

A Guide to Enacting State Legislation for Sustainable Spay/Neuter Funding

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Revised April 12, 2021

A Project Supported by the Summerlee Foundation



**Decrease their numbers.
Elevate their status.
End their homelessness.**

***A Message from Esther Mechler, United Spay Alliance
Founder and Board Chair***

United Spay Alliance is excited to introduce its *Guide to Enacting Legislation for Sustainable Spay/Neuter Funding* and welcomes you to join in our vision of saving lives through spay/neuter programming.



The goal of United Spay Alliance is to reduce animal suffering by working to ensure that every cat and dog born has an excellent chance of finding a loving, permanent home. We can do that only with ongoing support for spay/neuter programs. Keep reading this guide to learn more about how you can help make that a reality for the cats and dogs in your state.

If you are reading this, you probably agree with us that spay/neuter is the key to reducing the cat and dog overpopulation that results in homeless cats and dogs and overcrowding at shelters in many of our states.

While many of us have been working at providing access to affordable spay/neuter for several decades now, the overpopulation problem has improved but still persists. Perhaps the problem continues because there never seems to be enough money to fund spay/neuter for all of the animals of people who cannot afford to pay for the surgery or who don't have access to the service. Simply put, we need more funding for spay/neuter programs and we need lots of it.

At United Spay Alliance, we encourage pursuing a specific funding mechanism—a fee placed on pet food sold in the state—through state legislation. It's a proven method that can generate substantial and secure funding for spay/neuter programs going forward. We believe that you, the champions and advocates for spay/neuter programs, are the people who can make a difference for animals by getting such legislation enacted in your state. In fact, advocates just like you have done it already in their own states.

If you're thinking "Who? Me? What do I know about legislation?" banish that thought. We prepared this *Guide to Enacting Legislation for Sustainable Spay/Neuter Funding* to help you in that journey. The guide walks you through the process with a step-by-step approach along with tips, examples and links to many resources. We're not going to lie to you—it will take a lot of hard work to make it happen. You will be frustrated at times and will need to dig deep to muster the tenacity to stick with the process. But the reward of enacting substantial and secure spay/neuter funding legislation will be a game changer for the cats and dogs of your state as well as the devoted people who work and volunteer at animal shelters, spay/neuter clinics, animal control/services agencies, and in rescue. What could be better than that?

Esther Mechler has focused on spay/neuter since 1990 when she founded SPAY/USA, a network of over 1,000 vets and clinics across the country. She founded United Spay Alliance in 2015.

A Guide to Enacting Legislation for Sustainable Spay/Neuter Funding

The Problem

Despite excellent efforts in the fifty states, many parts of the country still have a substantial enough cat and dog overpopulation problem that the state's animal shelters cannot save every animal. It is United Spay Alliance's view that we need to re-focus our collective spay/neuter efforts and, in many cases, ramp it up a notch or two (or three). One of the critical hurdles for doing that is to obtain enough funding to spay/neuter at a steady and reliable rate in numbers that are large enough to make long-term progress, rather than just applying another temporary bandage. This guide proposes a solution for obtaining sufficient and secure funding and gives step-by-step instructions on how to get there.

The Project

If you recognize that spaying and neutering more of the cats and dogs in your state will reduce the need for animal shelters to euthanize healthy cats and dogs, consider seeking legislation that will provide ongoing, sustainable funding for spay/neuter programs, especially for the animals of income-qualifying households.

Types of Funding for Spay/Neuter: The Winner

Although a variety of spay/neuter funding mechanisms exist across the country (discussed [later](#) in this guide), United Spay Alliance believes that one method of generating spay/neuter funding stands above the others in the amount that can be generated and the reliability of the source (sustainable and secure):

Adding a spay/neuter fee to pet food that is sold in the state and distributing the revenue collected to a dedicated spay/neuter fund managed by an oversight state agency or other entity.

Currently, every state except Alaska charges animal feed (includes pet and livestock feed) manufacturers and/or distributors fees for selling the feed in the state. The structure and amount may differ from state to state, but the general idea is that a state agency, usually the state's agriculture department, is charged with overseeing the safety and quality of animal feed. That agency places registration or other fees on the food, in many cases including pet food, based on registering a "label" with the state or on the tonnage of feed that is imported into the state. Increasing existing fees with a spay/neuter surcharge and dedicating the increment to a spay/neuter fund taps into an existing mechanism and generates substantial funds.

A pet food "label" is every distinct pet food that a company sells. A company may sell cat kibble, dog kibble, canned cat food, canned dog food, and others. Within each category, it produces many flavors and formulas. Each food or treat within each category is assigned its own label. If the manufacturer increases the price of its pet food in the states that have a spay/neuter fee on pet food labels, the additional amount per customer in the state will be minimal and should have no real impact on the customer or the retailer. (Note: Although some states impose a fee based on tonnage instead of per label, the same theory applies but the legislation and calculations would be tonnage specific instead.)

If pet food manufacturers pay an additional \$100 fee on 10,000 labels of food and treats per year, those incremental fees would add up to \$1 million for spay/neuter funding per year for your state.

The spay/neuter funds that are generated through the spay/neuter pet food fee will need to be managed by an agency such as the agriculture department, the veterinary board, a state-level animal agency or committee of an agency, or a specially appointed council. If a state already has a state-level funding mechanism in place (such as special license plates or income tax checkoffs) that generates money for spay/neuter, the new funds may be managed through the existing system. If the state does not already have such a system, the legislation would include creating the system, including checks and balances to ensure the funds are used properly. The legislation may provide that funds are distributed to city or county agencies or nonprofit organizations through a grant process or may find another distribution schema that is more suitable to the state. United Spay Alliance encourages targeting the funds for the animals of income-qualifying households, but also does not oppose other uses such funding trap-neuter-return programs or breed specific spay/neuter if a particular breed overwhelms certain shelters.

To date, four states—Maine, Maryland, New Mexico and West Virginia—have succeeded in getting legislation enacted that generates funding at a higher level than special license plate fees or income tax checkoffs ever will.

This *Guide* will provide you with information that United Spay Alliance has collected and organized by speaking with individuals from the various efforts as well as others in the field. The guide will discuss the components of the funding project and share tips for success and obstacles to watch for. It will also direct you to resources for furthering your own project and examples of studies, legislation, and websites.

United Spay Alliance recognizes that no two efforts will look the same. Some states emphasize one component over another based on available resources, time, politics, context and extent of the surplus cat and dog population, and so forth. Flexibility and recognizing the need for adaptation are encouraged, as are creativity, inclusion, and perseverance. The haul may be long, but the rewards great. Hang in there. You can do this!



Overview of Steps for Spay/Neuter Funding Project

United Spay Alliance has organized the work involved in a spay/neuter funding project into the following steps. Although they are written in a linear order, we recognize that you may find that a different order suits your project better. Go for it! We recommend, however, that you start with Step One and take on Step Two as soon as possible after that.

If you need a refresher on how a bill becomes law, visit [Schoolhouse Rock](#). While it focuses on how a bill becomes a federal law, the process for getting a bill introduced and becoming a law at the state level is similar.

Each step is detailed in the pages following this list.

Step One: Initial Commitment (page 7)

- One or more individuals and/or organizations decide to start the project and commit to getting it going (the “Organizer”).

Step Two: Collect Data and Write a Study/Report (page 9)

- The Organizer prepares, or oversees the preparation of a report, to assess the depth of the surplus cat and dog population in the state, the costs involved in managing that population, the state law and regulations regarding fees on animal feed, and the operations and powers of any state agencies that oversee companion animals.

Step Three: Organize the Community (page 13)

- The Organizer builds a coalition that will work on and back the bill by organizing the animal protection community and the grassroots into a coalition.
 - Animal Community: Get the buy-in of animal shelters, rescue groups, animal control agencies and anyone else working in the field.
 - Grassroots: Bring in individuals and with a passion for the issue and other entities (local governments, businesses, etc.). You will need volunteers to talk to legislators before and during the session, to make phone calls, to find other supporters.

Step Four: Make Decisions and Develop a Plan (page 16)

- With the information from the study and organizing work, determine what is best for your state in terms of the fee, the fund, and the management of the fund and develop a game plan for moving forward. Prepare to implement the funding so that if you succeed in your first legislative session you are ready to begin funding spay/neuter as soon as the money is available.

Step Five: The Legislative Process (page 18)

- Be ready to start the process at least six months before the next legislative session begins. You will develop a prototype of the legislation and learn the ropes for the legislative process if you don’t already know it. Then you’ll find a sponsor and work on getting the bill introduced, through committees, passed by both chambers (unless you’re in Nebraska, the only unicameral state) and signed by the governor.

Step Six: Engage the Governor (page 26)

- Try to ascertain the governor's position on the legislation as soon as you can (even before the legislative session if appropriate) and then figure out what you need to do to get the governor's support.

Step Seven: Implementation (page 27)

- This step should take place concurrently with the other parts so that no time is wasted once the legislation passes. Work with the agency/entity that will manage the program to orient the agency/entity on spay/neuter issues if not already familiar with the issues. Inform spay/neuter providers who may receive funding about the proposed increase in funding so they can think through what needs to be done to ramp up services.

Beginning on *page 29* you will find several state case studies and on *page 35* a discussion of other types of spay/neuter funding. A list of Resources begins on *page 40*.

