
HOUSE BILL 1406

State of Washington

61st Legislature

2009 Regular Session

By Representatives Williams, Moeller, Dunshee, Upthegrove, Simpson, Anderson, Hunt, Dickerson, Takko, Nelson, McCoy, O'Brien, Flannigan, and Conway

1 AN ACT Relating to providing assistance to spay and neuter certain
2 animals; amending RCW 15.53.9018, 15.53.9044, and 18.92.260; adding a
3 new chapter to Title 16 RCW; prescribing penalties; and providing an
4 effective date.

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

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

7 (1) Tens of thousands of stray and homeless dogs and cats are
8 handled by Washington's animal care and control agencies and other
9 animal welfare organizations each year, costing millions of dollars.

10 (2) Many thousands of adoptable animals are dying in shelters each
11 year because there are not enough homes available to place them.

12 (3) Unaltered dogs account for most serious incidences of
13 unprovoked dog aggression and dog bites, causing injury, suffering,
14 expense, and financial liability.

15 (4) Pets owned by low-income individuals are less likely to be
16 spayed or neutered than pets owned by individuals with higher levels of
17 income. The cost of spay and neuter surgery is a barrier to achieving
18 higher levels of surgically sterilized pets.

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

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

7 (7) 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 (8) 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 (9) A companion animal spay/neuter assistance program is necessary
22 to address the problems of companion animal overpopulation. The
23 program should be funded through a fee that is practical,
24 administratively feasible, and targeted at the class of Washington
25 residents that is most responsible for companion animals and their
26 impact on our communities: Owners of cats and dogs.

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

29 (1) "Account" means the companion animal spay/neuter assistance
30 account created in section 9 of this act.

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

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

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

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

1 (6) "Department" means the department of agriculture.
2 (7) "Director" means the director of agriculture.
3 (8) "Dog" means a member of the species *Canis familiaris*.
4 (9) "Feral or free-roaming cat" means a cat that is unowned, lost,
5 or abandoned.
6 (10) "Low income" means an individual who is a resident of
7 Washington state and meets the income limitations defined in section
8 4(2) of this act or participates in a public assistance program defined
9 in section 4(2) of this act.
10 (11) "Medically unfit" means unsuitable for a surgical procedure
11 due to any medical condition that may place a dog or cat at
12 life-threatening risk if a surgical procedure is performed on such an
13 animal, as determined by a veterinarian.
14 (12) "Neuter" means the surgical procedure of castrating a male dog
15 or cat.
16 (13) "Owner" means an individual or individuals with ownership
17 rights and responsibilities for a dog or cat.
18 (14) "Participating spay and neuter surgery provider" means a
19 private veterinarian, private veterinary practice, animal care and
20 control agency, or nonprofit organization that performs spay and neuter
21 surgeries on companion animals belonging to low-income individuals, or
22 spay and neuter surgeries on feral or free-roaming cats, and is
23 participating in the program established under this chapter.
24 (15) "Program" means the companion animal spay/neuter assistance
25 program created in this chapter.
26 (16) "Shelter" means a facility that is owned by a public, private,
27 or nonprofit organization that provides food, water, and housing for
28 stray, abandoned, abused, or owner-surrendered dogs and cats.
29 (17) "Spay" means the surgical procedure of ovariohysterectomy on
30 a female dog or cat.
31 (18) "Surgical sterilization" means performing spay or neuter
32 surgery on a dog or cat.
33 (19) "Voucher" means a nontransferable document that, when approved
34 by the director or the director's designee, authorizes low-income
35 owners of companion animals or caretakers of feral and free-roaming
36 cats to receive program-supported companion animal spay or neuter
37 surgeries, presurgical examinations, and vaccinations by participating
38 spay and neuter surgery providers.

1 NEW SECTION. **Sec. 3.** (1) The companion animal spay/neuter
2 assistance program is established. The purpose of the program is to
3 provide for spaying and neutering of companion animals owned by low-
4 income individuals and for spaying and neutering feral and free-roaming
5 cats.

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

7 (a) Enroll spay and neuter surgery providers and publicize the
8 program and the names and locations of participating spay and neuter
9 surgery providers;

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

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

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

21 (e) To the extent practical, maximize the ease and convenience for
22 eligible owners and caretakers of companion animals to apply for and
23 receive spay, neuter, and other authorized veterinary medical services,
24 and minimize administrative burdens, procedures, and costs for
25 participating spay and neuter surgery providers that participate in the
26 program; and

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

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

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

36 (5) To the extent that moneys from the account are available and
37 spay and neuter funding priorities are met, as determined by the
38 director, the department may expend money from the account for spay and

1 neuter surgeries on companion animals that are in the possession of
2 animal shelters, animal care and control agencies, and other animal
3 welfare organizations.

