

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.

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
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;

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

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

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

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

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

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

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

15
16 20-19-702. License required.

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

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

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

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

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

30 (i) Municipal or county animal shelters;

31 (ii) Humane societies or other organizations that
32 are:

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

36 (b) Operated in a nonresidential area; and

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

3 (iii) Veterinary hospitals.

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

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

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

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

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

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

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

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

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

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

28 (B) Sterilized; or

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

31 (2) The registration shall include:

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

34 (ii) At least a three-generation pedigree.

35
36 20-19-703. Application – Fee.

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

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

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

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

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

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

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

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

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

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

25
26 20-19-704. Violations.

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

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

32
33 20-19-705. Enforcement.

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

1 (b) A person who does not meet the requirements of subsection (a) of
2 this section and knowingly provides enforcement for violations of this
3 subchapter, on conviction is guilty of a class D misdemeanor.

4
5 */s/E. Armstrong*
6

7
8 Referral requested by: Representative Eddie L. Armstrong

9 Prepared by: ANS/NJR
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36