Remember that:

- You're the experts on your states. Spay/neuter funding projects will not look the same in every state. You will have to tailor the effort to your state's context, resources and other factors. Think of the steps and the tasks within those as a menu of courses. In many cases you will want to work on each component, but if your state has a special reason for skipping one or modifying it, do it.
- Use your best judgment, but also don't shortchange the effort. It will be the most efficient and least costly in terms of human and financial resources to get legislation passed and signed in the fewest number of legislative sessions possible.
- **Implementing the extra spay/neuter surgeries that you will be able to do once the funding is in place, will be gratifying and start saving lives. Keep that thought at the forefront of your effort, especially when it gets frustrating or seems to move too slowly.**



Step One: Initial Commitment

Goal: One or more individuals and/or organizations must decide to start the project and commit to getting it going (the “Organizer”).

Why: Ideas don’t turn into reality without a driving force to make the necessary change. Someone must serve as that driving force behind the spay/neuter funding project and must be committed to sticking with it for a good while. The Organizer will have the big picture goal in mind at all times and will be aware of the various steps and tasks being worked on at any given time. The Organizer need not be “The Boss” or the arbiter of all matters related to the spay/neuter funding project. Rather, the Organizer will be the heartbeat of the effort that keeps it alive and well.

Things to Do:

- The Organizer might be an individual in the state who is not affiliated with an animal organization. Or, the Organizer might be an employee of an organization, such as an animal shelter or animal advocacy organization that has the time to devote to the project and the backing of his/her/their organization. The Organizer may be a small handful of people who work collectively.
- The Organizer must have the vision and tenacity to pass legislation for sustainable spay/neuter funding. The Organizer should recognize that the project will be time intensive and not something that can be crossed off the to-do list with an hour or two of effort a week.
- If the Organizer consists of more than one person, they might call themselves a “steering committee” or something along those lines.
- Even if an existing coalition (perhaps a group of animal agencies and organizations that work together on state legislation every year) takes on the spay/neuter funding project, it may be wise to have one or two people from that coalition serve as the “lead” for the project to make sure things are happening when they need to happen (responsibility and accountability).

Tips, Tricks and Warnings:

- United Spay Alliance does not recommend the Organizer consist of too many people because the effort may then get bogged down in internal administration and functioning. Up to three or four people should be workable.
- Relationships will be key to the success of every component of the spay/neuter funding project. It begins with the relationships among the steering committee. Figure out how you talk with each other, disagree with each other, and make decisions. Take notice of the process that works and apply it at all times, especially if you bring in additional members later. It will be good practice for other relationships you have during the course of the project, such as with volunteers, with whomever will lobby for you, with the legislators themselves, with state agencies and spay/neuter service providers . . . the list goes on.
- Advantages to having an Organizer who is unaffiliated with a nonprofit or agency include impartiality, reduced interest in receiving credit from the effort’s success (which can irk others), and not being bound by the internal rules/constraints of his/her/their organization/employer.



Focus on New Mexico

You will learn more about the ongoing New Mexico effort below, but this state's effort took off because of one individual. She learned about the spay/neuter pet food fee by reading a white paper on the topic prepared for the state (more below) that had then been relegated to the deep freezer. As the Organizer, she built a core group of supporters, and then a grassroots coalition of supporters. You can read more about the efforts of New Mexico Supporters of A State Low-Cost Spay/Neuter Program on their Facebook page by going to the *Resources* section for a link.



Step Two: Collect Data and Write a Study/Report/White Paper

Goal: The Organizer prepares, or oversees the preparation of a report, to assess the depth of the surplus cat and dog population in the state, the costs involved in managing that population, the state law and regulations regarding fees on animal feed, and the operations and powers of any state agencies that oversee companion animals.



Focus on West Virginia

The *Resources* section contains links to several studies, but we'd like to draw your attention to West Virginia's in particular. It is easy to read, concise, and conveys a good amount of information.

Examples of Reports (see *Resources*):

Maryland: *Task Force on the Establishment of a Statewide Spay/Neuter Fund, Final Report*, 2012, 10 pages

- The task force was created by legislation.
- The transmittal letter on pages *iii-iv* states the recommendations of the task force. The table of contents on page *v* serves as an outline of the report so you can find relevant pages.
- The report analyzes successful spay/neuter programs in Maryland and other states. It provides good examples of the possibilities.

New Mexico: *Feasibility Study: Creating a Fund to Aid Low-Income Households in Sterilizing, Vaccinating and Spaying or Neutering their Companion Animals*, 2012, 31 pages plus *Addendum*, 2012, 3 pages

- The New Mexico report was prepared by a contract attorney (the writer of this guide) for what is now the Animal Sheltering Committee of the State Board of Veterinary Medicine. It was commissioned as the result of a 2011 legislative memorial requesting a feasibility study on the issue. The board paid an hourly fee for the research, analysis and writing of the report.
- Read the section regarding other funding mechanisms for spay/neuter programs so that you can defend the argument that the pet food fee stands far above the others.
- This study goes beyond what should be needed for most projects as it analyzes the then-new state entity that would manage the program and goes into detail on other funding mechanisms and types of spay/neuter programs.

West Virginia: *A Special Report on Solving Pet Overpopulation in West Virginia*, 2017, 10 pages

- The report was prepared by FOHO WV (The Federation of Humane Organizations of West Virginia).
- Excellent example of a concise report and also of a tight Executive Summary.
- Check out the *Notes* pages at the end for research leads.

Why: You will want to prepare a thorough and credible report so that your funding project is backed by data and analysis. The report should be made available to supporters and legislators (as well as their staff, if any) so that they understand the effort is not a whim but instead is based on reality. It may be that no legislator reads the whole report but giving it to them will show them that you have thought this through. You can also make the report available on the websites of the Organizer and supporters.

Things to Do:

- Read the three examples and determine what form yours will take.
 - You do not need to create your report to look exactly like any of the others.
 - Think about which components are most striking and necessary for legislators and other decision-makers to know in order to agree to vote for and enact legislation.
 - You may need to adjust the plan for the report as you do your research and see what information you have access to.
 - If you find information in the existing examples that is helpful and relevant to your work, for example a national statistic or information on other funding mechanisms, check that the information is current and applicable to your state before using it.
 - You will likely spend quite a bit of time on the internet and making phone calls to collect the data you need. Make sure to document where you obtained each piece of information. You can save the webpages you use in a file on your computer as Web Archive documents or PDFs and you can bookmark them. Take notes during meetings.
- Consider whether you want to create a short and long form of the report.
 - For your own education and records, you will want as much information as possible. You may need to work through the issues on paper. That may result in a longer report, like New Mexico's, or you may keep the non-essential information in a form other than the report (but don't lose track of it).
 - You may consider it beneficial to pare it down into a shorter, more succinct report that people will have an easier time reading.
 - You might even write a very short summary of the report in two pages with bulleted items. During a legislative session it may be impossible for a legislator to read much more than that.
- Make a list of all agencies and organizations that shelter or rescue cats and dogs and how to contact them.
- Prepare a survey to collect data from those agencies and organizations (this may be easier if you are already working on Step Three: Community Organizing).
- Distribute the survey to the shelters and rescue groups.
 - In an ideal world, they all keep good statistics, and everyone is friendly so that that they respond quickly with good data
 - If your world is less than ideal, it may take some effort to get the data. Follow up with phone calls. Offer to explain what you need and why (and how it will benefit that organization) and let them know that you won't use it against them. You must keep that promise.
 - In some cases, you may need to file an open records request with a government agency. Find out what your state's law is on open records and follow the

procedure. It might simply consist of sending in a one-page form. Your state attorney general's office may have the information on its website or be able to steer you in the right direction.

- If you don't get answers from every organization, don't despair. You may proceed if a few are outstanding. Just be sure to state that fact clearly in your report. You might be able to project the total numbers or just say that the numbers add up to this and that but that four shelters didn't respond so each number would likely be higher.
- Find out if the state currently charges pet food manufacturers a fee for selling pet food in the state. If yes, who collects the fee and manages the funds? Get data on how much is collected.
 - Find the law and the regulations related to animal feed (which includes pet food). Is it a label registration fee? A tonnage fee?
 - For example, 13,000 labels are sold in New Mexico.
- The Association of American Feed Control Officials has a table of state registration and fee requirements on its site (see *Resources*).
 - You can find your state on it, but we recommend that you double-check it against your state's laws and regulations to make sure it is current and accurate.
 - A page on the same site (see *Resources*) will also lead you to the officials in each state who manage the registration/fee program.
 - At some point you might contact the state agency to find out the numbers on pet food: how much comes into the state, how much do the current fees total, etc. However, before doing that, consider your timing and whether the agency is likely to be cooperative or not. Wait until you are prepared with your other data and are in a good position to discuss the issue. Make sure your arguments in favor of the legislation are solid.
- What state laws and regulations exist regarding spay/neuter funding for cats and dogs? Is there an existing spay/neuter fund and what are the details?
 - Your state laws and regulations (also called rules) should be available online. You might be able to find the relevant laws/regs by searching the word "spay." If you are not familiar with reading this type of material, find someone to help. It should not take very long to do this research so hopefully you can find a lawyer or someone from a state or local agency who deals with laws to help you.
 - If there is an existing fund and an existing mechanism for raising funds (special license plates, income tax checkoffs), find someone at the agency/organization that manages that program and talk to them about the amounts involved, how the fund operates and anything else you can think of that will help you make your case.
- Check the websites of and call people from the states that have been successful in passing the legislation to find out how much funding their states' pet food spay/neuter fees have raised and how many additional surgeries that funding has allowed for. Ask if the euthanasia rate gone down in the time period for which the fee has been in place, and if so, by how much.

Tips, Tricks and Warnings:

- In your report, focus on keeping costs down by projecting how additional spay/neuter will reduce the numbers of unwanted cats and dogs that animal control agencies and shelters will have to handle. Legislators are very interested in saving money. Fiscal responsibility appeals to taxpayers as well.
- So far there is no evidence from the successful states that pet food companies are suffering from the pet food spay/neuter fee.
- Targeting the program to low-income households who might not otherwise be able to spay or neuter their pets is good public policy and sits well with legislators.
- However, it is not mandatory to limit funding to low-income households. West Virginia allows each grantee the leeway to decide whether to target the funding for low-income households. That leeway allows them to include community cat spay/neuter projects which impact the big picture.

