

**TEXAS ADMINISTRATIVE CODE**  
**TITLE 25. HEALTH SERVICES**  
**PART 1. DEPARTMENT OF STATE HEALTH SERVICES**  
**CHAPTER 169. ZONOSIS CONTROL**

**SUBCHAPTER E. DOG AND CAT STERILIZATION**

**§169.102. Department of State Health Services Animal Friendly Account.**

(a) Purpose.

(1) As authorized by the Texas Health and Safety Code, §828.014, relating to the animal friendly account, the department shall institute and administer grants under this subchapter.

(2) The grants shall be known as a part of the "Department of State Health Services Animal Friendly Account."

(3) This subchapter governs the administration of the account, the submission and review of grant applications, and the award of the grants.

(b) Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Closing date--Date specified in the request for proposals as the date on which applications must be received or postmarked.

(2) Custodian--A person or agency which feeds, shelters, harbors, owns, has possession or control of, or has the responsibility to control an animal.

(3) Department--The Department of State Health Services.

(4) Local nonprofit veterinary medical association--An organization set up by and comprised of several volunteer veterinarians in their immediate region for the purpose of presenting continuing education, planning group activities, or discussing issues common to their professional field.

(5) Nonprofit organization--A private, nonprofit, tax-exempt corporation, association or organization under Internal Revenue Code of 1986, §501(c)(3) (26 United States Code §501(c)(3)).

(6) Releasing agency--A public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

(7) Sterilization--The surgical removal of the reproductive organs of a dog or cat or the use of nonsurgical methods and technologies approved by the United States Food and Drug Administration or the United States Department of Agriculture to permanently render the animal unable to reproduce. Surgery or nonsurgical sterilization must be performed in accordance with Health and Safety Code, §828.012.

(c) Philosophy.

(1) The intent of the grants is to increase the sterilization of dogs and cats owned by the general public at minimal or no cost.

(2) Grant funds will not be used to:

(A) augment a releasing agency's adoption sterilization program; or

(B) fund programs that do not operate within the State of Texas.

(3) One grant per grant period will be awarded per agency for the sterilization of dogs and/or cats.

(d) Sources and Allocation of Funds.

(1) Funds for the grants shall be provided in accordance with the Texas Health and Safety Code, §828.014, relating to the animal friendly account.

(2) All grants shall be awarded competitively according to the provisions of this subchapter.

(3) Grants shall be made only to the extent that funds are available in the animal friendly account.

(4) The department shall have the authority and discretion to:

(A) determine the purpose(s) of the grants pursuant to law and this subchapter;

(B) approve or deny grant applications;

(C) determine the number, size, and duration of grants; and

(D) modify or terminate grants.

(5) The department shall not be liable, nor shall grant funds be used, for any costs incurred by applicants in the development, preparation, submission, or review of applications.

(e) Eligibility for Grants. Eligible applicants include:

(1) a releasing agency;

(2) an organization that is qualified as a charitable organization under the Internal Revenue Code, §501(c)(3), that has as its primary purpose:

(A) animal welfare; or

(B) sterilizing animals owned by the general public at minimal or no cost;

or

(3) a local nonprofit veterinary medical association that has an established program for sterilizing animals owned by the general public at minimal or no cost.

(f) Requirements for Grants.

(1) The department shall specify reasonable requirements for grant applications.

(2) Applicants for grants shall submit as a part of their application a plan of how they intend to provide sterilization services to their target population, compliant with the Texas Health and Safety Code, Chapter 828, and this section.

(3) Grant recipients shall make quarterly reports to the department in a form and at a time determined by the department.

(g) Procedures for Grant Announcements.

(1) Before applications are requested, the department shall distribute a notice of grant availability throughout the state (such as by mail or email). The notices will include details about the grants, instructions for obtaining a request for proposals, and the names of persons to contact in the department for further information.

(2) The department shall maintain a list of persons and organizations to be notified of request for proposals. Any person or organization wanting to be placed on the list should contact: Animal Friendly Account, Zoonosis Control Branch, Mail Code 1956, P. O. Box 149347, Austin, Texas 78714-9347.

(3) The department shall develop and publish one or more request for proposals, which shall contain details concerning, but not limited to, the following:

(A) the nature and purpose(s) of the grants;

(B) the total amount of funds available for the grants under each part;

(C) the maximum and minimum dollar amounts that will be awarded for individual grants and for individual grantees;

(D) the information and format required for grant applications;

(E) information about the criteria used to judge grant applications; and

(F) the closing date.

(h) Procedures for Grant Applications.

(1) The department may specify any reasonable requirements for grant applications, including, but not limited to, length, format, authentication, and supporting documentation.

(2) Applications that are incomplete or substantially inconsistent with the requirements of this subchapter may be rejected without further consideration at the discretion of the department.

(3) Applications received after the closing date will not be considered, unless the closing date is extended by the department.

(4) Applicants will be given a minimum of 60 calendar days to file applications after a request for proposals is published. Applications must be received by the department on or before the closing date specified in the request for proposals. Applications received after the closing date must be postmarked with a date equal to or prior to the closing date.

(i) Competitive Review Process.

(1) Each application shall be reviewed by the department for completeness, relevance to the published request for proposals, adherence to department policies, general quality, technical merit, and budget appropriateness.

(2) The department's review process shall be completed within 45 days after the closing date.

(j) Selection Criteria.

(1) No grant shall be approved unless, in the opinion of the department:

(A) the application contains an explanation as to why provision of low-cost sterilization for pets will help minimize pet-overpopulation in their community;

(B) the application includes a workable plan to provide sterilization of dogs and cats for the general public at low or no cost;

(C) the application includes a method to report the number, species, and sex of animals sterilized;

(D) the applicant specifies how the general public will be made aware of the availability of low-cost sterilization; and

(E) the applicant has a written non-discrimination policy in place to ensure that no person is discriminated against on the grounds of race, color, religion, sex, national origin, age, or disability.

(2) A grant application will be given funding preference, in a manner determined by the department and announced in the request for proposals, to the extent that it:

(A) includes an outreach program targeting pet custodians;

(B) documents the intent and ability of the applicant to communicate and collaborate with the local health departments, animal control agencies, animal welfare agencies, veterinary organizations, and human services organizations;

(C) demonstrates a low cost for sterilization on a per animal basis, thereby maximizing the number of animals which can be sterilized; and

(D) contains such other information or criteria that the department may specify and include in the request for proposals.

(k) Project Approval. Grant recipients shall execute a contract with the department. The contract shall detail items such as budget, reporting requirements, general provisions for department grant contracts, and any other specifics that might apply to the award.

(l) Continuation Funding.

(1) Grant recipients may be eligible for continuation funding. The department will consider the grant recipient's accomplishments, progress toward stated goals and objectives, award of past grants, and development of alternative funding. Applications shall be submitted in accordance with this subchapter.

(2) The department will award continuation grants after a review of applications in accordance with the provisions of this subchapter.

The provisions of this §169.102 adopted to be effective September 9, 2001, 26 TexReg 6713; amended to be effective March 31, 2004, 29 TexReg 3226; amended to be effective April 11, 2006, 31 TexReg 3047; amended to be effective October 18, 2010, 35 TexReg 9297; amended to be effective June 7, 2015, 40 TexReg 3174