises. Building and premises shall be kept clean.

(e) Pest Control. A regular program for the control of insects, ectoparasites, and other pests shall be established and maintained.

(f) Outdoor facilities are acceptable under this section provided those facilities meet all the requirements of this section.

(g) This section applies to all animal shelters located in counties with a population of 75,000 or greater as required by Health and Safety Code, Chapter 823 and to all quarantine or impoundment facilities regardless of county population.

(h) Impoundment facilities in counties with a population less than 75,000 have until January 16, 2005, to be in compliance with the minimum standards set forth in this section.

#### §169.27 Quarantine Method and Testing

(a) When a domestic dog, cat, or domestic ferret which has bitten a human has been identified, the owner or custodian will be required to place the animal in quarantine until the end of the 10-day observation period. Unvaccinated animals should not be vaccinated against rabies during the observation period; however, animals may be treated for unrelated medical problems diagnosed by a veterinarian. The observation period will begin at the time of the bite incident. If the animal becomes ill during the observation period, the local rabies control authority must be notified by the person having possession of the animal. The animal must be placed in a department licensed facility specified by the local rabies control authority and observed at least twice daily. However, the local rabies control authority may allow the animal to be placed in a veterinary clinic. As an alternative, the local rabies control authority may allow home quarantine if the following criteria can be met.

(1) A secure enclosure approved by the local rabies control authority must be used to prevent escape.

(2) The animal has been vaccinated against rabies and the time elapsed since the most recent vaccination has not exceeded the label recommendations for the vaccine. If an unvaccinated animal is not over four months of age at the time of the bite, it may be allowed home quarantine.

(3) The local rabies control authority or a licensed veterinarian must observe the animal at least on the first and last days of the quarantine period.

(4) The animal was not a stray (as defined in the Texas Health and Safety Code, §826.002) at the time of the bite.

(b) A domestic animal which has bitten a human and has been designated by the local rabies control authority as unclaimed may be humanely killed in such a manner that the brain is not mutilated. A suitable specimen (head with brain intact or brain) shall be submitted to a department certified laboratory for rabies diagnosis as specified in subsection (h) of this section.

(c) If the biting animal is a high risk animal, it shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(d) If the biting animal is a low risk animal, neither quarantine nor rabies testing will be required unless the local rabies control authority has cause to believe the biting animal is rabid, in which case it should be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(e) The local rabies control authority may require an animal which has inflicted multiple bite wounds, punctures, or lacerations to a person to be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(f) If the biting animal is not included in subsection (a), (b), (c), (d), or (e) of this section, the biting animal will be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section or the local rabies control authority may require the animal to be quarantined or suitably confined for the 30-day observation period as an alternate method to killing and testing.

(g) Any animal required to be quarantined under this section, which cannot be maintained in a secure quarantine, shall be humanely killed and a suitable specimen submitted for rabies testing as specified in subsection (h) of this section.

(h) All laboratory specimens referred to in subsections (b)-(g) of this section shall be submitted in accordance with §169.33 of this title (relating to Submission of Specimens for Laboratory Examination).

(i) At the discretion of the local rabies control authority, currently vaccinated assistance, therapy, and police dogs may not be required to be placed in quarantine during the observation period.

#### §169.28 Requirements of a Quarantine Facility

(a) Quarantine procedures.

(1) Quarantine facilities shall have and use written standard operating procedures (SOP) specific for that facility to ensure effective and safe quarantine procedures. The SOP shall be posted in the quarantine facility and adhered to by each employee.

(2) An animal which may have exposed a human to rabies and animals suspected of rabies that are placed in quarantine for observation must be separated by a solid partition from all other animals in such a manner that there is no possibility of physical contact between animals. An empty chamber between animals is not an acceptable alternative. To prevent escape, the chamber must be enclosed on all sides, including the top. Quarantine cages, runs, or rooms must have "Rabies Quarantine" signs posted.

