

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

**ORIGINAL DATE** 2/24/09

**SPONSOR** Martinez, K.      **LAST UPDATED** \_\_\_\_\_      **HB** 892

**SHORT TITLE** Animal Shelter Euthanasia Requirements      **SB** \_\_\_\_\_

**ANALYST** Wilson

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
\$500.0		Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

R relates HB 265 & HB 593

Relates to Appropriation in the General Appropriation Act

There is a \$100.0 appropriation to DFA for the Clovis shelter to assist them in updating its euthanasia services.

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	\$500.0		Non-Recurring	Animal Care And Facility Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation & Licensing (RLD)

### SUMMARY

Synopsis of Bill

House Bill 892 appropriates \$500,000 from the General Fund to the Animal Care And Facility Fund and is further appropriated from that fund to the Regulation And Licensing Department for expenditure in fiscal years 2010 and 2011 by the Animal Sheltering Services Board (ASSB) to assist animal shelters in transitioning from carbon monoxide chambers to injection for the

euthanasia of cats and dogs and for meeting the requirements of rules promulgated by the Sheltering ASSB regulating the provision of euthanasia services by animal shelters.

### **FISCAL IMPLICATIONS**

The one time appropriation of \$500,000 contained in this bill is a non-recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2011 shall revert to the General Fund.

According to the February 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$575 million less than the FY09 appropriations before the 2009 solvency reductions. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

HB265 enacts a ban on the use of carbon monoxide chamber for the euthanasia of cats and dogs by the end of June 2009. To meet this requirement, communities will need funding to implement the transition.

### **SIGNIFICANT ISSUES**

Since the summer of 2008, the ASSB has been drafting proposed rules regulating the provision of euthanasia services at animal shelters. The proposed rules contain a provision banning the use of the carbon monoxide chamber for the euthanasia of cats and dogs after a one-year transition period. The proposed rules will go to public hearing in April 2009 and are expected to become effective July 1, 2009. The appropriation contemplated by this bill will assist communities accomplish those objectives

The Attorney General's representative to the ASSB and RLD interpret the language in 77-1-12 NMSA 1978 to authorize municipalities and counties to create local laws for the disposal of dogs and cats. However, the Animal Sheltering Services Act grants the ASSB exclusive authority to license euthanasia providers, agencies and instructors:

Four localities, Portales, Tucumcari, Jal and Clovis currently use gas chambers. All other shelters in the state are already using lethal injection.

The Humane Society of the United States (HSUS) recommends the injection of sodium pentobarbital, prepared specifically for use as a euthanasia product, as the preferred agent for the euthanasia of companion animals. This method, when properly performed, has been found to be the most humane, safest, least stressful, and most professional choice by the HSUS, The American Humane Association, and the American Veterinary Medical Association.

### **ADMINISTRATIVE IMPLICATIONS**

RLD states that the administrative implications are minimal.

### **RELATIONSHIP**

HB 892 relates HB 265, No Gas Chamber for Animal Euthanasia and HB 593, Animal Euthanasia Requirements

DW/mc