
SUBSTITUTE SENATE BILL 5202

State of Washington

63rd Legislature

2013 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Chase, Kohl-Welles, Conway, Shin, Nelson, Darneille, Frockt, McAuliffe, Keiser, Kline, Harper, and Rolfes)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to local animal care and control functions;
2 amending RCW 18.92.260; adding a new chapter to Title 16 RCW;
3 prescribing penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) Tens of thousands of stray and homeless dogs and cats are
7 handled by Washington's animal care and control agencies and other
8 animal welfare organizations each year, costing millions of dollars.
9 This presents a significant financial burden to these organizations and
10 to Washington taxpayers.

11 (2) Unaltered dogs account for most serious incidences of
12 unprovoked dog aggression and dog bites, causing injury, suffering,
13 expense, and financial liability. This is a public safety issue that
14 has not been adequately addressed in Washington state.

15 (3) Many thousands of adoptable dogs and cats are put to death in
16 shelters each year because there are not enough homes found to place
17 them. This is a tragic consequence of animal overpopulation.

18 (4) Pets owned by low-income individuals are less likely to be

1 spayed or neutered than pets owned by individuals with higher levels of
2 income. The cost of spay and neuter surgery is a barrier to achieving
3 higher levels of surgically sterilized pets.

4 (5) The majority of feral and free-roaming cats in Washington are
5 not spayed or neutered, thus contributing significantly to the
6 population of cats that are homeless and euthanized in shelters.

7 (6) Reducing the companion animal population through spay and
8 neuter surgery will reduce the number of animals handled and cared for
9 by animal care and control agencies and other animal welfare
10 organizations. This, in turn, will help reduce costs these agencies
11 and organizations incur for handling stray, abandoned, relinquished,
12 and homeless animals and, most importantly, will help reduce the number
13 of animals that die in shelters.

14 (7) Increasing the numbers of dogs that are surgically sterilized
15 will help reduce risks of dog bites that result in injury, death,
16 medical costs, and liability. Increasing the numbers of feral and
17 free-roaming cats that are surgically sterilized will reduce the
18 burdens they place on animal care and control agencies, shelters,
19 animal rescue organizations, and individuals who care for these
20 unowned, lost, or abandoned animals.

21 (8) The most effective and humane way to reduce the number of
22 animals dying in shelters is to reduce animal overpopulation through a
23 targeted, statewide spay and neuter surgery network.

24 (9) A companion animal safety, population control, and spay/neuter
25 assistance program is necessary to address the problems and costs of
26 companion animal overpopulation. The program should be funded through
27 a fee that is practical, administratively feasible, and targeted at the
28 class of Washington residents that is most responsible for companion
29 animals and their impact on our communities: Owners of cats and dogs.

30 NEW SECTION. **Sec. 2.** The definitions in this section apply
31 throughout this chapter unless the context clearly requires otherwise.

32 (1) "Account" means the companion animal spay/neuter assistance
33 account created in section 8 of this act.

34 (2) "Animal care and control agency" means an agency or authority
35 as defined in RCW 16.52.011(2)(c).

36 (3) "Cat" means a member of the species *Felis catus*.

1 (4) "Companion animal" means a cat or dog and includes a feral or
2 free-roaming cat as defined in this section.

3 (5) "Copayment" means the amount in dollars that a low-income owner
4 of a dog or cat may be required to pay for spay or neuter surgery.

5 (6) "Department" means the department of health.

6 (7) "Dog" means a member of the species *Canis familiaris*.

7 (8) "Feral or free-roaming cat" means a cat that is unowned, lost,
8 or abandoned.

9 (9) "Low income" means an individual who is a resident of
10 Washington state and meets the income limitations defined in section
11 4(2) of this act or participates in a public assistance program defined
12 in section 4(2) of this act.

13 (10) "Medically unfit" means unsuitable for a surgical procedure
14 due to any medical condition that may place a dog or cat at
15 life-threatening risk if a surgical procedure is performed on such an
16 animal, as determined by a veterinarian.

17 (11) "Neuter" means the surgical procedure of castrating a male dog
18 or cat.

19 (12) "Owner" means an individual or individuals with ownership
20 rights and responsibilities for a dog or cat.