(3) Unowned animals may be destroyed for rabies diagnosis prior to the end of the quarantine period.

(b) Facilities planning. Any county, city, town, or incorporated community desiring to construct animal quarantine facilities shall submit plans to the department for approval.

(c) Inspection requirements of quarantine facilities.

(1) It will be the responsibility of the department to inspect all animal quarantine facilities. The inspection of the premises will be accomplished during ordinary business hours. All deficiencies will be documented in writing. Those that are of sufficient significance to affect the humane care or security of any animal confined to the facility must be corrected within a reasonable period of time.

(2) The inspections will be accomplished annually or more frequently when significant discrepancies have been identified. Any facility that does not achieve acceptable standards will not be licensed for rabies quarantine operations.

(3) The quarantine facility manager has the right to appeal the results of the inspection evaluation. If the opinion of management of the quarantine facility is in conflict

with the inspection evaluation, he or she may request a review of the inspection by the director of the department's Zoonosis Control Division. In the event points of difference still remain, the supervisor may request a review of the inspection by the chief of the department's Bureau of Communicable Disease Control. Each of the appeals listed in this paragraph, when required, will be made in writing through the regional director's office of the public health region in which the animal facility is located.

## ***APPENDIX F***

### TEXAS ADMINISTRATIVE CODE

#### §169.61 Purpose

The purpose of these sections is to set standards for the training of animal shelter and animal control personnel.

#### §169.62 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Animal Control Officer (ACO) course--An appropriate training session administered by the department. There are three types of training: basic, advanced, and administrative.

(2) Department--The Texas Department of Health.

(3) Satisfactory completion--In order to satisfactorily complete an ACO course, an individual must attend all sessions and attain a passing score as set by the department on all post-course tests and/or practical exercises.

#### §169.63 Courses

(a) The ACO basic course gives introductory instruction in the topics listed in §169.65 of this title (relating to Course Content).

(b) The ACO advanced course covers the same topics as the basic course, but at a higher level and with emphasis on verbal communication skills.

(c) The ACO administrative course includes instruction in supervisory and management skills needed to implement and direct application of the concepts taught in the basic and advanced courses.

#### §169.64 Prerequisites for Course Attendance

(a) Basic, advanced, or administrative. A person must apply for attendance with the Regional Zoonosis Control Program conducting the ACO course. Course enrollment will be based on space availability policies set by the region hosting the course.

(b) Basic, advanced, or administrative. A fee will be charged for each person attending an ACO course. The fee will not exceed the amount equal to the cost of conducting the ACO course divided by the expected number of participants; this fee will not exceed \$225.

(c) Advanced. A person must have:

(1) satisfactorily completed an ACO basic course and, subsequently, worked or volunteered in animal shelter/animal control activities at least 2,000 hours; and

(2) provided a recommendation from the individual's supervisor, including a statement that the person meets prerequisites for course attendance.

(d) Administrative. A person must provide a recommendation from the individual's supervisor, including a statement that the person meets one of the following prerequisites for course attendance:

- (1) satisfactory completion of an ACO advanced course;
- (2) experience in an administrative position for two years; or
- (3) completion of 60 hours of college credit.

§169.65 Course Content

The basic and advanced courses will include technical coverage of topics deemed pertinent to animal shelter/animal control personnel by the department's Zoonosis Control Division (ZCD) including, but not limited to, animal health and disease control, humane care and treatment of animals, control of animals in an animal shelter, and the transportation of animals. The administrative course will include instruction in supervisory and management skills needed to implement and support the concepts taught in the basic and advanced courses.

# ***APPENDIX G***

## HEALTH & SAFETY CODE

### CHAPTER 826. RABIES

#### SUBCHAPTER F. QUARANTINE AND IMPOUNDMENT FACILITIES

Sec. 826.051. **MINIMUM STANDARDS FOR QUARANTINE AND IMPOUNDMENT FACILITIES.** (a) The board shall adopt rules governing the types of facilities that may be used to quarantine animals.

