



CHAPTER 284

FORMERLY

HOUSE BILL NO. 515

AN ACT TO AMEND CHAPTER 82 OF TITLE 3 OF THE DELAWARE CODE PERTAINING TO THE VETERINARIAN SERVICES TAX AND OTHER MATTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 8217, Title 3 of the Delaware Code by redesignating existing subsections (g), (h), (i) and (j) as new subsections (i), (j), (k) and (l) and adding new subsections (g) and (h) to read as follows:

“(g) Feral Cat – an offspring of abandoned domestic cats who reverts to a semi-wild state and lives outside in family groups called colonies. Feral cats have a temperament of extreme fear and resistance to contact with humans.

(h) Feral Cat Caretaker – a person or group of people who provide food and shelter to feral cats, and work(s) to reduce colony numbers by working to spay and neuter the animals within their specific colony(ies).”.

Section 2. Amend § 8219, Title 3 of the Delaware Code by deleting said Section in its entirety and replacing with the following:

“§ 8219. ELIGIBILITY: DIVISION OF SPAY/NEUTER FUND PROCEEDS

A. The proceeds of the Spay/Neuter Fund outlined in this Subchapter shall be available to those parties qualifying for participation under the following eligibility requisites:

(1) an individual may qualify to participate in the program if:

a. he or she is 18 years of age or older;

b. is a resident of the State of Delaware;

c. establishes proof of being a recipient of one (1) of the following programs:

(i) Food Stamps;

(ii) General Assistance;

(iii) Delaware Medical Assistance;

- (iv) Social Security Disability (SSD);
- (v) SSI (Supplemental Security Income);
- (vi) Temporary Assistance for Needy Families (TANF);
- (vii) WIC; and

d. establishes proof of identity through photo identification; and

e. presents a Delaware feral cat or a Delaware stray dog or is the owner or keeper of the Delaware cat or Delaware dog being spayed or neutered to a participating veterinarian or clinic.

(2) a corporation may qualify to participate in the Program if:

a. it is registered as a Delaware corporation with the Delaware Secretary of State, Division of Corporations;

b. it states in its corporate purpose clause or in its mission statement that its activities are devoted to animal rescue, animal welfare, or the humane treatment of animals;

c. it applies these funds to animals who have their origin in Delaware; and

d. it is exempt from federal taxation in accordance with Internal Revenue Code Section 501(c)(3).

(3) The first 2 years' fiscal allotment shall be divided by the administrator as follows:

a. Approximately seventy-five percent of the funding shall be dedicated to subsidizing the cost of sterilizing domesticated animals owned by those participants qualifying under the terms set forth in paragraph (1) of this section.

b. Approximately twenty-five percent of the funding shall be dedicated to subsidizing the cost of sterilizing those abandoned, free-roaming, homeless, stray, or unwanted animals located in communities by participants qualifying under paragraph (2) of this section.

c. An individual seeking a low-income subsidy in accordance with paragraph (1) of this section shall be limited to 3 such procedures per fiscal year and shall be ineligible to seek additional funding by participating in the Program under the terms set forth in paragraph (2) of this section.

d. Those corporations participating in the Program in accordance with paragraph (2) of this section shall be limited to a maximum of 30 spay or neuter procedures, including rabies inoculations if needed, per fiscal year per corporation.

e. The division of the Program's fiscal allotment and the numerical spay and neuter procedures established above shall be re-evaluated by the administrator every 2 years.

Section 3. Amend § 8221(c)(1), Title 3 of the Delaware Code by deleting the phrase “§ 8218(e)(5), (6) and (7) above” and substituting in lieu thereof the phrase “§ 8219”.

Section 4. Amend § 8221(f), Title 3 of the Delaware Code by deleting the phrase “§ 8218(e)(5), (6) and (7) above” and substituting in lieu thereof the phrase “§ 8219”.

Section 5. Amend § 8222(b), Title 3 of the Delaware Code by deleting the word “Veterinarian” and replacing with the word “All”.

Section 6. Amend § 8223 by striking subsections “(b)” and “(c)” and replacing with the following:

“(b) For all cats or and dogs sterilized under this Program, the administrator shall reimburse the veterinarians or business they work for or the 501(c)(3) organization for services on a monthly basis. The preset fee shall cover the cost of a presurgical medical evaluation; spay/neuter surgery, rabies vaccination and routine postsurgical care required by the servicing veterinarian’s postoperative protocol. The keeper/owner/caretaker shall be responsible for the payment of any additional fees for procedures mutually agreed upon and administered by the veterinarian that are not covered under this Program.

(c) To receive reimbursement for procedures performed, the participating veterinarian or business they work for or the 501(c)(3) organization shall submit an animal sterilization form signed by the owner of the dog or cat and the veterinarian together with a copy of the completed Spay/Neuter Fund Certificate to the Administrator.”.

“Section 7. Amend § 8225(2), Title 3 of the Delaware Code by deleting the number “13” and replacing with the number “14”.

Section 8. Amend § 8225(2)(g), Title 3 of the Delaware Code by deleting the word “and”.

Section 9. Amend § 8225(2)(h), Title 3 of the Delaware Code by redesignating the existing “§ 8225(2)(h)” as a new “§ 8225(2)(i)” and creating a new “§ 8225(2)(h)” to read as follows:

“§ 8225(2)(h) A representative of the Delaware Division of Social Services, and”.

Section 10. Amend §8224, Title 3 of the Delaware Code by striking said section in its entirety.

Section 11. Sections One through Nine of this Act shall be effective upon enactment and Section Ten shall be effective for tax years beginning after December 31, 2008.

Approved July 01, 2008



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