Critical Factors included in Studies:

- Numbers of cats and dogs taken in at state's shelters and numbers of healthy, adoptable animals euthanized.
- Cost of the current system (average cost per animal taken in multiplied by the number of animals taken in) then determining cost per animal that was euthanized (this is the amount that potentially can be saved through spay/neuter).
- Cost of transporting cats and dogs out of state for adoption if your state does such transport.
- Human population and percentage of households considered low-income.
- Current state of spay/neuter accessibility and affordability.
- Analysis of the total funding needed to eliminate shelter overpopulation (this will be an estimate, state that clearly and move on).
- Accessibility and affordability of spay/neuter in the state (how many spay/neuter programs exist, how many veterinarians, costs per surgery, etc.).

Don't panic! The example reports will show you how to find, compute and in some cases estimate the data and factors in this list.



Step Three: Organize the Community

Goal: The Organizer builds a coalition that will work on and back the bill by organizing the animal protection community and the grassroots into a coalition.

- **Animal Community:** Get the buy-in of animal shelters, rescue groups, animal control agencies and anyone else working in the field.
- **Grassroots:** Bring in individuals and with a passion for the issue and other entities (local governments, businesses, etc.). You will need volunteers to talk to legislators before and during the session, to make phone calls, to find other supporters.

Why: A lot needs to happen to pass legislation. While some interest groups that get involved with legislation have the financial resources to hire high-end lobbyists and media consultants, many nonprofit organizations do not have that luxury. The Organizer will need help from volunteers and staff from other organizations. The latter may have limited time to put into the effort because of their other duties at the shelters/rescue groups. A dedicated volunteer corps can make all the difference in getting the job done.

Things to Do:

Build the Coalition:

- Finding coalition members means doing outreach to anyone and everyone who has an interest in the issue, even if the interest is not obvious. You never know where you might find allies.
- Strive for diversity in your coalition with respect to age; gender; political affiliation; residents from rural, suburban and urban parts of the state; people from all the state's counties; people with all kinds of vocations such as educators, farmers, veterinarians, business owners, and everyone else you can think of. Some elected officials have preconceived notions of who supports animal issues. Show them that all kinds of people do.
- Make a list of whom you want to contact. Sometimes it's helpful to start with the most likely prospects so that you have some success. Build out from there.
- Create a flyer to recruit supporters that describes how enacting a spay/neuter pet food fee would help the state. Have it ready to send to people you talk to or meet with and carry copies with you at all times.
- Call prospective coalition members and set up a time to talk. If they're too busy to meet in person, you can ask for help by phone or email. Keep a list of who said yes, who might come along at some point, and who said no (and try to find out their objection so you can analyze what that means for the work).
- Use social media to find other people who will support the bill.
- Ask existing coalition members to help, especially in their own hometowns.
- Extra effort should be made in districts that might be inclined to offer the least support.
- Try to get law enforcement and municipal and county officials to support the coalition by contacting mayors, sheriffs, police chiefs, county commissioners and city councilors. They can speak to the direct impact to their budgets and public safety of unwanted cats and dogs in their jurisdictions. Legislators listen to the concerns of local government leaders.

- Don't assume that because someone already volunteers at an animal shelter they won't be interested in helping the funding effort too. There are a lot of people who want to do more and just need to learn about the possibility. Remember too that they often have excellent hands-on knowledge of what shelter work is like.



Focus on Maryland

Save Maryland Pets built an extensive coalition of organizations and individuals including Maryland Votes for Animals, HSUS, municipal and county animal shelters and humane societies, rescue organizations, veterinary hospitals, breed specific rescues, pet food stores, Alley Cat Allies, ASPCA, and a number of individuals (see *Resources*). The members are listed with logos and pictures on that page and most likely were listed on materials and mentioned often.

Tools for Managing the Coalition:

- Consider creating a website or a page on an existing website like Save Maryland Pets “Members of the Coalition” page (see *Resources*) and have a printed copy that you can give to legislators. Draw special attention to coalition members in the legislator’s district.
- Send a letter or email to the organizations and entities that join confirming their membership so that you have a record. You can use that letter to request help such as asking them share information on the bill with their members or provide data for the study.
- Keep coalition members informed of what’s happening with the project. If anything changes, check with them and get their okay before continuing to use their name. For example, if an amendment gets put on the bill that makes a not-so-desirable change, go back to the coalition members to see that everyone can still support the bill.
- Consider Facebook (or other social media venue) to organize the coalition. Think of it as a newspaper for the coalition. The administrator of the page (someone from the core group) should delete anything extraneous and encourage a respectful and professional tone on the page. It will not help your effort if someone posts a rant about a particular animal shelter or legislator.
- Create a list of all media outlets in the state to make the process of contacting the press easier. If your state has a press association, you may be able to get or purchase a list from it.
- Have at least one coalition member in every legislative district to supply letters and op-eds to the local newspaper. Give them templates to work with.



Focus on New Mexico

The Organizer of the New Mexico legislative effort started with five core individuals who formed a grassroots coalition called *New Mexico Supporters of A State Low-Cost Spay/Neuter Program*. The core members had monthly conference calls and did the rest of their work via a Facebook page that had 905 members as of this writing (see *Resources*). For the 2018 New Mexico election, the coalition members interviewed every candidate for the House of Representatives to ascertain their positions on the pet food fee bill. The coalition had a representative in every legislative district and compiled a list of every local newspaper in the state with submission deadlines and guidelines so that the members could submit letters and op-eds. They contacted mayors, sheriffs, police chiefs and city councilors to ask for support.

Tips, Tricks and Warnings:

Tip#1: It may take a few years to build a strong, effective coalition. Start early.

Tip #2: Through the membership, prove that people who support funding for spay/neuter programs are not “just animal people,” rather, they are all kinds of people who care about and are involved with a lot of things, including animals.

Tip #3: Consider that some animal shelters receive pet food donations from pet food companies. They may be hesitant to take on a very public role in a pet food fee project for fear of jeopardizing those donations. Perhaps there is a less public way those shelters can support the effort, including supplying data for the study; letting their volunteers know about the project; and sharing their thoughts on where spay/neuter is most needed and the best methods for delivery (mobile van, high volume clinic, etc.).

Tip #4: Remember that relationship building is fundamental both within the coalition and when working with others.



Step Four: Make Decisions and Develop a Plan

Goal: With the information from the study and organizing work, determine what is best for your state in terms of the fee, the fund, and the management of the fund and develop a game plan for moving forward. Prepare to implement the funding so that if you succeed in your first legislative session you are ready to begin funding spay/neuter as soon as the money is available.

A plan will provide clarity for the team working on the project that will enhance the efficacy and efficiency of the project.

Why: Having deadlines and reporting for the people taking on aspects of the project is important to make sure you stay on track and do not find yourself at the start of the legislative session with a half-finished report.

Things to Do:

- Develop your plan through research, analysis and discussion.
- Assign tasks among the Organizer and key players.
- Set a timeline and develop a tracking system and means of holding people accountable. You may need to make adjustments as the project progresses, but do so with intention and not as a result of disorganization.
- Write it down.
- Commit to following the plan and making changes only upon careful consideration so that you don't bounce from distraction to distraction.
- Find a list-making app that you can use to make to-do lists and check off completed items. You should be able to share the lists among the relevant supporters. It's an easy way to keep people up-to-date.



Focus on West Virginia

Although West Virginia began pursuing the legislation in 2010, it wasn't until 2016 and into 2017 that the group hit its stride and succeeded in passing the bill due to their well-organized spay/neuter campaign. The plan included meeting with stakeholders and a media component with mail, email, Facebook and other social media, video, TV and radio. You can read about the campaign on the West Virginia Spay Neuter Assistance Fund Facebook page (see *Resources*) and in an interview done by the New Mexico Facebook group (see *Resources*).

Tips, Tricks and Warnings:

- In many states you will want to make sure to stay a statewide and grassroots group and not present your effort with the face of a national organization. In general, legislators are more likely to respond to their own people than interests that are perceived to be out-of-state.

- Peter Marsh, United Spay Alliance Board member and one of the proponents of New Hampshire's spay/neuter program, advised on a video interview (available on YouTube, see *Resources*) that effective spay/neuter programs should have the following qualities:
 1. Limit eligibility to animals at greatest risk of impoundment,
 2. Be affordable and accessible to targeted populations,
 3. Control cost of reimbursement paid to providers of veterinary services,
 4. Minimize cost of revenue collection and program administration,
 5. Use broad-based revenue source (all pet owners) and
 6. Generate sufficient revenue to perform an adequate number of surgeries.

Keep these qualities in mind as you shape how the program will look.



Step Five: The Legislative Process

Goal: To get the bill passed by both chambers of the legislature and signed by the governor.

- You should be ready to start the process at least six months before the next legislative session begins. You'll develop a prototype of the legislation, learn the ropes of the legislative process, find a sponsor and lobby legislators to vote in favor of the bill. Then you'll find a sponsor and work on getting the bill introduced, through committees, passed by both chambers (unless you're in Nebraska, the only unicameral state) and signed by the governor.

NOTE: The legislative process here is generalized. Your state may differ in its process, so it is important to check your state's laws, rules and procedures.

Why:

- To reduce the unwanted cat and dog population in the state and save lives.
- To reduce the cost to state and local agencies and non-profit organizations in handling those unwanted animals.

To find out when your state's legislative session starts, check out our **Quick Facts About the States Chart** by visiting www.unitedspayalliance.org.

