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HOUSE BILL 123

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Carl Trujillo

AN ACT

RELATING TO ANIMAL NEUTERING; IMPOSING AN ADDITIONAL FEE ON
COMMERCIAL FEED FOR DOGS AND CATS TO FUND A DOG AND CAT
STERILIZATION ASSISTANCE PROGRAM; ESTABLISHING A HOUSEHOLD
INCOME LEVEL FOR ASSISTANCE.

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

SECTION 1. Section 77-1B-4 NMSA 1978 (being Laws 2007,
Chapter 60, Section 4, as amended) is amended to read:

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

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

B. The animal care and facility fund shall consist
of money collected by the board pursuant to the Animal

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1 Sheltering Act; income from investment of the fund; and money
2 appropriated to the fund or accruing to it through fees or
3 administrative penalties, cooperative research agreements,
4 income, gifts, grants, donations, bequests, sales of
5 promotional items, handbooks or educational materials or any
6 other source. Money in the fund shall not be transferred to
7 another fund or encumbered or expended except for expenditures
8 authorized pursuant to the Animal Sheltering Act.

9 C. Money in the fund is appropriated by the
10 legislature to the department to be used to help animal
11 shelters and communities defray the cost of implementing the
12 board's initiatives conducted pursuant to the Animal Sheltering
13 Act. The fund shall be administered by the department to carry
14 out the purposes of the Animal Sheltering Act.

15 D. The "statewide spay and neuter subaccount" is
16 established in the animal care and facility fund. Money in the
17 subaccount shall only be used to carry out the board's dog and
18 cat sterilization assistance program and for the reasonable
19 costs of administering the program. Money collected pursuant
20 to [~~Section 1 of this 2015 act and Section~~] Sections 7-2-30.9
21 and 66-3-424.3 NMSA 1978 and Section 3 of this 2017 act shall
22 be deposited in the subaccount.

23 E. A disbursement from the fund shall be made only
24 upon a warrant drawn by the secretary of finance and
25 administration pursuant to a voucher signed by the

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1 superintendent of regulation and licensing or the
2 superintendent's designee.

3 F. Unexpended and unencumbered balances in the fund
4 at the end of a fiscal year shall not revert to the general
5 fund."

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

8 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

9 A. provide board-recommended standards regarding
10 the infrastructure for all animal shelters;

11 B. provide board-recommended operating standards
12 for all animal shelters;

13 C. adopt methods and procedures acceptable for
14 conducting emergency field euthanasia;

15 D. adopt, promulgate and revise rules necessary to
16 carry out the provisions of the Animal Sheltering Act;

17 E. have authority to issue licenses and
18 certificates pursuant to the Animal Sheltering Act;

19 F. establish the types of licenses and certificates
20 that may be issued pursuant to the Animal Sheltering Act and
21 establish criteria for issuing the licenses and certificates;

22 G. prescribe standards and approve curricula for
23 educational programs that will be used to train and prepare
24 persons for licensure or certification pursuant to the Animal
25 Sheltering Act;

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1 H. implement continuing education requirements for
2 licensees and certificate holders pursuant to the Animal
3 Sheltering Act;

4 I. conduct administrative hearings upon charges
5 relating to violations of provisions of the Animal Sheltering
6 Act or rules adopted pursuant to that act in accordance with
7 the Uniform Licensing Act;

8 J. provide for all examinations and for issuance
9 and renewal of licenses and certificates;

10 K. establish fees not to exceed one hundred fifty
11 dollars (\$150) for licenses and certificates pursuant to the
12 Animal Sheltering Act;

13 L. establish committees as the board deems
14 necessary to effect the provisions of the Animal Sheltering
15 Act;

16 M. apply for injunctive relief to enforce the
17 provisions of the Animal Sheltering Act;

18 N. conduct national criminal background checks on
19 applicants seeking licensure or certification under the Animal
20 Sheltering Act;

21 O. keep a record of all proceedings;

22 P. make an annual report to the legislature and to
23 the governor;

24 Q. provide for the inspection of animal shelters
25 and euthanasia agencies;

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1 R. develop mechanisms to address complaints of
2 misconduct at animal shelters and euthanasia agencies and
3 noncompliance with the provisions of the Animal Sheltering Act
4 or rules adopted pursuant to that act;

5 S. develop mechanisms to address complaints of
6 licensee and certificate holder misconduct and noncompliance;

7 T. develop a voluntary statewide dog and cat spay
8 and neuter program in conjunction with animal shelters and
9 euthanasia agencies;

10 U. develop criteria for individuals, groups, animal
11 shelters and euthanasia agencies to receive assistance for dog
12 and cat sterilization from the animal care and facility fund;
13 provided that assistance to individuals and groups may only be
14 given to individuals who have, or to groups whose service
15 recipients have, a household income that does not exceed two
16 hundred fifty percent of the current federal poverty level
17 guidelines published by the United States department of health
18 and human services;

19 V. disburse money from the animal care and facility
20 fund to qualifying individuals, groups, animal shelters and
21 euthanasia agencies;

22 W. provide board-recommended standards for
23 maintaining records concerning health care and disposition of
24 animals; and

25 X. refer to national animal control association

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1 standards in determining its regulations."

2 SECTION 3. A new section of the New Mexico Commercial
3 Feed Act is enacted to read:

4 "[NEW MATERIAL] SPAY AND NEUTER PROGRAM FEE.--

5 A. Except as provided in Subsection B of this
6 section, in addition to the registration fee required pursuant
7 to Section 76-19A-10 NMSA 1978, the department shall collect a
8 fee of one hundred dollars (\$100) on each brand name or product
9 name of commercial feed that is distributed in New Mexico for
10 consumption by a dog or cat.

11 B. The provisions of Subsection A of this section
12 do not apply in cases of:

- 13 (1) customer-formula feed;
- 14 (2) prescription diet feed ordered or
15 manufactured by a veterinarian; or
- 16 (3) commercial feed manufactured by a person
17 who demonstrates to the board, in a manner prescribed by the
18 board, that the person's tax-year gross revenue from the
19 distribution of commercial feed is no more than five hundred
20 thousand dollars (\$500,000).

21 C. The fee collected pursuant to Subsection A of
22 this section shall be deposited with the state treasurer and
23 credited to the statewide spay and neuter subaccount of the
24 animal care and facility fund."

25 SECTION 4. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2017.

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