

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 211

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

AN ACT

RELATING TO ANIMALS; LIMITING STERILIZATION DEPOSITS FOR
ANIMALS RELEASED FROM ANIMAL SHELTERS TO ANIMAL RESCUE
ORGANIZATIONS.

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

SECTION 1. Section 77-1-19 NMSA 1978 (being Laws 1993,
Chapter 43, Section 2) is amended to read:

"77-1-19. DEFINITIONS.--As used in the Pet Sterilization
Act:

A. "animal" means a cat or dog;

B. "animal rescue organization" means a nonprofit
entity exempt from federal taxation pursuant to Section
501(c)(3) of the Internal Revenue Code of 1986, as amended or
renumbered, whose primary purpose is the rescue of abandoned,
unwanted or abused pets in order to find them suitable homes;

.199635.1

underscored material = new
[bracketed material] = delete

1 ~~[B-]~~ C. "animal shelter" means any animal facility
2 operated privately or by or for a municipality or county in
3 which stray, lost or unwanted animals are kept and released for
4 adoption;

5 ~~[C-]~~ D. "sterilization" means rendering an animal
6 unable to reproduce, either by the spaying of a female animal
7 or by the neutering of a male animal; and

8 ~~[D-]~~ E. "sterilization deposit" means that portion
9 of the adoption fee charged by the animal shelter when a person
10 adopts an unsterilized animal; the "sterilization deposit" is
11 refunded when the animal is sterilized."

12 SECTION 2. Section 77-1-20 NMSA 1978 (being Laws 1993,
13 Chapter 43, Section 3) is amended to read:

14 "77-1-20. STERILIZATION AGREEMENT AND STERILIZATION
15 DEPOSIT REQUIRED.--

16 A. ~~[No]~~ An animal shall not be released from an
17 animal shelter to an adopting person unless a sterilization
18 agreement has been signed and a sterilization deposit has been
19 paid, as provided in Subsections B, C and D of this section.

20 B. In addition to any adoption fee charged, a
21 sterilization deposit of at least twenty-five dollars (\$25.00)
22 shall be imposed on the adoption of each animal from an animal
23 shelter; provided that an animal rescue organization shall be
24 charged no more than twenty-five dollars (\$25.00) for a
25 sterilization deposit.

1 C. Animals less than six months of age shall be
2 released only upon payment of [~~the~~] any adoption fee and a
3 sterilization deposit and after the adopting person has signed
4 an agreement stating [~~he~~] that the adopting person will have
5 the adopted animal sterilized when it is no older than six
6 months of age.

7 D. Adult animals over the age of six months shall
8 be released only upon payment of [~~the~~] any adoption fee and a
9 sterilization deposit and after the adopting person has signed
10 an agreement stating [~~he~~] that the adopting person will have
11 the animal sterilized within thirty days of the date of
12 adoption.

13 E. The sterilization deposit shall be reimbursed
14 only upon presentation of a receipt from a veterinarian that
15 the adopted animal has been sterilized.

16 F. An unsterilized animal reclaimed by its owner
17 shall be released without being sterilized upon payment of the
18 twenty-five dollars (\$25.00) for the sterilization deposit and
19 impoundment fees imposed by the shelter, and the owner shall
20 sign an agreement stating [~~he~~] that the owner will sterilize
21 the animal within thirty days after release or will obtain a
22 breeder permit or its equivalent. The sterilization deposit
23 shall be reimbursed upon presentation by the owner of a receipt
24 from a veterinarian that the animal has been sterilized."