Things to Do:

#1: Find out as much as you can about the legislative process in your state

- Learn everything you can about the legislative process and the membership
 - Forty-nine states have bicameral legislatures, meaning they have two chambers, generally a Senate and a House or General Assembly. Only Nebraska is unicameral.
 - Find your state's legislative website and study every page on it to learn what's there and how to use it to track the schedules and progress of the bill during the session.
 - Study the legislative procedure as set forth on the site. Use other sources if your state's legislative website doesn't detail the process.
 - Find out how many members are in each chamber of your state legislature and what the political breakdown is. The National Conference of State Legislatures (NCSL) website is a good source for this research.
 - Get (or make) a map of the state with the legislative districts depicted and write down who is the senator or representative for each district.
 - Find out when the next session starts and ends.
 - Are bills carried over from one year to the next? (The Quick Facts chart has that information as well.)
 - Look up bills related to animal issues from prior years and determine which committees heard those bills, so that you can make an educated guess about which committees your bill will be assigned to. .

- If you are not already experienced with legislative work, ask similarly situated nonprofit organizations for their advice. If you are friendly with any professional lobbyists, ask them as well even if they don't represent nonprofit organizations

#2: Draft sample legislation

- Have a lawyer write a preliminary draft of the proposed legislation. You may be able to find a volunteer lawyer or you may hire one. The lawyer should be familiar with the legislative process and have worked with legislation. A bill that is well-researched and written will be less subject to time-consuming amendments during committee hearings.
- Including a "sunset clause" in the bill may help it succeed. A sunset clause would stipulate that the pet food fee for spay/neuter will be in place for X number of years (we recommend 10) and then will be evaluated by the legislature to determine whether it should be continued. If the fee and spay/neuter programs are popular and well run, you'll stand a better chance of getting it re-authorized.
- Be prepared to handle amendments.
 - Although we all would like to have our proposed legislation passed in its initial pure form, that is not likely. A legislator, staff analyst or interested party is likely to find a glitch in language or substance that needs to be fixed. Opponents of the bill may fight for amendments that make the bill more palatable to them.
 - It can be frustrating, but it is a normal part of the process. It's best not to waste time being upset over proposed amendments.
 - You should be prepared to evaluate proposed amendments; accept those you can live with and negotiate for compromises if necessary. If you really can't live with a proposal, you can fight it or drop the legislation altogether.
- As an example, the New Mexico bill was amended in the 2017 and 2018 legislative sessions to include the following amendments:
 - Capped how much funding could go to the five largest counties to guarantee that the smaller counties would receive sufficient funds. This type of amendment is helpful in terms of building support among the state's residents and among the legislators who represent all parts of the state.
 - Reduced the cap on administrative fees for the managing agency to 5% instead of the original 7.5%.
 - Added an exemption for manufacturers that bring in less than \$3 million in gross revenues.
 - Added an exemption for prescription diets (but not a company's non-prescription diets) and custom formula feed. Prescription diets are a small part of the manufacturers' business, so the effect is not dramatic.
 - Added a sunset clause.

#3: Find a sponsor for the bill

- You will need a legislator to sponsor the bill. You will need to work with your sponsor to shepherd the bill through the process. Choose wisely.
- The sponsor may be a senator or a representative/member of the assembly but check your state's procedure to make sure it doesn't require something different.

- If you've already been involved with legislation, you may know who the best sponsors for animal bills are and start there.
- If you don't know where to start, you'll want to make a list of possibilities and narrow it down to your top choices. Some things to consider:
 - If one party dominates the state's legislature is, it is probably not helpful to choose a sponsor from the other party as they generally have a harder time passing legislation.
 - Try to find out if a prospect works hard on their bills, or leaves the preparation, lobbying and negotiating up to you. You will be served best by a sponsor who wants the bill to pass as much as you do and who is willing to work very hard (as you will) to do so.
 - Sometimes the most powerful legislators are not the best sponsors because a) they are busy, and b) they are in the middle of lots of negotiations on all kinds of issues and the bill may become the victim of deal making.
- Make sure the sponsor is someone you are comfortable working with. If you find the sponsor intimidating or too busy to talk with, you will have a harder time discussing the status of the bill, amendments, and next steps.
- When you are ready to start asking legislators to start sponsoring the bill, ask one at a time so that you don't wind up having to turn down someone if two agree to sponsor it.
- Call the prospective sponsor and ask for an appointment to meet in person (or by phone if the distance is too great) to talk about your proposal. Be ready to explain what the problem is that you want to solve, what the bill does and how, and what the expected benefits are. Know what you can offer in terms of resources (full time attendance at the legislature? Part time? An hour here and there? Research? Written materials to hand out?) Be confident and succinct in your presentation to the legislator.
- If the legislator turns down your proposal, ask if he/she/they has any ideas of who might be a good fit for the bill.
- Once you've secured your sponsor, take the next steps and respond to anything your sponsor asks you about.
- One of the next steps (order may vary by state) will be to have the proposed bill officially drafted by legislative staff. Your sponsor may take that on directly or may instruct you on how to go about getting that drafting process started.

#4: Expert witness

- This step is likely to vary by state so find out what your state's process is.
- A sponsor may need an expert witness to help present the bill at committee hearings. You or someone from your core group may be the appropriate witness. Sometimes it's possible to have more than one expert, so, for example, the witnesses could be someone from the advocacy core, a veterinarian, and someone from a shelter or animal control agency who can speak to the state of the cat and dog overpopulation in the state, shelter crowding and spay/neuter as the solution.
 - The expert witness should be someone who will make themselves available for all hearings, who is willing and able to study the issues and be prepared to answer any questions. He/she/they should be calm and well spoken.

- The witness may also need to be present when the sponsor presents the bill on the floor of the senate or house/assembly. Check your state's procedure to determine whether the witness will speak on the floor or only offer information to the sponsor.

#5: Prepare your talking points and winning arguments

- Use numbers and evidence to present the problem and the current costs of dealing with the overpopulation. Giving numbers for the cost of bringing animals into shelter and later euthanizing them should resonate with legislators since they determine the state budget.
- For example, in New Mexico government-funded shelters spend \$27 million a year on sheltering animals and nonprofits add in another \$11 million.
- Think of how the savings in taxpayer dollars can be spent in ways that improve the community and public health and safety.
- Be clear about which foods the fee applies to, that is, only cat and dog, and not other animal feed. If your legislation includes applying the fee to treats, be clear about that.

#6: Make a fact sheet to hand out

- Prepare a one- or two-page fact sheet that you can distribute to legislators, their staff, supporters, the public, and anyone who will take one from you.
- The fact sheet should be concise and clear. Just share the most important information like how much funding for spay/neuter the fee will raise, how much it will impact each pet food consumer in the state, and how many surgeries could be performed with the funding and other salient points.
- Use short sentences, charts, bulleted statements and diagrams rather than lengthy paragraphs. Legislators have very little time during a session, and you want them to be able to read the sheet and absorb the information in a minute.
- Be prepared to update the sheet—and do so—if the bill is amended during its journey.
- The *Resources* section of this guide contains links to fact sheets from other states that will give you some ideas on how to structure your fact sheet.

#7: Lobby legislators before the session begins (and then again during the session)

- It's good practice when pursuing legislation to meet with as many legislators as possible before the session begins. They will have more time to talk to you and will be better able to distinguish your ask from the many others that they get during the course of a session.
- To meet with a legislator, call the number he/she/they lists as a contact number on the state's legislative website and ask for a meeting. In some states, like New Mexico, you can ask to take them to coffee or lunch. Other states might be more formal.
- It is best to meet with the legislators whose districts you are in. They are most interested in hearing from their own constituents.
- Find as many people from each legislative district (House/Assembly and Senate) as possible who will talk to their legislators. This where your coalition can do great work and supply the coverage and breadth that the Organizer cannot do alone.
- If a supporter can't meet with a legislator in person, a phone call is second best.
- Either way, you'll want to prepare yourself to explain the problem of pet overpopulation and the solution the legislation will bring. Explain the legislation and its impact. Answer questions.

- Ask the legislator directly, “Will you support this piece of legislation?” or “Can we count on your support?”
- If the legislator says yes, thank him/her/them and let him/her/them know that you are available for further questions should the need arise.
- If the legislator says no, inquire (politely, of course) why not and figure out whether you can remedy the legislator’s concern. Let him/her/them know you will follow up on questions and concerns and that you will check in again during the session.
- Send a thank you letter (on paper, via snail mail makes a stronger impression than email) thanking the legislator for his/her/their time and support (if the legislator committed to supporting the legislation), or only for his/her/their time if not committed to supporting it.
- If the legislator will not support the legislation, try to get more supporters from that district to call or write a letter to the legislator to express support for the bill.
- The Organizer, or a designee, should track meetings and outcomes so that you know where more effort is needed and where your strengths are.
- Finally, besides meetings and calls, it is good for supporters to send letters (again, on paper by snail mail preferred over email, but email is okay if that’s what a person can get done) to the legislators representing their districts stating that the individual is a constituent and hopes the legislator will support the bill.
- Another tactic is to find out who a legislator “listens to,” meaning the legislator takes that person’s input seriously. If you find out, for example, that Representative X listens to a particular school district head, have one of your supporters talk to that school district head to see if the district head can support the bill. If yes, have the person ask that school district head to talk to Representative X about the bill and to ask for the representative’s support.