21 (13) "Participating spay and neuter surgery provider" means a
22 private veterinarian, private veterinary practice, animal care and
23 control agency, or nonprofit organization that performs spay and neuter
24 surgeries on companion animals belonging to low-income individuals, or
25 spay and neuter surgeries on feral or free-roaming cats, and is
26 participating in the program established under this chapter.

27 (14) "Program" means the companion animal safety, population
28 control, and spay/neuter assistance program created in this chapter.

29 (15) "Secretary" means the secretary of the department of health or
30 the secretary's designee.

31 (16) "Shelter" means a facility that is owned by a public, private,
32 or nonprofit organization that provides food, water, and housing for
33 stray, abandoned, abused, or owner-surrendered dogs and cats.

34 (17) "Spay" means the surgical procedure of ovariectomy on
35 a female dog or cat.

36 (18) "Surgical sterilization" means performing spay or neuter
37 surgery on a dog or cat.

1 (19) "Voucher" means a nontransferable document that, when approved
2 by the secretary or the secretary's designee, authorizes low-income
3 owners of companion animals or caretakers of feral and free-roaming
4 cats to receive program-supported companion animal spay or neuter
5 surgeries, presurgical examinations, and vaccinations by participating
6 spay and neuter surgery providers.

7 NEW SECTION. **Sec. 3.** (1) The companion animal safety, population
8 control, and spay/neuter assistance program is established. The
9 purpose of the program is to provide for spaying and neutering of
10 companion animals owned by low-income individuals and for spaying and
11 neutering feral and free-roaming cats. This, in turn, will promote
12 greater public safety and humanely reduce the number of homeless
13 animals that require animal control services and enter our state's
14 animal shelters.

15 (2) The department shall administer the program and shall:

16 (a) Enroll spay and neuter surgery providers and publicize the
17 program and the names and locations of participating spay and neuter
18 surgery providers;

19 (b) Establish criteria and procedures for screening companion
20 animal owners and caretakers of feral and free-roaming cats for
21 eligibility to participate in the program. Caretakers of feral and
22 free-roaming cats are not subject to the low-income requirements set
23 forth in section 4(2) of this act;

24 (c) Screen companion animal owners and caretakers of feral and
25 free-roaming cats for eligibility or contract for screening to promote
26 the ease and convenience of applying for services under the program;

27 (d) Obtain the greatest number of spay and neuter surgeries that
28 can be accomplished efficiently, consistent with the program's purpose
29 and availability of funds;

30 (e) To the extent practical, maximize the ease and convenience for
31 eligible owners and caretakers of companion animals to apply for and
32 receive spay, neuter, and other authorized veterinary medical services,
33 and minimize administrative burdens, procedures, and costs for
34 participating spay and neuter surgery providers that participate in the
35 program; and

36 (f) Actively promote the program to inform the public about
37 companion animal overpopulation issues and surgical sterilization.

1 (3) The department's priorities for expenditures are to fund spay
2 and neuter surgeries on companion animals belonging to low-income
3 individuals who are Washington state residents and for spaying and
4 neutering feral and free-roaming cats.

5 (4) The department may expend moneys from the account to pay the
6 costs of presurgical examinations and vaccinations of companion animals
7 eligible for spay or neuter surgery.

8 (5) To the extent that moneys from the account are available and
9 spay and neuter funding priorities are met, as determined by the
10 secretary, the department may expend money from the account for spay
11 and neuter surgeries on companion animals that are in the possession of
12 animal shelters, animal care and control agencies, and other animal
13 welfare organizations. Expenditures under this subsection may be made
14 for spay and neuter surgeries on companion animals: Received as stray
15 or abandoned; relinquished by companion animals' owners or caretakers;
16 transferred in from other shelters, agencies, or organizations; or
17 taken into custody in accordance with chapter 16.52 RCW or local
18 ordinances.

19 (6) The department shall set copayment amounts for spay or neuter
20 surgery on owned companion animals. The copayment amounts may not
21 exceed twenty dollars per dog and ten dollars per cat. Any copayments
22 due must be paid by or on behalf of low-income owners of companion
23 animals to participating spay and neuter surgery providers. There is
24 no copayment due for spay or neuter surgery performed on feral or free-
25 roaming cats.

26 (7) The department may not use moneys from the account to provide
27 veterinary medical services to the public at large.