(b) The board by rule shall establish minimum standards for impoundment facilities and for the care of impounded animals.

(c) In accordance with board rules, a local rabies control authority may contract with one or more public or private entities to provide and operate a quarantine facility.

Sec. 826.052. **INSPECTIONS.** An employee of the department, on the presentation of appropriate credentials to the local rabies control authority or the authority's designee, may conduct a reasonable inspection of a quarantine or impoundment facility at a reasonable hour to determine if the facility complies with the minimum standards adopted by the board for those facilities.

Sec. 826.053. **HEARING.** (a) A person aggrieved by an action of the department in amending, limiting, suspending, or revoking any approval required of the department by this chapter may request a hearing before the department.

(b) The department shall conduct the hearing held under this section in accordance with Chapter 2001, Government Code and the department's formal hearing rules.

Sec. 826.054. **SUITS TO ENJOIN OPERATION OF QUARANTINE OR IMPOUNDMENT FACILITY.** (a) At the request of the commissioner, the attorney general may bring suit in the name of the state to enjoin the operation of a quarantine or impoundment facility that fails to meet the minimum standards established by this chapter and board rules.

(b) The suit shall be brought in a district court in the county in which the facility is located.

(c) When a court issues an order to a facility to cease operation, the local rabies control authority shall remove all animals housed in the facility to a shelter approved by the department. The county or municipality within whose jurisdiction the facility is located shall pay the cost of relocating the animals to an approved shelter.

Sec. 826.055. **QUARANTINE OR IMPOUNDMENT FACILITY; CRIMINAL PENALTY.** (a) A person commits an offense if the person operates a facility for quarantined or impounded animals that fails to meet standards for approval established by:

(1) board rules; or

(2) ordinances or rules adopted under this chapter by a county or municipality.

(b) An offense under this section is a Class C misdemeanor.

# ***APPENDIX H***

## **HEALTH & SAFETY CODE**

### **CHAPTER 828. DOG AND CAT STERILIZATION**

Sec. 828.001. **DEFINITIONS.** In this chapter:

- (1) "New owner" means a person who is legally competent to enter into a binding contract and who is adopting a dog or cat from a releasing agency.
- (2) "Releasing agency" means a public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.
- (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.
- (4) "Veterinarian" means a person licensed to practice veterinary medicine by the State Board of Veterinary Medical Examiners.

Sec. 828.002. **REQUIREMENTS FOR ADOPTION.** Except as provided by Section 828.013, a releasing agency may not release a dog or cat for adoption unless the animal has been sterilized or the release is made to a new owner who signs an agreement to have the animal sterilized.

Sec. 828.003. **STERILIZATION AGREEMENT.** (a) The sterilization agreement used by a releasing agency must contain:

- (1) the date of the agreement;
  - (2) the names, addresses, and signatures of the releasing agency and the new owner;
  - (3) a description of the animal to be adopted;
  - (4) the sterilization completion date; and
  - (5) a statement, printed in conspicuous, bold print, that sterilization of the animal is required under Chapter 828, Health and Safety Code, and that a violation of this chapter is a criminal offense punishable as a Class C misdemeanor.
- (b) The sterilization completion date contained in the sterilization agreement must be:
- (1) the 30th day after the date of adoption in the case of an adult animal;
  - (2) the 30th day after a specified date estimated to be the date an adopted infant female animal becomes six months old or an adopted infant male animal becomes eight months old; or
  - (3) if the releasing agency has a written policy recommending sterilization of certain infant animals at an earlier date, the 30th day after the date contained in the written policy.

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.

Sec. 828.004. STERILIZATION REQUIRED. (a) Except as provided by this section, a new owner who signs an agreement under Section 828.002 shall have the adopted animal sterilized on or before the sterilization completion date stated in the agreement.

(b) If the sterilization completion date falls on a Saturday, Sunday, or legal holiday, the deadline is extended to the first day that is not a Saturday, Sunday, or legal holiday.

