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AN ACT

RELATING TO ANIMALS; IMPOSING AN ADDITIONAL FEE ON PET FOOD FOR DOGS AND CATS TO FUND THE DOG AND CAT SPAY AND NEUTER ASSISTANCE PROGRAM AND THE ANIMAL SHELTERING ACT; ESTABLISHING A HOUSEHOLD INCOME LEVEL FOR ASSISTANCE; REQUIRING REPORTING.

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

SECTION 1. Section 61-14-7.1 NMSA 1978 (being Laws 2017, Chapter 44, Section 3) is amended to read:

"61-14-7.1. ANIMAL SHELTERING COMMITTEE--DUTIES.--The sheltering committee shall:

A. develop a voluntary statewide dog and cat spay and neuter program in conjunction with animal shelters and euthanasia agencies;

B. develop criteria for individuals, nonprofit organizations, animal shelters and euthanasia agencies to receive assistance for dog and cat spaying and neutering from the animal care and facility fund; provided that assistance to individuals and nonprofit organizations shall only be given to individuals who have, or to nonprofit organizations that shall only provide assistance to service recipients who have, a household income that does not exceed two hundred percent of the current federal poverty level guidelines published by the United States department of health and human

1 services; and

2 C. recommend to the board the disbursements of  
3 money from the animal care and facility fund to qualifying  
4 individuals, nonprofit organizations, animal shelters and  
5 euthanasia agencies."

6 SECTION 2. Section 77-1B-4 NMSA 1978 (being Laws 2007,  
7 Chapter 60, Section 4, as amended) is amended 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  
22 expenditures authorized pursuant to the Animal Sheltering  
23 Act.

24 C. Money in the fund is appropriated by the  
25 legislature to the board to be used to help animal shelters

1 and communities defray the cost of implementing the board's  
2 initiatives conducted pursuant to the Animal Sheltering Act.  
3 The fund shall be administered by the board to carry out the  
4 purposes of the Animal Sheltering Act.

5 D. The "statewide spay and neuter subaccount" is  
6 established in the animal care and facility fund. Money in  
7 the subaccount shall only be used to carry out the board's  
8 dog and cat spay and neuter assistance program and for the  
9 reasonable costs of administering the Animal Sheltering Act,  
10 which reasonable costs shall not exceed five percent of the  
11 total fees distributed to the subaccount pursuant to the  
12 provisions of Section 5 of this 2020 act. Money collected  
13 pursuant to Section 7-2-30.9 NMSA 1978, Section 66-3-424.3  
14 NMSA 1978 and Section 5 of this 2020 act shall be deposited  
15 in the subaccount.

16 E. A disbursement from the fund shall be made only  
17 upon a warrant drawn by the secretary of finance and  
18 administration pursuant to a voucher signed by the executive  
19 director of the board or the director's designee with the  
20 approval of the majority of the board with consideration of  
21 the recommendation of a majority of the animal sheltering  
22 committee.

23 F. Unexpended and unencumbered balances in the  
24 fund at the end of a fiscal year shall not revert to the  
25 general fund."

1 SECTION 3. Section 77-1B-5 NMSA 1978 (being Laws 2007,  
2 Chapter 60, Section 5, as amended) is amended to read:

3 "77-1B-5. BOARD POWERS AND DUTIES.--The board shall:

4 A. adopt infrastructure and operating standards  
5 and may enforce those standards with consideration of the  
6 recommendations by the animal sheltering committee;

7 B. provide for inspections of animal shelters and  
8 euthanasia agencies;

9 C. provide for oversight, including oversight of  
10 licensing requirements, regulations and discipline, of  
11 veterinarians employed by local government animal shelters;

12 D. adopt methods and procedures acceptable for  
13 conducting emergency field euthanasia;

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

16 F. have authority to issue licenses and  
17 certificates pursuant to the Animal Sheltering Act;

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

22 H. 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;

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

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

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

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

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

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

21 P. keep a record of all proceedings;

22 Q. make an annual report to the legislature,  
23 including information on the total number of dogs and cats  
24 spayed and neutered and the average costs per surgery paid  
25 for from the statewide spay and neuter subaccount of the

1 animal care and facility fund. The New Mexico department of  
2 agriculture shall provide for inclusion in the annual report  
3 the number of pet foods registered pursuant to Section  
4 76-19A-10 NMSA 1978 for the current and previous year listed  
5 by registrant;

6 R. provide for the inspection of animal shelters  
7 and euthanasia agencies;

8 S. develop mechanisms to address complaints of  
9 misconduct at animal shelters and euthanasia agencies and  
10 noncompliance with the provisions of the Animal Sheltering  
11 Act or rules adopted pursuant to that act;

12 T. develop mechanisms to address complaints of  
13 licensee and certificate holder misconduct and noncompliance;

14 U. adopt standards for maintaining records  
15 concerning health care and disposition of animals; and

16 V. refer to the published association of shelter  
17 veterinarians standards in determining its regulations for  
18 animal shelters and euthanasia agencies."

19 SECTION 4. Section 76-19A-1 NMSA 1978 (being Laws 2013,  
20 Chapter 23, Section 1) is amended to read:

21 "76-19A-1. SHORT TITLE.--Chapter 76, Article 19A NMSA  
22 1978 may be cited as the "New Mexico Commercial Feed Act"."

23 SECTION 5. A new section of the New Mexico Commercial  
24 Feed Act is enacted to read:

25 "SPAY AND NEUTER PROGRAM FEE.--

1           A. Except as provided in Subsection B of this  
2 section, in addition to the commercial feed registration fee  
3 required pursuant to Section 76-19A-10 NMSA 1978, the  
4 department shall collect an annual fee on each pet food  
5 registered with the department as follows:

6                   (1) beginning January 1, 2021, fifty dollars  
7 (\$50.00);

8                   (2) beginning January 1, 2022, seventy-five  
9 dollars (\$75.00); and

10                   (3) on and after January 1, 2023, one  
11 hundred dollars (\$100).

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

14                   (1) prescription diet pet food prescribed by  
15 a veterinarian; or

16                   (2) pet food manufactured by a person who  
17 demonstrates to the board, in a manner prescribed by the  
18 board, that the person's tax-year annual gross revenue from  
19 the distribution of pet food is no more than three million  
20 dollars (\$3,000,000).

21           C. The fee collected pursuant to Subsection A of  
22 this section shall be distributed as follows:

23                   (1) ninety-six percent of the fee shall be  
24 deposited with the state treasurer and credited to the  
25 statewide spay and neuter subaccount of the animal care and

1 facility fund; and

2 (2) four percent of the fee shall be  
3 distributed to the department to administer the New Mexico  
4 Commercial Feed Act."

5 SECTION 6. DELAYED REPEAL.--Section 5 of this act is  
6 repealed effective July 1, 2026.

7 SECTION 7. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2020. \_\_\_\_\_

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