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

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

13 (8) Other agencies of the state, including but not limited to the
14 department of social and health services and the Washington state
15 health care authority, shall work cooperatively with the department to
16 facilitate screening and verification of low-income applicants for
17 eligibility to participate in the program.

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

21 NEW SECTION. **Sec. 4.** (1) The department may expend moneys from
22 the account for spay and neuter surgeries for companion animals that
23 are:

- 24 (a) Owned by qualified low-income individuals;
- 25 (b) Feral or free-roaming cats; or
- 26 (c) Not owned by individuals but are in the possession of animal
27 shelters, animal care and control agencies, and other animal welfare
28 organizations.

29 (2) An individual is "low income" if he or she is a resident of
30 Washington state and:

- 31 (a) Meets the definition of "low-income household" defined in RCW
32 43.185A.010; or
- 33 (b) Is eligible for and participates in at least one of the
34 following public assistance programs:
 - 35 (i) The Washington basic food program administered by the
36 Washington state department of social and health services;

1 (ii) Basic health administered by the Washington state health care
2 authority;

3 (iii) Medical assistance programs administered by the Washington
4 state department of social and health services that fall within a
5 household income limitation of two hundred fifty percent of the federal
6 poverty level as defined by the United States department of health and
7 human services;

8 (iv) Supplemental security income administered by the federal
9 social security administration; or

10 (v) Any other public assistance program that the director
11 determines is sufficient to qualify a person as a low-income
12 individual.

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

16 NEW SECTION. **Sec. 5.** (1) Any private veterinarian, private
17 veterinary practice, animal care and control agency, and nonprofit
18 organization whose services include performing spay and neuter
19 surgeries on companion animals is eligible to participate in the
20 program.

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

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

27 (4) Any private veterinarian, private veterinary practice, animal
28 care and control agency, or nonprofit organization that performs
29 companion animal spay and neuter surgeries that is interested in
30 participating in the program must submit an application to the
31 department that includes a schedule listing the fees charged for
32 companion animal sterilization in its normal course of business.
33 Applicants must list separate fees for surgical sterilization of female
34 cats, male cats, female dogs within various weight ranges, male dogs
35 within various weight ranges, and for other surgical classifications as
36 the department determines.

1 (5) The department shall reimburse each participating spay and
2 neuter surgery provider for companion animal sterilization based upon
3 the provider's normal fee schedule, not to exceed an amount the
4 department determines is usual, customary, and reasonable. The usual,
5 customary, and reasonable fee limit must be calculated at the eightieth
6 percentile of prevailing fees for similar services charged by peer
7 private veterinary practices in Washington state. The department may
8 establish rates of compensation for presurgical examinations and for
9 administration of vaccinations in such a manner and at a level as the
10 department determines is fair and reasonable.

11 (6) The department shall adjust rates of compensation at two-year
12 intervals.

13 (7) The department may establish separate rates of compensation for
14 services provided by animal care and control agencies and nonprofit
15 organizations that are participating spay and neuter surgery providers.

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

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

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

34 (11) To receive reimbursement for spay and neuter surgeries and
35 other approved services, the participating spay and neuter surgery
36 provider must submit documentation of authorized services performed as
37 required by the department.

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

3 (1) Proof of eligibility for spay and neuter surgery;

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

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

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

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

12 (6) Providing guidance to shelters concerning shelter reporting as
13 required under section 13 of this act; and

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

15 **Sec. 7.** RCW 15.53.9018 and 2006 c 209 s 2 are each amended to read
16 as follows:

17 (1) Every registrant or licensee must file a semiannual report on
18 forms provided by the department setting forth the number of tons of
19 commercial feed distributed in or into this state. The report must be
20 filed regardless of the amount of feed distributed or inspection fees
21 owed. The report must include:

22 (a) The name and mailing address of the registrant or licensee;

23 (b) The physical address of the registrant or licensee;

24 (c) The name, contact information, and signature of the person
25 filing the report;

26 (d) The total number of tons distributed in or into this state;

27 (e) The total number of tons on which the registrant or licensee is
28 paying fees;

29 (f) If the registrant or licensee is not paying inspection fees on
30 all commercial feed he or she distributed in or into this state,
31 information regarding the registrants or licensees that are responsible
32 for paying the inspection fees and the number of tons involved; (~~and~~)

33 (g) If the registrant or licensee is not paying companion animal
34 spay/neuter fees on all pet food he or she distributed in or into this
35 state, information regarding the registrants or licensees that are
36 responsible for paying the companion animal spay/neuter fees and the
37 number of tons involved; and

1 (h) Other information required by the department by rule.