(c) A releasing agency may extend the deadline for 30 days on presentation of a written report from a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization. There is no limit on the number of extensions that may be granted under this subsection.

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

Sec. 828.005. CONFIRMATION OF STERILIZATION. (a) Except as provided by Section 828.006 or 828.007, each new owner who signs a sterilization agreement under Section 828.002 shall deliver to the releasing agency from which the animal was adopted a letter signed by the veterinarian who performed the sterilization.

(b) The letter must be delivered in person or by mail not later than the seventh day after the date on which the animal was sterilized.

(c) The letter must state that the animal has been sterilized, briefly describe the animal, and provide the date of sterilization.

Sec. 828.006. LETTER CONCERNING ANIMAL'S DEATH. (a) If an adopted animal dies on or before the sterilization completion date agreed to under Section 828.002, the new owner shall deliver to the releasing agency a signed letter stating that the animal is dead.

(b) The letter must be delivered not later than the seventh day after the date of the animal's death and must describe the cause of death, if known, and provide the date of death.

(c) The letter required by this section is in lieu of the letter required by Section 828.005.

Sec. 828.007. LETTER CONCERNING LOST OR STOLEN ANIMAL. (a) If an adopted animal is lost or stolen before the sterilization completion date agreed to under Section 828.002, the new owner shall deliver to the releasing agency a signed letter stating that the animal is lost or stolen.

(b) The letter must be delivered not later than the seventh day after the date of the animal's disappearance and must describe the circumstances surrounding the disappearance and provide the approximate date of the disappearance.

(c) The letter required by this section is in lieu of the letter required by Section 828.005.

Sec. 828.008. NOTICE OF FAILURE TO RECEIVE LETTER. A releasing agency that does not receive a letter under Section 828.005, 828.006, or 828.007 before the expiration of the seventh day after the sterilization completion date agreed to under Section 828.002 shall cause a complaint to be filed against the new owner. It is a presumption under this law that the failure of the new owner to deliver to the releasing agency a signed letter as required under Section 828.005, 828.006, or 828.007 is the result of the new owner's refusal to have the adopted animal sterilized. The new owner may rebut this presumption at the time of the hearing with the proof required under the above-mentioned sections.

Sec. 828.009. RECLAMATION. (a) A releasing agency that does not receive a letter under Section 828.005, 828.006, or 828.007 after the expiration of the seventh day after the sterilization completion date agreed to under Section 828.002 may promptly reclaim the animal from the new owner.

(b) A person may not prevent, obstruct, or interfere with a reclamation under this section.

Sec. 828.010. CRIMINAL PENALTY. (a) A new owner that violates this chapter commits an offense.

(b) An offense under this section is a Class C misdemeanor.

Sec. 828.011. ADOPTION STANDARDS. (a) Each releasing agency may set its own standards for potential adopters if those standards are applied in a fair and equal manner.

(b) If the releasing agency is a public facility, the standards must be reasonably related to the prevention of cruelty to animals and the responsible management of dogs and cats in the interest of preserving public health and welfare.

Sec. 828.012. SURGERY AND OTHER VETERINARY SERVICES. (a) Surgery or nonsurgical sterilization performed in accordance with this chapter must be performed by a veterinarian or a full-time student of an accredited college of veterinary medicine as provided by Chapter 801, Occupations Code.

(b) A veterinarian employed by a releasing agency may not perform nonemergency veterinary services other than sterilization on an animal that the releasing agency knows or should know has an owner. However, this subsection does not prevent a veterinarian employed by a releasing agency from performing veterinary services on an animal whose owner is indigent.

(c) A person associated with a releasing agency may not interfere with the independent professional judgment of a veterinarian employed by or under contract with the releasing agency.