#8: Media Campaign:

- You will want to make as many people aware of the bill as possible, including the public (remember that they are constituents of the legislators whose support you want to win), legislators and their staff, reporters, bloggers, and more.
- Keep in mind that members of the public who become supporters can make phone calls or send emails to their legislators to let them know they are in favor of your bill.
- Let people know how they can support the bill. Create some talking points for constituents so that they can drop them into emails or into conversations with their representatives.
- Send supporters “here’s how you can help” postcards electronically and post them on social media.
- Develop a frequently asked questions page with the top ten most-asked questions about your bill. You can use the sample FAQ in this guide to create your own.
- If you have the funding, consider a multi-faceted media campaign targeting legislators at the start of a session, including TV and radio ads and social media marketing. The cost of TV and radio ads may not be as high as you think depending on the size of the media market that you’re targeting. You can even target smaller markets to make it more affordable.
- Write a press release about the bill and send it to the people on your media list, as well as post it on your website. Follow up with a phone call to the reporter asking if they received it and if they have any questions.

- Talk to a reporter who either writes about key legislation or pets and ask them to write about it. They will be interested in how the bill impacts the community.
- Give a shout out to legislators who support the bill and encourage the public to thank them.
- When working with state legislators it can help to have professional-looking materials. Use professionals to create the material or your own staff if they are experienced at design and graphics or try to find a volunteer graphic designer.



Focus on West Virginia

Supporters of the now-enacted pet food fee bill in West Virginia (*Resources*) and of the New Mexico effort (*Resources*) have active Facebook pages that recorded their preparations for and activity in the legislatures. Scrolling through the old posts on those pages should give you a sense of what it's like leading up to and during a session, including the positive moments and frustrations. The pages will also give you a sense of what your own supporters can do to keep people updated and involved.

#9: Lobbying during the session

- In addition to the lobbying and coalition efforts already discussed, you will need to have one or more people lobbying during the legislative session. Some nonprofits do their own lobbying and some hire professional lobbyists to do so. This will depend on your staff, experience and resources.
- It will serve you well to figure out lines of communication and decision-making between the Organizer and the lobbyist(s) before the session begins and you move into warp speed.
- Lobbying is generally intense, can be frustrating and often involves late nights and weekends. Plan for it so you are not surprised. You can't just lobby "a little" and cross your fingers that your bill will pass.
- Keep in mind that nonprofits are allowed to lobby and retain their tax-exempt status as long as they stay within the limits allowed for a 501(c)(3) organization (check with your accountant and lawyer). An organization that has 501(c)(4) status can engage in unlimited lobbying. Some of the nonprofits that support the bill may have lobbying experience and can pitch in.
- Your volunteer coalition members can send letters of support to legislators and the governor, testify in committees (if your state allows that), notify their own members if they are an organization and ask those members to contact legislators and express support of the bill.
- In all cases, there are important recordkeeping requirements for lobbying in terms of time and expenses both for income tax purposes and state lobbying oversight requirements. Make sure that you are familiar with them at the outset of the project. An excellent resource for advocacy nonprofits is the Alliance for Justice (see *Resources*), a nonprofit based in Washington, D.C. that provides written materials and training for nonprofit organizations to help you get it right.

- It's impossible to say how much time your lobbyist(s) will need to budget for this legislation. The recommendation of United Spay Alliance is to talk to similarly situated nonprofits (as discussed early in this guide) with lobbying experience to find out whether a few hours a week or two people full time is needed. Keep in mind that legislation dealing with money tends to be more involved than some other types of legislation as money is always short.

Sample thank you note:

Ever wonder what to say when you thank a legislator for their support? It doesn't have to be long, and there is no need to overthink it. Just thank them so that they know you appreciate your support of the bill. Be sure to include your address in your letter, so that they see where you are from (this is especially important if you live in their district).

Dear Representative Doe,

I am a constituent of yours and am writing to thank you for your support of House Bill 1234 that enacts the fee on pet food and designates it for a statewide spay/neuter fund. Your vote for the bill on the House Floor will help save lives by supporting more spaying/neutering in our state. Your support is very much appreciated.

Sincerely,
Your Name

[sign your name in ink]



Tips, Tricks and Warnings:

- Visit your state's capitol and walk around to learn what's there. Figure out where to find your legislators. Take a guided tour, if available.
- Remember that many legislators have companion animals, as do their relatives and constituents. Ask the grassroots supporters to call their legislators. Have constituents remind their legislators that this issue matters.
- Always be honest with legislators. If you don't know the answer to one of their questions, simply say, "I don't know, but I'll find out and get back to you." Then do it. You want to be credible at all times and making up an answer will diminish it.
- Drop off thank you notes after committee hearings and floor votes for those who supported the bill. A short, handwritten note (good time to use a card with an animal image) gets noticed.



Step Six: Engage the Governor

Goal: To get your state’s governor to sign the bill.

Try to ascertain the governor’s position on the legislation as soon as you can (even before the legislative session) and then figure out what you need to do to get (or keep) the governor’s support.

Why: A piece of legislation must be signed by the governor to become law.

Things to Do:

- Meet with the governor or governor’s staff to let them know about the bill and ask for their support if it makes it through the process.
- Do that again once the bill makes it through.
- Generate calls and letters of support to the governor’s office asking the governor to sign the bill.
- If the governor is not receptive, find people to whom the governor listens; explain the bill to those individuals and ask for their support; then ask them to talk to the governor.

Tips, Tricks and Warnings: Talk to your governor early!



Focus on Maryland

The Maryland advocates worked with Governor O’Malley from the outset. In 2011, he signed the bill that established the Maryland Spay/Neuter Task Force and then in 2012 extended the task force so it could finish its work. The task force recommended in its 2013 report that the pet food fee would be the most effective method to create a sustainable spay/neuter fund for the state. Legislation was subsequently introduced. Getting buy-in from the governor early in the process undoubtedly gave legitimacy and strength to the effort. See *Resources* for information on the legislation that created the task force.



Step Seven: Implementation

Goal: To have an efficient and effective spay/neuter program that will maximize the revenue and get as many spay/neuter surgeries performed as possible.

This step should take place concurrently with the other parts so that no time is wasted once the legislation passes. Work with the agency/entity that will manage the program to orient the agency/entity on spay/neuter issues if not already familiar with the issues. Inform spay/neuter providers who may receive funding about the proposed increase in funding so they can think through what needs to be done to ramp up services.

Why: To save money and lives.

Things to Do:

- If your state already has a statewide spay/neuter funding mechanism, talk to the entity that collects and manages those funds and work with them to figure out what will be needed once the pet food fee bill passes and is signed.
- Write a plan for addressing those needs and begin working on any aspect that could be dealt with in advance of the bill becoming law.
- Although you've already done research on animal numbers for your state study, you can expand on that at this time. Where will the surgeries be most needed? How should they be delivered? If your program will distribute funds through a grantmaking process, begin writing materials for the grant application process.
- Doing this preparation will give you a head start once the bill passes. You don't need to spend an inordinate time on this but thinking through what the program will look like on the ground will also help determine whether the legislation needs to include any logistics, authority or duties not already included.
- If your state does not already have the infrastructure in place onto which the pet food fee funded spay/neuter program can piggyback, you'll need to do all of the above plus be prepared to help out as the process gets going. If a new entity is being created—like a board or commission—within an existing agency or as a stand-alone entity, be prepared to orient its new members to the world of companion animal overpopulation and spay/neuter.
- You can also help orient them to the procedures they'll have to follow by observing meetings of similar boards or committees and give them information on how those meetings work.
- Plan for success and think ahead so that the saving of lives can start as soon as possible.

A Word About Accountability:

- When it comes to spending public money, all parties (legislators, the administration, the public, and the proponents) have an interest in maximizing accountability for the program. No one wants to find out that the money designated for spay/neuter was squandered by lack of oversight and accountability. Every dollar that isn't used well can create trouble for the program.
- What can you do? Plan for accountability.
- When preparing the legislation, include accountability mechanisms such as:

- An oversight agency like the state's agriculture department (remember that the department generally is the one to oversee all things related to animal feed such as collecting fees and ensuring quality) or the state's veterinary board, or a committee or advisory council attached to an agency.
- Requiring the agency to adopt rules as to the specifics of the funding and how it will be used for spay/neuter services.
- If the services will be delivered through a grant program, the program should include criteria as to how the funds will be awarded and also what kind of reporting will be required back to the oversight agency.
- The agency should be prepared to report back to the legislature and the public to document all aspects of the program such as how many surgeries were performed and at what average cost, how many areas of the state were reached, and so on.
- Be prepared to talk about the accountability measures to legislators and interested parties as you work on the bill.
- Remember that you may wind up with a sunset clause in the legislation which means that the program will automatically end in X number of years and you will have to work to get it reauthorized. You may face opposition again. The collection of data and reporting in the prior years should support a reauthorization by demonstrating the need for the program and the efficacy of the program in helping the people (and animals) of the state.



State Case Studies

(note that the human population and poverty rates mentioned below are from 2019)

Go to *Resources* to get links to information about each state's legislation, organizations, and program.

West Virginia (Success!)

- The Federation of Humane Organizations of West Virginia (FOHO-WV) led the effort.
- West Virginia passed its spay/neuter fund laws over the course of seven years.
 - In 2013 West Virginia passed the law creating the WV Spay Neuter Assistance Program Fund.
 - In 2015 it adopted the regulations/rules to manage the fund.
 - In 2017 it passed the legislation establish the pet food fee to fund the spay/neuter fund.
- The primary sponsor of the bill was a Republican. Six other Republicans and five Democrats co-sponsored the bill. Both chambers of the legislature had a Republican majority. The governor was Republican as well.
- West Virginia's human population is 1.8 million people and it has an 18% poverty rate.
- The legislation added a Pet Food Brand Registration Fee to an existing dog and cat food registration fee through West Virginia Department of Agriculture.
- The fee is \$35-\$50 per product and is expected to raise \$450,000/year.
- Licensed veterinarians must perform the surgeries.
- Funds will be allocated by grants. Grantees will decide how to spend the funds. The program is not limited to low-income households. Spaying and neutering of community cats is allowed (established in the rules).
- FOHO-WV engaged in a well-planned media campaign. See *Resources* for a link to the TV commercials.
- If the fee is passed on to consumers, the cost is estimated to be less than \$.50/pet per year.
- The program runs ten years and will then have to be renewed.
- 8,927 cats and dogs were spayed and neutered with 2018 funding, including a large number of community cats.