2 (2) Except as provided in subsections (3) through (5) of this
3 section(~~(7)~~):

4 (a) Each initial distributor or responsible buyer must pay to the
5 department an inspection fee on all commercial feed distributed by such
6 person during the reporting period. (~~The inspection fee must~~
7 ~~accompany the report required in subsection (1) of this section.~~) The
8 inspection fee shall be not less than four cents nor more than twelve
9 cents per ton as prescribed by the department by rule. (~~These fees~~)
10 The inspection fee shall be used for enforcement and administration of
11 this chapter and its rules.

12 (b) Each initial distributor or responsible buyer of pet food must
13 pay to the department a companion animal spay/neuter fee on all pet
14 food distributed by such person during the reporting period. However,
15 no initial distributor or responsible buyer shall owe a companion
16 animal spay/neuter fee if the amount of pet food distributed during the
17 reporting period was less than one ton. Specialty pet food is not
18 subject to the companion animal spay/neuter fee. The companion animal
19 spay/neuter fee is fifty-seven dollars and fifty cents per ton, with
20 fractional amounts subject to the fee proportionally. The companion
21 animal spay/neuter fee shall be deposited into the companion animal
22 spay/neuter assistance account created in section 9 of this act.

23 (c) All fees must accompany the report required in subsection (1)
24 of this section.

25 (3) The initial distributor is not required to pay an inspection
26 fee or companion animal spay/neuter fee for commercial feed he or she
27 distributed to a responsible buyer.

28 (4) In a situation where a responsible buyer is distributing to
29 another responsible buyer, the inspection fee, and if applicable, the
30 companion animal spay/neuter fee must be paid by the last responsible
31 buyer to distribute the commercial feed.

32 (5) The initial distributor or responsible buyer is not required to
33 pay an inspection fee or companion animal spay/neuter fee for: (a)
34 (~~Pet food and specialty pet food distributed in packages weighing less~~
35 ~~than ten pounds;~~ ~~(b)~~) Distribution of bona fide experimental feeds on
36 which accurate records and experimental programs are maintained;
37 (~~(c)~~) (b) commercial feed distributed to points outside this state;
38 and (~~(d)~~) (c) food processing byproducts from fruit, vegetable, or

1 potato processing plants, freezing or dehydrating facilities, or juice
2 or jelly preserving plants. In addition, the initial distributor or
3 responsible buyer is not required to pay an inspection fee for pet food
4 and specialty pet food distributed in packages weighing less than ten
5 pounds.

6 (6) Tonnage will be reported and inspection fees will be paid on
7 (a) byproducts or products of sugar refineries; and (b) materials used
8 in the preparation of pet foods and specialty pet food. Tonnage will
9 be reported and companion animal spay/neuter fees will be paid on
10 materials used in the preparation of pet food.

11 (7)(a) Each person made responsible by this chapter for filing a
12 report or paying inspection fees and, if applicable, companion animal
13 spay/neuter fees, must do so according to the following schedule:

14 (i) For the period January 1st through June 30th of each year, the
15 report (~~and~~), inspection fees, and companion animal spay/neuter fees
16 are due on July 31st of that year; and

17 (ii) For the period July 1st through December 31st of each year,
18 the report (~~and~~), inspection fees, and companion animal spay/neuter
19 fees are due on January 31st of the following year.

20 (b) If a complete report is not received by the due date or the
21 appropriate inspection fees and companion animal spay/neuter fees are
22 not received by the due date, the person responsible for filing the
23 report or paying the inspection fee and companion animal spay/neuter
24 fee must pay a late fee equal to fifteen percent of the (~~inspection~~)
25 fees owed or fifty dollars, whichever is greater.

26 (c) The department may cancel the registration of a person's
27 commercial feed or may cancel a person's commercial feed license if
28 that person fails to pay the late fee. The applicant or licensee may
29 request a hearing as authorized under chapter 34.05 RCW.