Sec. 828.013. EXEMPTIONS. This chapter does not apply to:

(1) a dog or cat that is claimed from a releasing agency by a person who already owns the animal;

(2) a releasing agency located in a municipality that has in effect an ordinance providing standards for dog and cat sterilization that exceed the requirements provided by this chapter;

(3) an institution of higher education that purchases or otherwise procures a dog or cat for the purpose of biomedical research, testing, or teaching; or

(4) a releasing agency located in:

(A) a county with a population of 20,000 or less; or

(B) a municipality with a population of 10,000 or less.

# *APPENDIX I*

## TEXAS ADMINISTRATIVE CODE

### §573.76 Sterilization of Animals from Releasing Agencies.

(a) Definitions. The following words , when used in this section, have the following meaning:

(1) Releasing agency--a public or private animal pound, shelter, or humane organization. This term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

(2) Animal--a dog or cat.

(3) Microchip--a transponder that is placed under an animal's skin by an injector and can be read by a microchip scanner.

(4) Tattoo--a permanent etching formed by injecting ink into the basal layer of the epidermis of an animal.

(b) Sterilization required. A new owner of an animal released from a releasing agency must have the animal sterilized in accordance with Chapter 828, Health & Safety Code.

(c) Identification markers. An animal sterilized under this section must be identified by a microchip and/or a tattoo indicating that it has been sterilized.

(1) A new owner of an animal with a microchip shall be responsible for providing information to the data base registry of the microchip manufacturer indicating that the animal has been sterilized.

(2) A tattoo must:

(A) be placed on the inside of the animal's thigh near the abdomen or on the caudal-ventral abdomen;

(B) be imprinted with ink that is manufactured in the United States;

(C) meet the standards of the federal Food and Drug Administration for tattooing;

(D) be of a contrasting color to the predominant color of the skin in which it is tattooed; and

(E) consist of the universal symbol for male or female overlain by a slash through the circle to indicate sterilization.

# ***APPENDIX J***

## **HEALTH & SAFETY CODE**

### **CHAPTER 829. ANIMAL CONTROL OFFICER TRAINING**

Sec. 829.001. DEFINITIONS. In this chapter:

(1) "Animal control officer" means a person who:

(A) is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control; and

(B) is not a peace officer.

(2) "Department" means the Department of State Health Services.

Sec. 829.0015. APPLICABILITY OF CHAPTER. The commissioners court of a county that has a population of 75,000 or less may adopt an order exempting the county from the application of this chapter. This chapter does not apply within the boundaries of a county for which an order is adopted under this section.

Sec. 829.002. TRAINING REQUIRED. A person may not perform the duties of an animal control officer unless:

(1) the person:

(A) completes a basic animal control course under this chapter not later than the first anniversary of the date the person assumes animal control duties; or

(B) completed a personnel training course on or before June 30, 2008, under Section 823.004 as it existed on that date; and

(2) the person completes 30 hours of continuing education under this chapter during each three-year period following:

(A) the date the person completes the basic animal control course; or

(B) June 30, 2008, if the person completed a personnel training course under Subdivision (1)(B).

Sec. 829.003. TRAINING COURSES. (a) The department shall prescribe the standards and curriculum for basic and continuing education animal control courses. The curriculum for both the basic and continuing education courses must include the following topics:

- (1) state laws governing animal control and protection and animal cruelty;
- (2) animal health and disease recognition, control, and prevention;
- (3) the humane care and treatment of animals;
- (4) standards for care and control of animals in an animal shelter;
- (5) standards and procedures for the transportation of animals;
- (6) principles and procedures for capturing and handling stray domestic animals and wildlife;
- (7) first aid for injured animals;
- (8) the documentation of animal cruelty evidence and courtroom procedures;
- (9) animal shelter operations and administration;
- (10) spaying and neutering, microchipping, and adoption;
- (11) communications and public relations;
- (12) state and federal laws for possession of controlled substances and other medications; and
- (13) any other topics pertinent to animal control and animal shelter personnel.

(b) In prescribing the standards and curriculum of courses under this chapter, the department shall:

- (1) determine what is considered satisfactory completion of a course;

(2) determine what is considered a passing grade on any postcourse tests and practical applications; and

(3) require that a person attend all sessions of a course.

