

HOUSE BILL 147

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

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AN ACT

RELATING TO THE ANIMAL SHELTERING BOARD; MOVING THE ANIMAL
SHELTERING BOARD FROM THE REGULATION AND LICENSING DEPARTMENT
TO THE DEPARTMENT OF ENVIRONMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 77-1B-2 NMSA 1978 (being Laws 2007,
Chapter 60, Section 2, as amended) is amended to read:

"77-1B-2. DEFINITIONS.--As used in the Animal Sheltering
Act:

A. "animal" means any animal, except humans, not
defined as "livestock" in Subsection L of this section;

B. "animal shelter":

(1) means:

(a) a county or municipal facility that
provides shelter to animals on a regular basis, including a dog

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1 pound; and

2 (b) a private humane society or a
3 private animal shelter that temporarily houses stray, unwanted
4 or injured animals through administrative or contractual
5 arrangements with a local government agency; and

6 (2) does not include a municipal zoological
7 park;

8 C. "board" means the animal sheltering board;

9 D. "department" means the [~~regulation and~~
10 ~~licensing~~] department of environment;

11 E. "disposition" means adoption of an animal;
12 return of an animal to the owner; release of an animal to a
13 rescue organization; release of an animal to another animal
14 shelter or to a rehabilitator licensed by the department of
15 game and fish or the United States fish and wildlife service;
16 or euthanasia of an animal;

17 F. "emergency field euthanasia" means the process
18 defined by rule of the board to cause the death of an animal in
19 an emergency situation when safe and humane transport of the
20 animal is not possible;

21 G. "euthanasia" means to produce a humane death of
22 an animal by standards deemed acceptable by the board as set
23 forth in its rules;

24 H. "euthanasia agency" means a facility that
25 provides shelter to animals on a regular basis, including a dog

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1 pound, a humane society or a public or private shelter facility
2 that temporarily houses stray, unwanted or injured animals, and
3 that performs euthanasia;

4 I. "euthanasia drugs" means non-narcotic schedule
5 II or schedule III substances and chemicals as set forth in the
6 Controlled Substances Act that are used for the purposes of
7 euthanasia and pre-euthanasia of animals;

8 J. "euthanasia instructor" means a veterinarian or
9 a euthanasia technician certified by the board to instruct
10 other individuals in euthanasia techniques;

11 K. "euthanasia technician" means a person licensed
12 by the board to euthanize animals for a euthanasia agency;

13 L. "livestock" means all domestic or domesticated
14 animals that are used or raised on a farm or ranch and exotic
15 animals in captivity and includes horses, asses, mules, cattle,
16 sheep, goats, swine, bison, poultry, ostriches, emus, rheas,
17 camelids and farmed cervidae but does not include canine or
18 feline animals;

19 M. "rescue organization" means an organization that
20 rescues animals and is not involved in the breeding of animals;

21 N. "supervising veterinarian" means a person who is
22 a veterinarian, who holds both a valid New Mexico controlled
23 substance license and a valid federal drug enforcement agency
24 license and who approves the drug protocols and the procurement
25 and administration of all pharmaceuticals; and

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1 O. "veterinarian" means a person who is licensed as
2 a doctor of veterinary medicine by the board of veterinary
3 medicine pursuant to the Veterinary Practice Act."

4 SECTION 2. Section 77-1B-4 NMSA 1978 (being Laws 2007,
5 Chapter 60, Section 4, as amended by Laws 2009, Chapter 102,
6 Section 6 and by Laws 2009, Chapter 192, Section 2) is amended
7 to read:

8 "77-1B-4. ANIMAL CARE AND FACILITY FUND CREATED--
9 ADMINISTRATION.--

10 A. The "animal care and facility fund" is created
11 in the state treasury. All fees collected pursuant to the
12 Animal Sheltering Act shall be deposited in the fund.

13 B. The animal care and facility fund shall consist
14 of money collected by the board pursuant to the Animal
15 Sheltering Act; income from investment of the fund; and money
16 appropriated to the fund or accruing to it through fees or
17 administrative penalties, cooperative research agreements,
18 income, gifts, grants, donations, bequests, sales of
19 promotional items, handbooks or educational materials or any
20 other source. Money in the fund shall not be transferred to
21 another fund or encumbered or expended except for expenditures
22 authorized pursuant to the Animal Sheltering Act.

23 C. Money in the fund is subject to appropriation by
24 the legislature to the department to be used to help animal
25 shelters and communities defray the cost of implementing the

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1 board's initiatives conducted pursuant to the Animal Sheltering
2 Act. The fund shall be administered by the department to carry
3 out the purposes of the Animal Sheltering Act.

4 D. Each fiscal year, an amount of money in the fund
5 appropriated pursuant to this section that is equal to the
6 total amount of money credited to the fund for that fiscal year
7 from special registration plates issued pursuant to Section
8 66-3-424.3 NMSA 1978 shall be administered so that spay and
9 neuter programs in a county receive money attributable to the
10 number of those special registration plates issued in that
11 county.

12 E. A disbursement from the fund shall be made only
13 upon a warrant drawn by the secretary of finance and
14 administration pursuant to a voucher signed by the
15 ~~[superintendent of regulation and licensing or the~~
16 ~~superintendent's]~~ secretary of environment or the secretary's
17 designee.

18 F. Unexpended and unencumbered balances in the fund
19 at the end of a fiscal year shall not revert to the general
20 fund."

21 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
22 provisions of this act is July 1, 2016.