

1 INTERIM STUDY PROPOSAL 2013-177

2 State of Arkansas

*As Engrossed: H3/26/13*

3 89th General Assembly

# A Bill

4 Regular Session, 2013

HOUSE BILL 2160

5  
6 By: Representative E. Armstrong

7 Filed with: Arkansas Legislative Council

8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT TO REQUIRE STERILIZATION OF CERTAIN DOGS OR  
11 CATS OVER SIX (6) MONTHS OF AGE; AND FOR OTHER  
12 PURPOSES.

## 13 14 15 Subtitle

16 TO REQUIRE STERILIZATION OF CERTAIN DOGS  
17 OR CATS OVER SIX (6) MONTHS OF AGE.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code Title 20, Chapter 19, is amended to add an  
23 additional subchapter to read as follows:

### 24 25 Subchapter 7 – Sterilization

#### 26 27 20-19-701. Definitions.

#### 28 As used in this subchapter:

29 (1) "At-large" means any animal not confined within a building,  
30 a fenced enclosure, or under the physical control of a competent person;

31 (2) "Cats" means any domestic feline animal, species *Felis*  
32 *catus*;

33 (3) "Dogs" means any domestic canine animal, species *Canis*  
34 *familiaris*;

(4) "Intact animal" means any dog or cat over the age of six (6) months that has not been rendered incapable of reproduction by surgical spaying or neutering;

(5) "Owner" means any person, firm, corporation, organization, or department who:

(A) Has a right of property in a dog or cat;

(B) Possesses, keeps, harbors, feeds, cares for, or acts as the custodian of a dog or cat; or

(C) Knowingly permits a dog or cat to remain on or about any premises occupied by the owner;

(6) "Pen" means a fenced enclosure sufficient for preventing a dog or cat from escaping or another dog or cat from entering;

(7) "Sterilized" means to permanently render an animal incapable of reproduction.

20-19-702. License required.

(a) A dog or cat over the age of six (6) months shall be sterilized unless the owner of the dog or cat qualifies for an intact animal license under § 20-19-703.

(b) The owner of a cat or dog is exempt from this subchapter if he or she is:

(1) An owner of a purebred dog or cat of a breed that is recognized and currently registered by a professional registering organization.

(2) An owner of a dog that is documented as having been appropriately trained and that is being used for public law enforcement activities, military activities, or for search-and-rescue activities;

(3)(A) A person acting as a custodian of a dog or cat housed within:

(i) Municipal or county animal shelters;

(ii) Humane societies or other organizations that are:

(a) Staffed by personnel who are certified through an accredited animal control association or an accredited governmental agency;

(b) Operated in a nonresidential area; and

(c) Designated as a nonprofit organization as defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or

(iii) Veterinary hospitals.

(B) A member of a rescue organization with noncertified personnel operating from their own residential property or the residential property of another person are not exempt from this subchapter;

(4) The owner of a dog or cat that has been determined by a veterinarian to be unfit for sterilization because the surgery would endanger the life of the animal; and

(5)(A) Owners of dogs that are specifically trained as service dogs or used for hunting or field-trial competition.

(B) Dogs used for hunting or field-trial competitions shall be kept in appropriate pens at all times except when actually engaged in hunting, field-trial competitions, or related activities.

(C) An owner of a dog used for hunting or field-trial competition shall present on request a state issued hunting license from the most recent hunting season.

(D) If the dog is used to hunt waterfowl, the hunting license shall contain a federal and state waterfowl stamp.

(E) An owner of a dog that are used for field-trial competition shall present on request documentation proving participation in field-trial activities within the past twelve (12) months.

(F) Dogs that are specifically trained and used as service dogs include guide dogs or assistance dogs for the hearing impaired.

(c)(1) An owner has the burden of proving that the intact animal is:

(A) A dog or cat that meets the criteria in subsection (b) of this section;

(B) Sterilized; or

(C) Registered with a registered organization as listed in subdivision (b)(1) of this section.

(2) The registration shall include:

(i) A registration number issued by the registering organization; and

(ii) At least a three-generation pedigree.

20-19-703. Application – Fee.

(a)(1) The county clerk of each county in Arkansas shall administer a certification program to allow owners of dogs or cats that are over the age of six (6) months to obtain an intact-animal license.

(2) Except for an animal that is exempt under § 20-19-702(b), an owner of a dog or cat that is over the age of six (6) months shall apply for an intact-animal license by:

(A) Submitting a request for the license to the county clerk of the county where the animal resides that includes:

(i) Proof of current rabies vaccination; and  
(ii) A statement that the owner is in compliance with this subchapter; and

(B) Payment of an annual fee of fifty dollars (\$50.00);

(3) An intact-animal license is valid for twelve (12) months from the date of issue.

(4) A license under this section may be denied or revoked by any appropriate government entity having adjudication powers over local, city, county, or state affairs.

(b) A license fee paid under subdivision (a)(2)(B) of this section is disbursed as follows:

(1) Twenty-five dollars (\$25.00) of each fee shall be retained in the county of issuance to cover the costs of administering and managing the license program; and

(2) Twenty-five dollars (\$25.00) of each fee shall be utilized to fund a sterilization program within the county of issuance.

#### 20-19-704. Violations.

(a) Upon conviction of a violation of this subchapter, an owner shall be fined not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) for each offense.

(b) The court may, in lieu of a fine, require the sterilization of a dog or cat.

#### 20-19-705. Enforcement.

(a) This subchapter may be enforced by animal control officers, law enforcement officers, wildlife officers, code officers, health officials, or any other authorized agency.