28 (8) Other agencies of the state, including but not limited to the
29 department of social and health services and the Washington state
30 health care authority, shall work cooperatively with the department to
31 facilitate the development of screening procedures for determining the
32 eligibility of low-income applicants to participate in the program.

33 (9) The department may contract with public, private, or nonprofit
34 agencies or organizations with relevant experience and expertise to
35 accomplish the purposes of the program.

36 (10) At least ninety percent of the funds from the account must be
37 used for payments to spay/neuter surgery providers for performing
38 spay/neuter surgery and other authorized services, informing and

1 educating the public about the benefits of spay/neuter surgery for
2 companion animals, and promoting the program to the public. No more
3 than ten percent of the funds from the account may be expended for
4 other purposes, including program administration.

5 NEW SECTION. **Sec. 4.** (1) The department may expend moneys from
6 the account for spay and neuter surgeries and other authorized services
7 for companion animals that are:

- 8 (a) Owned by qualified low-income individuals;
- 9 (b) Feral or free-roaming cats; or
- 10 (c) Not owned by individuals but are in the possession of animal
11 shelters, animal care and control agencies, and other animal welfare
12 organizations.

13 (2) An individual is "low income" if the individual is a resident
14 of Washington state and certifies or provides evidence that he or she:

15 (a) Meets the definition of "low-income household" defined in RCW
16 43.185A.010; or

17 (b) Is eligible for and participates in at least one of the
18 following public assistance programs:

19 (i) The Washington basic food program administered by the
20 Washington state department of social and health services;

21 (ii) Basic health administered by the Washington state health care
22 authority;

23 (iii) Medical assistance programs administered by the Washington
24 state department of social and health services that fall within a
25 household income limitation of two hundred fifty percent of the federal
26 poverty level as defined by the United States department of health and
27 human services;

28 (iv) Supplemental security income administered by the federal
29 social security administration; or

30 (v) Any other public assistance program that the secretary
31 determines is sufficient to qualify a person as a low-income
32 individual.

33 (3) No unowned dog or cat transferred from jurisdictions outside
34 Washington state into this state is eligible for spay or neuter surgery
35 under the program.

1 NEW SECTION. **Sec. 5.** (1) Any private veterinarian, private
2 veterinary practice, animal care and control agency, and nonprofit
3 organization whose services include performing spay and neuter
4 surgeries on companion animals is eligible to apply to the department
5 to participate in the program.

6 (2) Spay and neuter services provided under the program may only be
7 performed by veterinarians licensed under chapter 18.92 RCW.

8 (3) Participation by spay and neuter surgery providers in the
9 program is voluntary. Participating spay and neuter surgery providers
10 may also elect to exclude particular species (dog or cat) and
11 participants may exclude acceptance of feral or free-roaming cats.

12 (4) Any private veterinarian, private veterinary practice, animal
13 care and control agency, or nonprofit organization that performs
14 companion animal spay and neuter surgeries that is interested in
15 participating in the program must submit an application to the
16 department that includes a schedule listing the fees charged for
17 companion animal sterilization in its normal course of business.
18 Applicants must list separate fees for surgical sterilization of female
19 cats, male cats, female dogs within various weight ranges, male dogs
20 within various weight ranges, and for other surgical classifications as
21 the department determines. In addition to providing a schedule of
22 fees, applicants that are animal care and control agencies or nonprofit
23 organizations must include reasonable documentation of their direct and
24 indirect costs of performing surgical sterilization.

25 (5) The department shall reimburse each participating private
26 veterinary spay and neuter surgery provider for companion animal
27 sterilization based upon the provider's normal fee schedule, provided
28 that it does not exceed an amount that the department determines is
29 usual, customary, and reasonable. The usual, customary, and reasonable
30 fee limit shall be calculated at the seventieth percentile rate, based
31 upon the department's review of prevailing fees for similar services
32 charged by peer private veterinary practices in Washington state. That
33 fee limit is the rate at which seventy percent of private practice
34 prevailing fees do not exceed. The department may establish rates of
35 compensation for presurgical examinations and for administration of
36 vaccinations in such a manner and at a level as the department
37 determines is fair and reasonable.