Maryland (Success!)

- The Maryland effort began in 2011 when the Maryland General Assembly and the governor established the Maryland Spay/Neuter Task Force. It included representatives from animal control agencies, shelters, the pet industry, state and county agencies, rescues, animal welfare advocates, veterinarians and legislators.
- The task force issued a report in January 2013 with its recommendation to reduce the intake and euthanasia rates in Maryland's shelters by establishing a state spay/neuter program.
- Save Maryland Pets is a coalition of organizations, agencies, business and individuals created to support the legislation that would establish a low-cost voluntary spay/neuter program.
- Maryland Votes for Animals, Inc.—a political action committee (PAC)—led the legislative effort. Maryland Votes for Animals is an all-volunteer social network that works to pass humane legislation. Maryland Votes for Animals did not have a full-time lobbyist nor did it have paid staff.
- The bill passed on the second attempt and was signed by the governor in 2013.
 - The vote was 46-1 in the Senate and 113-23 in the House.
- At the time of the bill's passage, Democrats held majorities in both chambers of the General Assembly and the governor was a Democrat.
- The Maryland law established a spay/neuter fund through a fee on registrations for pet food sold in the state. The fee was phased in over three years going from \$50 to \$75 to \$100 and sunsets in 2023. The Department of Agriculture collects the fee.
- The funds are distributed through a competitive grant program to local governments and animal welfare organizations. The grant proposals are required to target low-income communities and populations to the maximum extent possible. The grants proposals may target feral cat populations.
- Euthanasia rates have decreased.
- The human population of Maryland is 6 million and the poverty rate is 10%.



Maine (Success!)

- Spay Maine, a coalition of animal shelters, rescues, ACOs and advocates began working to start a spay/neuter voucher program in 2000. They succeeded in getting a bill through the legislature and signed by the governor in 2005 establishing a pet food fee. The bill created the Help Fix ME voucher program (\$20 copay for a dog, primarily for pit bulls and pit bull mixes, and \$10 for a cat) for low-income Maine residents. The state administers the funding.
- It is funded by four streams of revenue: (i) the pet food fee (\$20 per product now originally capped at \$100,000 and now capped at \$157,000/year), (ii) fees on the sales by pet stores of cats and dogs, (iii) income tax return checkoffs (\$25,000), and (iv) animal friendly license plates.
- One individual got the ball rolling and then a second, and a third joined her, and together this core team coordinated and organized the work. They began the coalition in 2002 and spent two years organizing their coalition, getting support for the proposed legislation and getting the bill passed.
- In 2017 a Maine legislator tried to do away with the pet food fee and not only did the attempt fail, but the legislature voted to increase the cap on the total amount transferrable to the Companion Animal Fund.
- Note that Maine already had a Maine's Animal Welfare Advisory Council and an Animal Welfare Program in the Department of Agriculture, Conservation and Forestry. The council advises the Commissioner of Agriculture and the Director of the Animal Welfare Program about animal welfare issues in the state.
- The Help Fix ME contact page notes that in 2018 Help Fix ME spayed and neutered 2,849 cats and dogs. And, significantly, the funding lasted only eight weeks.
- The human population of Maine is 1.3 million and the poverty rate is 14%.
- At the time of the bill's passage, Democrats held majorities in both chambers of the Legislature and the Governor was a Democrat.



New Mexico (Success!)

- In 2007 New Mexico enacted the Animal Sheltering Act that created what is now the Animal Sheltering Committee of the New Mexico Board of Veterinary Medicine.
- The Act also created the Animal Care and Facility Fund with its Statewide Spay and Neuter Subaccount to receive, manage and administer funds generated for spay/neuter.
- New Mexico has a special license plate available for a \$35 surcharge of which \$25 goes to the Animal Care and Facility Fund (enacted 2003, updated 2009).
- In 2015 New Mexico also enacted a voluntary income tax checkoff option.
- In 2011 the Animal Sheltering Committee (then a Board) commissioned the NM Study in response to a Senate memorial calling for the Committee to conduct a feasibility study on creating a spay/neuter fund for the pets of low-income households. The Study identified the pet food fee as the best option for sufficient and secure funding.
- One of the founders of New Mexico Supporters of A State Low-Cost Spay/Neuter Program read the study and generated interest in pursuing legislation for the pet food fee.
- The bill was introduced in the legislature four times, each time with Democratic majorities in both chambers. The primary sponsors of the bill have been Democrats.
- The 2017 bill passed the House by a vote of 50-17 but died in the Senate.
- The 2018 bill passed both chambers (House 48-19, Senate 30-4) but was vetoed by the Republican governor.
- The 2019 House bill died in its first committee. The Senate version died in the Senate waiting for a hearing in its final committee.
- In 2020 the bill passed (House 39-22, Senate 27-14) and was signed by the Democratic governor.
- Since its passage, the Pet Food Institute and its allies filed two lawsuits related to the fee. The suits are pending in two courts, one state and one federal. The state court case is against the state Department of Agriculture claiming the process for adopting the rule for the pet food fee was improper. The case that was moved to federal court is against the Governor and seeks a declaratory judgement on the new statute arguing that it is unconstitutional.
- The bill contains a fee that phases in over three years, beginning at \$50 per label and increasing to \$100 per label. It also contains a sunset clause.
- New Mexico's human population is 2,088,070 and its poverty rate is 21%.



Note: We are including two states that did not succeed in passing the pet food fee funding legislation on the grounds that it can be instructional to know what happened in those states as well. The road to a bill becoming law can be long and difficult.

Hawaii

- Senate Bill 2929 was introduced in 2018 that would have established the Hawaii Spay/Neuter Council to administer the Hawaii Spay/Neuter Program. The bill had a Democratic sponsor six Democratic co-sponsors.
- The program would have provided grants to counties and animal welfare groups for cat and dog spay/neuter. And, it would have established the Spay/Neuter Fee Program imposing a fee on pet food for a new special fund. The fee was to start at \$50 per pet food brand name or product for one year, then \$75 for the next year and finally \$100 for the duration.
- The Department of Commerce and Consumer Affairs would have managed the fund and program. The funds would have been used for the animals of low-income communities “to the maximum extent possible.”
- The bill died without a committee hearing.
- The bill is a good example of a comprehensive bill that includes all the pieces to establishing the fee, fund and program.
- Hawaii has a human population of 1.4 million and a poverty rate of 12%.
- Democrats are in the majority of the legislature and the governor is a Democrat.

Washington

- Washington attempted to pass a spay/neuter funding bill based on a pet food fee in 2009, 2010 and 2011. None of the bills passed.
- This state’s 2011 legislation (S.B. 5151) which carried over to 2012 proposed a companion animal safety, population control, and spay/neuter assistance program to be funded by pet food fee based on “tonnage” at the rate of \$50 per ton (\$0.025 per pound). The fund was to be used for the spaying and neutering of cats and dogs from low-income households and feral and free-roaming cats. The Department of Health was to administer the program. It allowed for a copayment no greater than \$20.
- Washington’s human population is 7.4 million and its poverty rate is 13%.
- At the time of the bill were introduced, Democrats held majorities in both chambers of the Legislature and the Governor was a Democrat.



For your convenience in comparing the states mentioned above, the following table shows some of the relevant factors.

State	Status	No. of Tries*	Bill's Sponsor	House	Senate	Governor	Human Pop. **	Poverty Rate **
NM	Enacted 2020	4	Dem.	Dem.	Dem.	Dem.	2.1 million	21%
WV	Enacted 2017	1	Rep.	Rep.	Rep.	Dem.	1.8 million	18%
MD	Enacted 2013	2	Dem.	Dem.	Dem.	Dem.	6 million	10%
ME	Enacted 2005	1	Dem.	Dem.	Dem.	Dem.	1.3 million	14%
HI	Died 2018	1	Dem.	Dem.	Dem.	Dem.	1.4 million	12%
WA	Died (2009 - 2012)	4	***	Dem.	Dem.	Dem.	7.4 million	13%

* Does not include the years organizing for the pet food fee bill nor getting related legislation passed.

** The data for human populations and poverty rates are from Wikipedia. The citations are given in the *Resources* section.

Note: According to Best Friends state-by-state calculations on how many more cats and dogs in each state need to be saved in order to reach no-kill status, each of the states in the chart above falls into the < 13,000 category (see *Resources*).



Other Types of Spay/Neuter Funding

While United Spay Alliance believes the pet food fee is the most effective form of creating a secure and significant funding source for spay/neuter, it understands and supports efforts to enact other types of spay/neuter funding legislation. In some cases, a state may start with one of these mechanisms, possibly adding another later; or, a state might present a package of funding mechanisms in one bill that together comprise a strong funding package. This section is not in any way meant to discourage you from pursuing more than one option for spay/neuter funding.

For the sake of comparison, let's examine a few other options for spay/neuter funding.¹ This is a sampling of possibilities and not intended to be comprehensive as creative advocates will come up with other methods.

The criteria:

1. **Sufficiency of Revenue.** Will the source provide enough revenue to fully fund the needs of the program?
2. **Reliability and Predictability.** Will the source provide a reliable and predictable level of funding, that is, will you be able to count on it year after year?
3. **Ease of Start-Up.** Is there a limited level of effort or cost needed to start the program? Having an existing fund and natural managing agency will make it easier.
4. **Limited Administrative Burden.** Are the costs/burdens of operation limited?