(c) A basic animal control course must be at least 12 hours.

(d) In developing and approving the criteria and curriculum for animal control courses, the department shall consult with the Texas Animal Control Association and other animal control and animal protection organizations as the department considers appropriate.

Sec. 829.004. AVAILABILITY OF COURSES. (a) The department or the department's designee shall offer at least two basic animal control courses every calendar year in each of the department's zoonosis control regions.

(b) The department or the department's designee shall offer at least 12 hours of continuing education animal control courses each calendar year in each of the department's zoonosis control regions.

(c) The department shall ensure the additional availability of animal control courses through sponsors approved by the department, which may include the Texas Animal Control Association.

Sec. 829.005. FEE. The department and any authorized animal control course sponsor may charge reasonable fees to cover the cost of arranging and conducting an animal control course.

Sec. 829.006. ISSUANCE OF CERTIFICATE. (a) The department or the department's designee shall:

(1) maintain the training records for each person satisfactorily completing any course offered under this chapter for the purpose of documenting and ensuring that the person is in compliance with the requirements of this chapter; and

(2) issue a certificate to each person satisfactorily completing a course offered under this chapter that contains:

(A) the person's name;

(B) the name of the course; and

(C) the date the course was completed.

(b) The department or the department's designee may charge a reasonable fee to cover the cost of issuing a certificate required by Subsection (a).

Sec. 829.007. FACILITY CERTIFICATE. The department shall issue a certificate to an animal shelter inspected under Section 823.003 or a quarantine or impoundment facility inspected under Section 826.052 that the department or the veterinarian conducting the inspection, as applicable, determines complies with this chapter.

Sec. 829.008. PAYMENT OF FEE. A political subdivision of this state may require that an individual pay a fee for a course or certificate under this chapter.

Sec. 829.009. CIVIL REMEDY. A person may sue for injunctive relief to prevent or restrain a substantial violation of this chapter.

## *APPENDIX K*

# **How to Assure Compliance with the Law Requiring Proper and Humane Euthanasia of Animals in Animal Shelters**

### *The Law*

Chapter 821, Subchapter C of the Texas Health & Safety Code requires that dogs and cats euthanized in an animal shelter be euthanized solely through the use of sodium pentobarbital injections or commercially compressed carbon monoxide gas. Both methods must be done in strict accordance with the guidelines set forth by the Texas Department of State Health Services (“TDSHS”) which are published in Sections 169.81 - 169.84 of the Texas Administrative Code. Also, the person administering the euthanasia must have successfully completed a training course in the proper methods and techniques for euthanizing animals.

### *How to Assure Compliance*

If a person becomes aware of a violation of the euthanasia statute or any of the accompanying TDSHS rules, the person has two ways to stop the violation and require the shelter and its employees to comply with the requirements of the statute and the accompanying TDSHS rules. These are as follows:

- 1) Ask the local law enforcement authorities to prosecute the person(s) violating the statute or the accompanying TDSHS rules. A violation of the statute or the accompanying TDSHS rules is a Class B misdemeanor punishable by confinement in the county jail for up to 180 days or a fine of up to \$2,000, or both. (See Section 821.026). If the police or other local law enforcement authorities refuse to pursue criminal charges, a person with knowledge of the violation may file a criminal complaint directly with the district attorney and ask the district attorney to prosecute. However, prosecution of a criminal case is discretionary with the district attorney.
- 2) In addition to seeking criminal prosecution, a person may individually file a petition with the local court to obtain an injunction to stop the violation of the euthanasia statute or the accompanying TDSHS rules and require the shelter to comply with the statute and TDSHS rules. Any person can file this petition - the person does not need to be a government official or a law enforcement officer. Any private citizen can do this. (See Section 821.057). A person desiring to file for an injunction should consult an attorney as to the proper procedure for pursuing such action.