1 (6) The department shall establish separate rates of compensation
2 for the reasonable costs of surgical sterilization provided by animal
3 care and control agencies and nonprofit organizations that are
4 participating spay and neuter surgery providers. Compensation provided
5 under this section may not exceed the fee limit established for private
6 veterinary practices under subsection (5) of this section.

7 (7) The department shall adjust rates of compensation at two-year
8 intervals.

9 (8) No participating spay and neuter surgery provider is required
10 to perform medical procedures on an animal that the provider determines
11 is medically unfit.

12 (9) Participating private veterinarians or private veterinary
13 practices are not required to screen applicants for eligibility,
14 although they may do so voluntarily. The department may require that
15 animal care and control agencies and nonprofit organizations that are
16 participating spay and neuter surgery providers screen applicants for
17 eligibility.

18 (10) The department shall provide payment on a monthly basis to all
19 participating spay and neuter surgery providers for spay and neuter
20 surgeries, presurgical examinations, and vaccinations authorized by the
21 department for reimbursement. Services not authorized for payment may
22 not be reimbursed. Companion animal owners and caretakers of feral and
23 free-roaming cats are responsible for payment of any additional fees
24 due to the participating spay and neuter surgery provider that are
25 mutually agreed upon, administered by that provider, and not covered
26 under the program.

27 (11) To receive reimbursement for spay and neuter surgeries and
28 other approved services, the participating spay and neuter surgery
29 provider must submit documentation of authorized services performed as
30 required by the department.

31 NEW SECTION. **Sec. 6.** The department shall adopt policies and
32 procedures relative to:

33 (1) Determining eligibility for spay and neuter surgery;

34 (2) Establishing copayment amounts for spay and neuter surgeries on
35 companion animals owned by qualified low-income individuals;

36 (3) Enrolling spay and neuter surgery providers in the program;

1 (4) Determining the percentage of moneys to be allocated to spay
2 and neuter surgery, education of the public, and other purposes;

3 (5) Determining fair and reasonable rates of compensation for spay
4 and neuter surgeries, presurgical examinations, and vaccinations, and
5 for making fair and reasonable adjustments to those rates;

6 (6) Providing guidance to shelters concerning shelter reporting as
7 required under section 12 of this act; and

8 (7) Any other matter necessary for the administration of this act.

9 NEW SECTION. **Sec. 7.** Animal care and control agencies are
10 authorized to add to each companion animal licensing fee a charge in an
11 amount to be determined by the animal care and control agency, up to
12 one dollar per license, to fund the program. Any fees collected shall
13 be deposited into the companion animal spay/neuter assistance account
14 created in section 8 of this act.

15 NEW SECTION. **Sec. 8.** The companion animal spay/neuter assistance
16 account is created in the custody of the state treasurer. All
17 companion animal spay/neuter fees received under section 7 of this act,
18 gifts and grants to the program under section 9 of this act, or other
19 revenue directed to the account must be deposited into the account.
20 Expenditures from the account may be used only for the program as
21 authorized by this chapter. Only the secretary of health or the
22 secretary's designee may authorize expenditures from the account. The
23 account is subject to allotment procedures under chapter 43.88 RCW, but
24 an appropriation is not required for expenditures.

25 NEW SECTION. **Sec. 9.** The department may accept any donations,
26 grants, bequests, and devises, conditional or otherwise, or money,
27 property, service, or other things of value which may be received from
28 the United States or any agency thereof, any governmental agency, any
29 institution, person, firm, or corporation, public and private, to be
30 held, used, or applied for the purposes of the program established
31 under this chapter.

32 NEW SECTION. **Sec. 10.** A person who knowingly falsifies the
33 following information is guilty of a misdemeanor and may be suspended
34 from participation in the program:

- 1 (1) Individual and household income or ownership of a pet in order
- 2 to qualify for pet sterilization;
- 3 (2) Prevailing fees and rates charged for spay and neuter
- 4 surgeries, presurgical examinations, and vaccinations; or
- 5 (3) Payment requests submitted to the department for performance of
- 6 services.