30 (8) If inspection fees are owed, the minimum inspection fee is
31 twelve dollars and fifty cents.

32 (9) For the purpose of verifying the accuracy of reports and
33 payment of appropriate inspection and companion animal spay/neuter
34 fees, the department may examine, at reasonable times, a registrant's
35 or licensee's distribution records and may require each registrant or
36 licensee to maintain records or file additional reports. These records
37 must be maintained in usable condition by the registrant or licensee

1 for a period of (~~three~~) five years unless by rule this retention
2 period is extended and must be submitted to the department upon
3 request.

4 (10) The report required by subsection (1) of this section shall
5 not be a public record, and any information given in such report which
6 would reveal the business operation of the person making the report is
7 exempt from public disclosure under chapter 42.56 RCW, and information
8 obtained by the department from other governmental agencies or other
9 sources that is used to verify information received in the report is
10 exempt from public disclosure under chapter 42.56 RCW. However, this
11 subsection does not prevent the use of information concerning the
12 business operation of a person if any action, suit, or proceeding
13 instituted under the authority of this chapter, including any civil
14 action for collection of unpaid inspection fees or companion animal
15 spay/neuter fees, which action is hereby authorized and which shall be
16 as an action at law in the name of the director of the department.

17 (11) Any commercial feed obtained by a consumer or contract feeder
18 outside the jurisdiction of this state and brought into this state for
19 use is subject to all the provisions of this chapter, including
20 inspection fees and companion animal spay/neuter fees.

21 **Sec. 8.** RCW 15.53.9044 and 2005 c 18 s 9 are each amended to read
22 as follows:

23 Except as otherwise provided in this chapter, all moneys collected
24 under this chapter shall be paid to the director and deposited in an
25 account within the agricultural local fund. Such deposits shall be
26 used only in the administration and enforcement of this chapter.

27 NEW SECTION. **Sec. 9.** The companion animal spay/neuter assistance
28 account is created in the custody of the state treasurer. All
29 companion animal spay/neuter fees received under RCW 15.53.9018, gifts
30 and grants to the program under section 10 of this act, or other
31 revenue directed to the account must be deposited into the account.
32 Expenditures from the account may be used only for the program as
33 authorized by this chapter. Only the director of agriculture or the
34 director's designee may authorize expenditures from the account. The
35 account is subject to allotment procedures under chapter 43.88 RCW, but
36 an appropriation is not required for expenditures.

1 department shall provide guidance to shelters on classifying animals by
2 age, health, and other factors for reporting purposes. Animal shelters
3 that fail to report as required under this section may, at the
4 department's discretion, be disqualified from receiving moneys under
5 this chapter.

6 **Sec. 14.** RCW 18.92.260 and 2002 c 157 s 2 are each amended to read
7 as follows:

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

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

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

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

34 (3) Veterinarians, veterinary technicians, and animal control
35 agencies and humane societies acting under this section shall, for
36 purposes of providing the limited veterinary services, meet the
37 requirements established under this chapter and are subject to the

1 rules adopted by the veterinary board of governors in the same fashion
2 as any licensed veterinarian or veterinary medical facility in the
3 state.

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

- 6 (a) Establish registration and registration renewal requirements;
- 7 (b) Govern the purchase and use of drugs for the limited veterinary
8 services authorized under this section; and
- 9 (c) Ensure that agencies and societies are in compliance with this
10 section.

11 (5) The limited veterinary medical service authority granted by
12 registration under this section may be denied, suspended, revoked, or
13 conditioned by a determination of the board of governors for any act of
14 noncompliance with this chapter. The uniform disciplinary act, chapter
15 18.130 RCW, governs unregistered operation, the issuance and denial of
16 registrations, and the discipline of registrants under this section.

17 (6) No animal control agency or humane society may operate under
18 this chapter without registering with the department. An application
19 for registration shall be made upon forms provided by the department
20 and shall include the information the department reasonably requires,
21 as provided by RCW 43.70.280. The department shall establish
22 registration and renewal fees as provided by RCW 43.70.250. A
23 registration fee shall accompany each application for registration or
24 renewal.

25 NEW SECTION. **Sec. 15.** Sections 1 through 6 and 9 through 13 of
26 this act constitute a new chapter in Title 16 RCW.

27 NEW SECTION. **Sec. 16.** Sections 1 through 6 and 9 through 13 of
28 this act take effect January 1, 2010.

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