-  = Yes
-  = Maybe or Variability
-  = No

➤ *Adding a Surcharge to Pet Food Fees*

-  Sufficiency of Revenue
-  Reliability and Predictability
-  Ease of Start-Up
-  Limited Administrative Burden

This funding mechanism can generate substantial amounts of funding. A small portion can be dedicated to the administrative costs of the program so that it pays for itself. Once the law is passed and the regulations are in place, the funding should be stable from year to year so that the program organizers and spay/neuter providers can focus on getting spay/neuter surgeries done rather than on fundraising. Since the states have existing pet food fees in place and agency that collects those fees, this mechanism does not require starting from scratch. If the state already has a statewide spay/neuter fund (perhaps from special license plates), even better. It will be simpler for the managing agency to deal with one funding source and one pool of money than collecting

¹ See also pages 17-24 of the 2012 *Feasibility Study: Creating a Fund to Aid Low-Income Households in Sterilizing, Vaccinating and Spaying or Neutering their Companion Animals, Animals* (“NM Study”) for more details – link provided in *Resources*. A color-coded summary chart is shown on page 24 of the NM Study.

small bits here and there. If a state agency (or board or committee) manages the program, the state already has procedures in place for fiscal accountability and reporting.

➤ ***Applying for Grants from Private Foundation.***

- Sufficiency of Revenue
- Reliability and Predictability
- Ease of Start-Up: Maybe (if staff exists and has experience)
- Limited Administrative Burden

Nonprofit spay/neuter programs often seek funding from foundations and other grantors. However, writing and submitting grant proposals requires time and resources—and the need for experienced staff. Grantwriting is an uncertain process and so cannot assure a steady stream of spay/neuter funds. According to *Giving USA*, only 18% of the total revenue of nonprofits came from private foundations in 2018 while 68% came from individuals.² According to Esther Mechler, Founder and President of United Spay Alliance, in recent years, foundations and other grantors have decreased their giving for spay/neuter programs and moved on to funding other aspects of animal protection work.

➤ ***Statewide Rabies Vaccination Differential***

- Sufficiency of Revenue
- Reliability and Predictability
- Ease of Start-Up
- Limited Administrative Burden:

If state law requires that cats and dogs be vaccinated against rabies, it may be possible to generate spay/neuter funding by linking it in with rabies vaccinations. This method would establish a spay/neuter fee to be paid with each vaccination. Veterinarians would collect the fee and submit the revenues to the state. (The state could even deem the vaccination certificate a *de facto* state license if desired, though that may not sit well with local authorities/shelters.) The mechanism might be able to generate some revenues, but probably not at the level required. An analysis of this method would require determining how many rabies vaccinations are administered in the state per year to cats and dogs and then multiplying that amount by a differential that would constitute the spay/neuter fee. The certainty of the estimate will depend on how much data a state has available regarding rabies shots and compliance rates with the law requiring the vaccination. If the state can integrate databases on licensing and rabies vaccinations to ascertain where compliance is lacking, it could strengthen the effectiveness of this funding method.

² <https://givingusa.org/giving-usa-2019-americans-gave-427-71-billion-to-charity-in-2018-amid-complex-year-for-charitable-giving/>

➤ ***Fees Added to Statewide Dog/Cat License or Intact Animal/Litter Permit Fee.***

- Sufficiency of Revenue (with the possible exception for states that have statewide licensing already in place and/or do not have a great need)
- Reliability and Predictability
- Ease of Start-Up
- Limited Administrative Burden

A fee could be added to dog/cat licenses that would be dedicated to a spay/neuter fund or the license could include an extra fee for intact animal or permits for letting a cat/dog have a litter. This could generate some funding for a statewide spay/neuter fund if cat and dog licenses are sold at the state level. In fact, the state of New Hampshire has such a fee. In order to generate substantial spay/neuter funding, the state would have to have good compliance with, and/or enforcement of, the law requiring licensing, often not the case (see *NM Study*). If a state has local and not statewide licensing, the administration of such a program would become more complex since each jurisdiction could have different ordinances and rules and could vary on the strength of enforcement. It would also create a lot of duplication in terms of collecting and administering the differential. However, this method could still be fruitful for municipalities and counties so they can generate funding for their local spay/neuter efforts. This method is not likely to generate substantial funds, but it could be part of a package for states that have statewide licensing, particularly if the state doesn't have a huge need for additional spay/neuter funding.

➤ ***Voluntary Income Tax Check-Off***

- Sufficiency of Revenue
- Reliability and Predictability
- Ease of Start-Up
- Limited Administrative Burden

In many states a personal income tax filer may make a voluntary donation to one or more special funds on the taxpayer's income tax return (some states have over 15 options so there can be competition for the taxpayer's dollars). The taxpayer simply checks a box and fills in a designated amount, e.g., \$5 to the state's spay/neuter fund or another of the funds offered. The *NM Study* demonstrates that the amounts raised by such funds is not large, though in more populous states the donations may add up to a more robust fund (Massachusetts is an example), especially if competition among funds is not high. An advantage to a special spay/neuter income tax check-off fund is that it puts the issue before taxpayer eyes on an annual basis (assuming they read their returns). In some states, such a fund is part of a package of funding mechanisms for spay/neuter, such as in Maine. Its voluntary income tax check-off raised \$27,000 for spay/neuter programs in fiscal year 2018.

➤ *Voluntary Vehicle Registration Check-Off*

- Sufficiency of Revenue
- Reliability and Predictability
- Ease of Start-Up
- Limited Administrative Burden

It might also be possible to generate funds for spay/neuter through a straightforward donation to a statewide spay/neuter fund when registering a vehicle (that is, not buying a license plate, just making a donation). United Spay Alliance does not know if any state has such a mechanism in place. It is likely, however, that it would fall into the same category as voluntary income tax check-offs and special license plates in terms of income generation.

➤ *Purchase Special License Plate*

- Sufficiency of Revenue
- Reliability and Predictability
- Ease of Start-Up
- Limited Administrative Burden

Many states offer special license plates that a vehicle owner can purchase when registering a vehicle. A number of those plates include a surcharge designated for a specific fund. New Mexico, for example, offers a Pet Care Special Registration Plate for an annual fee of \$37.00 (in addition to the standard vehicle registration fees).

Of that amount, \$25.00 goes to a statewide spay/neuter fund. According to *Slate* magazine, as of 2012 there were thousands of special license plates offered in the United States; over 700 in Maryland alone.³ Competition is tough! Maine raised \$198,000 in fiscal year 2018 through its special animal plate, half of which went to the Help Fix ME program.

As with the voluntary income tax check-off, United Spay Alliance believes special license plate fees will not generate enough funds to have a major impact on the need for more spaying/neutering, but that pursuing a special license plate through legislation can be worthwhile for generating some funding. And the plates can be great for increasing public awareness as they are on public display every time the car is not in a home garage.

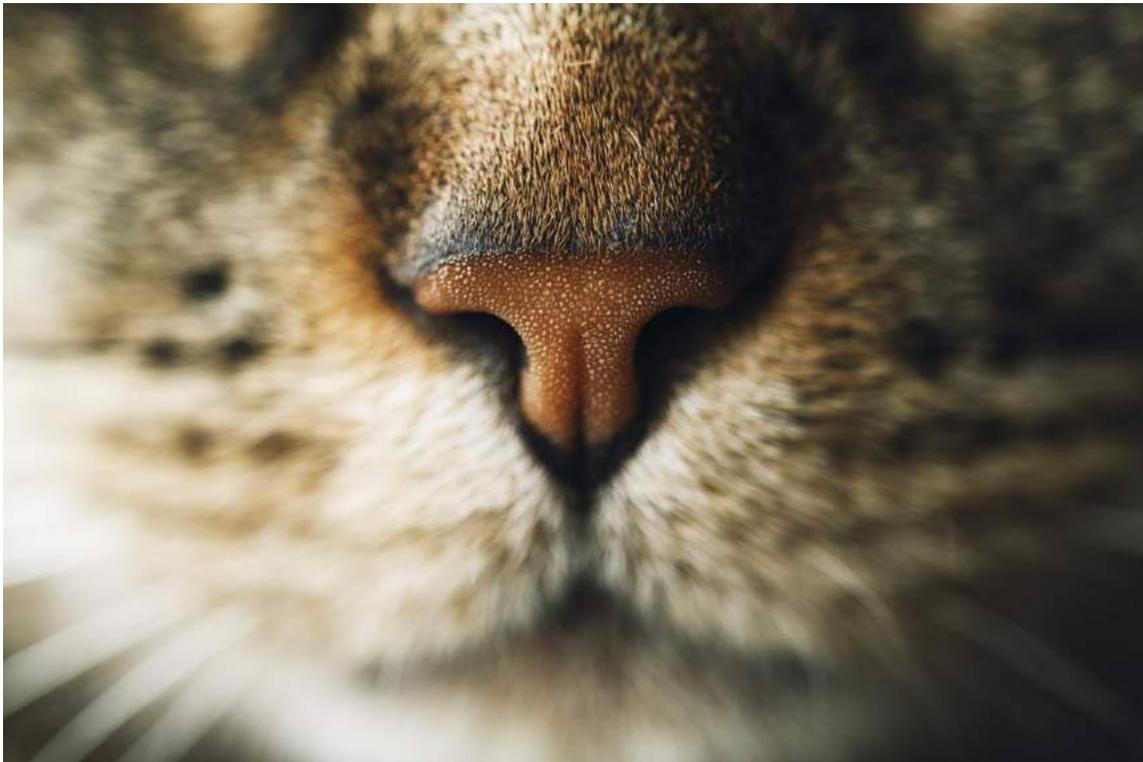
³ “Montana Quilters Have Their Own License Plate / The Curious Rise of the Special License Plate,” *Slate*, Mark Vanhoenacker, June 26, 2012, http://www.slate.com/articles/life/design/2012/06/specialty_license_plates_why_are_there_so_many.html

➤ *Adding a Surcharge to Animal-Related Fines*

- Sufficiency of Revenue
- Reliability and Predictability
- Ease of Start-Up = No
- Limited Administrative Burden

States generally have state and local laws and regulations regarding animal cruelty, public safety, and sanitation, such as requiring dogs to be kept on leash and people to pick up after their dogs. Infringement of those laws and rules may result in a fine. Theoretically, the laws and regulations could be amended through the appropriate process involving the state legislature, local government or state agencies to tack on a surcharge to the fines that would then be allocated to a spay/neuter fund, either local or statewide.