7 NEW SECTION. **Sec. 11.** By April 30, 2015, and annually thereafter,
8 the department shall prepare and submit to the governor and the
9 legislature a report that describes and evaluates the program's
10 performance and impact over the previous year and cumulatively since
11 its inception. At the least, the report must include the following
12 elements: The number of spay and neuter surgeries performed by
13 individual spay/neuter surgery providers, the number of surgeries
14 performed within each county, and the number performed statewide; the
15 number of dogs and cats received by animal shelters and the sources and
16 fates of these animals reported by shelter, by county, and statewide;
17 program revenue and expenditures; effectiveness, efficiency, and
18 accomplishment of objectives; and recommendations for legislative or
19 administrative actions as the department deems appropriate.

20 NEW SECTION. **Sec. 12.** To assist the department in evaluating the
21 impact of the program, animal care and control agencies, humane
22 societies, and other nonprofit organizations that serve as animal
23 shelter for dogs and cats within the state must annually report to the
24 department, in a form and manner required by the department, the number
25 of cats, kittens, dogs, and puppies received and the sources and fates
26 of these animals. However, animal shelters that handle small numbers
27 of cats or dogs, as determined by the department, may not be required
28 to report. The department shall provide guidance to shelters on
29 classifying animals by age, health, and other factors for reporting
30 purposes. Animal shelters that fail to report as required under this
31 section may, at the department's discretion, be disqualified from
32 receiving moneys under this chapter.

33 **Sec. 13.** RCW 18.92.260 and 2002 c 157 s 2 are each amended to read
34 as follows:

- 35 (1)(a) Subject to the limitations in this section, animal care and

1 control agencies as defined in RCW 16.52.011 and nonprofit humane
2 societies, that have qualified under section 501(c)(3) of the internal
3 revenue code may provide limited veterinary services to animals owned
4 by qualified low-income households. The veterinary services provided
5 shall be limited to electronic identification, surgical sterilization,
6 and vaccinations. A veterinarian or veterinary technician acting
7 within his or her scope of practice must perform the limited veterinary
8 services. For purposes of this section, "low-income household" means
9 the same as in RCW 43.185A.010 and section 4(2)(b) of this act.

10 (b) Animal control agencies and nonprofit humane societies,
11 receiving animals on an emergency basis, may provide emergency care,
12 subject to a local ordinance that defines an emergency situation and
13 establishes temporary time limits.

14 (c) Any local ordinance addressing the needs under this section
15 that was approved by the voters and is in effect on July 1, 2003,
16 remains in effect.

17 (2) Veterinarians and veterinary technicians employed at these
18 facilities must be licensed under this chapter. No officer, director,
19 supervisor, or any other individual associated with an animal care or
20 control agency or nonprofit humane society owning and operating a
21 veterinary medical facility may impose any terms or conditions of
22 employment or direct or attempt to direct an employed veterinarian in
23 any way that interferes with the free exercise of the veterinarian's
24 professional judgment or infringes upon the utilization of his or her
25 professional skills.

26 (3) Veterinarians, veterinary technicians, and animal control
27 agencies and humane societies acting under this section shall, for
28 purposes of providing the limited veterinary services, meet the
29 requirements established under this chapter and are subject to the
30 rules adopted by the veterinary board of governors in the same fashion
31 as any licensed veterinarian or veterinary medical facility in the
32 state.

33 (4) The Washington state veterinary board of governors shall adopt
34 rules to:

35 (a) Establish registration and registration renewal requirements;

36 (b) Govern the purchase and use of drugs for the limited veterinary
37 services authorized under this section; and

1 (c) Ensure that agencies and societies are in compliance with this
2 section.

3 (5) The limited veterinary medical service authority granted by
4 registration under this section may be denied, suspended, revoked, or
5 conditioned by a determination of the board of governors for any act of
6 noncompliance with this chapter. The uniform disciplinary act, chapter
7 18.130 RCW, governs unregistered operation, the issuance and denial of
8 registrations, and the discipline of registrants under this section.

9 (6) No animal control agency or humane society may operate under
10 this chapter without registering with the department. An application
11 for registration shall be made upon forms provided by the department
12 and shall include the information the department reasonably requires,
13 as provided by RCW 43.70.280. The department shall establish
14 registration and renewal fees as provided by RCW 43.70.250. A
15 registration fee shall accompany each application for registration or
16 renewal.

17 NEW SECTION. **Sec. 14.** Sections 1 through 12 of this act
18 constitute a new chapter in Title 16 RCW.

19 NEW SECTION. **Sec. 15.** Sections 1 through 12 of this act take
20 effect January 1, 2014.

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