Substantial research would be involved in determining whether this type of funding mechanism would generate enough spay/neuter funding to accomplish the job. The research could be intense because of the number of law enforcement agencies involved and the probable lack of tracking these types of fines. Note that substantial overhead would be involved in this funding mechanism because of the number of agencies and jurisdictions involved. Again, check Massachusetts, which has some form of this type funding.



Resources

On these next few pages, you will find URLs for the documents referred to in this guide. The URLs were current at the time of this writing, but over time some may no longer function as websites are redone and updated. If that's the case, we suggest you search the document's title in quotes to find it. We are also giving you the full URL in case the actual hyperlinks do not always work.

We also recommend that you take the time to open all of the links and save the documents either as webpages or pdfs in a file or folder that you can access in the future. This will save you time and avoid the problem of disappearing links. It will also make it easy to share any of the documents with your core group, supporters and others working on your effort.

Books:

Getting to Zero: A Roadmap to Ending Animal Shelter Overpopulation in The United States, Peter Marsh, 201

http://www.shelteroverpopulation.org/Getting_To_Zero.htm

Replacing Myth with Math: Using Evidence-Based Programs to Eradicate Shelter Overpopulation, Peter Marsh, 2010

http://www.shelteroverpopulation.org/Replacing_Myth_With_Math.htm

State Reports:

Maryland, *Task Force on the Establishment of a Statewide Spay/Neuter Fund Final Report*, December 2012

[https://mda.maryland.gov/spay_neuter_program/Reports/Task_Force_Final_Report\(2012\).pdf](https://mda.maryland.gov/spay_neuter_program/Reports/Task_Force_Final_Report(2012).pdf)

New Mexico: *Feasibility Study: Creating a Fund to Aid Low-Income Households in Sterilizing, Vaccinating and Spaying or Neutering their Companion Animals*, 2012, 31 pages plus Addendum, 2012, 3 pages

<https://apnm.org/wp-content/uploads/2016/11/SM36-Study-Final-1-24-12-FULL.pdf>

West Virginia: *A Special Report on Solving Pet Overpopulation in West Virginia*, 2017

<http://www.fohowv.org/wp-content/uploads/2017/01/WV-Spay-Neuter-Special-Report-2017.pdf>

Final Legislation, Codified Law or Unsuccessful Legislation:

Maryland: [https://mda.maryland.gov/about_mda/Documents/SNAB/Senate Bill 820.pdf](https://mda.maryland.gov/about_mda/Documents/SNAB/Senate_Bill_820.pdf)

Maine: <http://legislature.maine.gov/legis/statutes/7/title7sec3910-B.html>

New Mexico: <https://nmlegis.gov/Sessions/20%20Regular/final/SB0057.pdf>

Hawaii, Senate Bill 2929 from 2018:

https://www.capitol.hawaii.gov/session2018/bills/SB2929_.HTM

Washington, Senate Bill 5151 from 2011

<https://app.leg.wa.gov/billsummary?BillNumber=5151&Year=2011&initiative=>

Fact Sheet Handout Samples:

West Virginia:

<http://www.fohowv.org/wp-content/uploads/2017/01/Spay-Neuter-Funding-2017.pdf>

Maryland:

Support S.B. 820/H.B. 767: Help Maryland Save Lives and Save Money:

https://www.savemarylandpets.org/sites/default/files/files/basic/spay_neuter_factsheet_final.pdf

New Mexico:

- Fact Sheet Senate Bill 51/House Bill 64: https://www.apvnm.org/wp-content/uploads/2017/12/FACTSHEETpublic_SB51andHB64_PetFoodFeeSpayNeuterFund2018_updated021218.pdf
- Senate Bill 51/House Bill 64: Myths and Facts: https://www.apvnm.org/wp-content/uploads/2018/01/MYTHS-AND-FACTSpublic_SB51andHB64_PetFoodFeeSpayNeuterFund2018-FINAL_CLEAN.pdf
- New Mexico Needs Sustained Funding for Statewide Spay/Neuter Services (this flyer is not bill specific but is an excellent example of a concise document on the need for sustainable funding): <https://apnm.org/wp-content/uploads/2018/06/APV-NM-Needs-Sustained-Funding-for-Statewide-Spay-Neuter-Services.pdf>

Other Key Websites for West Virginia

The Federation of Humane Organizations of West Virginia:

<http://www.fohowv.org/>

Facebook page Supporters of WV Spay Neuter Assistance Fund:

<https://www.facebook.com/SupportersWVSpayNeuterFund>

FOHOV's TV ads for the bill:

<http://www.fohowv.org/spay-neuter-campaign/wv-spay-neuter-fund-commercial-videos/>

West Virginia Department of Agriculture:

<https://agriculture.wv.gov/divisions/animal-health/west-virginia-spay-and-neuter-assistance-program/>

Other Key Websites for Maryland

Save Maryland Pets website:

<https://www.savemarylandpets.org/about-us> and
<https://savemarylandpets.org/page/information-resources> (chock full of helpful information)

Save Maryland Pets Facebook page (active):

<https://www.facebook.com/savemarylandpets/>

List of Save Maryland Pets coalition members:

https://www.savemarylandpets.org/coalition_members

Maryland Votes for Animals: <https://voteanimals.org>

The Maryland Spay/Neuter Task Force:

https://www.savemarylandpets.org/sites/default/files/files/basic/the_task_force.pdf

House Bill 339 (2011): Task Force on the Establishment of a Statewide Spay/Neuter Fund: Go to [this page](https://mgaleg.maryland.gov/mgawebsite/search/legislation) (<https://mgaleg.maryland.gov/mgawebsite/search/legislation>) of the Maryland General Website and plug in “HB 339” next to “Number” and then select “2011 Regular Session” from the “Change Session” drop down menu to see the history and other information on the task force bill. Note the number of delegates who co-sponsored the bill.

Other Key Websites for Maine

The ASPCA’s 2007 *Help Fix ME: State of Maine’s Spay/Neuter Program*: not currently findable on web but worth searching in case it reappears

Bangor Daily News Article on Legislature Rejection Elimination of Pet Food Fee:

<https://bangordailynews.com/2017/05/20/news/state/lawmakers-reject-lepages-proposal-to-eliminate-maines-pet-food-surcharge/>

Help Fix ME:

<http://www.spaymaine.org/home.html>

Other Key Websites for New Mexico

New Mexico Supporters of A State Low-Cost Spay/Neuter Program:

<https://www.facebook.com/groups/239025683202193>

Senate Memorial 36:

<https://www.nmlegis.gov/Sessions/11%20Regular/final/SM036.pdf>

Selection of Pet Food Registration or Labeling Fee Regulations:

West Virginia, Title 61, Series 24: West Virginia Spay Neuter Assistance Program, effective June 1, 2015.

<https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=26591&Format=PDF>

Maryland: Go to <http://www.dsd.state.md.us/COMAR/searchall.aspx> and plug in the word “spay” to find a list of the rules.

The Association of American Feed Control Officials Material:

Table of state registration and fee requirements:

https://www.aafco.org/Portals/0/SiteContent/Regulatory/State_Regulatory_Requirement_Summary.pdf?v5 (We recommend that you double-check it against your state’s laws and regulations to make sure it is current and accurate.)

List of officials in each state who manage the registration/fee program:

<https://www.aafco.org/Regulatory>

Miscellaneous

Alliance for Justice: <https://www.afj.org>

National Conference of State Legislatures: <http://www.ncsl.org/>

The Pet Food Institute: <https://www.petfoodinstitute.org/about-pfi/>

Petfinder, *Spay/Neuter Programs: What Works/The New Hampshire Spay/Neuter Program:*

Lessons from the First Ten Years, Peter Marsh, 2017: <https://www.petfinder.com/pro/for-shelters/spay-neuter-program/>

Pet Industry Joint Advisory Council: <https://pijac.org/>

Human Population and Poverty Rate Data for chart on page 34 (numbers on chart are from 2019):

https://en.wikipedia.org/wiki/List_of_states_and_territories_of_the_United_States

https://en.wikipedia.org/wiki/List_of_U.S._states_and_territories_by_poverty_rate

Best Friends 2025 Goal:

<https://bestfriends.org/2025-goal>

Save Washington Pets Video with Peter Marsh Interview:

<https://www.youtube.com/watch?v=auU3ZSX2UII&feature=youtu.be>



About the Author:

Helga Schimkat is a lawyer and consultant with 30 years of experience in the public and private sectors. Her work has included lobbying at the New Mexico Legislature on behalf of nonprofit clients, particularly animal and environmental advocacy organizations; serving as the House Majority Office Chief of Staff; and representing nonprofit clients. Helga has lived in Santa Fe for 28 years and was born and raised in New York. She has a B.A. from Yale and a J.D. from Columbia.