

State of Arkansas

*As Engrossed: H2/15/99 S2/24/99*

82nd General Assembly

## A Bill

Regular Session, 1999

HOUSE BILL 1442

By: Representatives Creekmore, Napper

### For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 20-19-103; TO REQUIRE  
STERILIZATION OF CERTAIN DOGS AND CATS; AND FOR OTHER  
PURPOSES. "

### Subtitle

"MANDATORY STERILIZATION OF DOGS AND CATS  
RELEASED BY POUNDS, SHELTERS AND HUMANE  
ORGANIZATIONS. "

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

#### SECTION 1. Legislative intent.

The General Assembly finds that approximately six million (6,000,000)  
healthy dogs and cats are killed nationally each year in public and private  
shelters. Of this six million (6,000,000), it is estimated that forty  
thousand (40,000) are killed each year in Arkansas. Capture, containment and  
killing of surplus dogs and cats is an ineffective and inhumane method of  
addressing the problem of overpopulation and places an unnecessary drain on  
the financial and human resources of the people of the State of Arkansas.  
Shelter personnel suffer enormous psychological strain caused by the hidden  
costs to society of irresponsible pet owners. Spaying and neutering dogs and  
cats is a cheaper, more effective and more humane means of permanently  
reducing the surplus of dogs and cats. Further, experience has shown that  
less than fifty percent (50%) of persons who receive animals from shelters  
subject to an agreement to subsequently sterilize those animals, comply with  
their agreement. Attempts to enforce those agreements place an intolerable  
burden upon the enforcement effort. Young age spay/neuter has proved to be a

1 safe and practical alternative to release of unsterilized animals. Therefore,  
2 the General Assembly hereby amends Arkansas Code 20-19-103 to require that in  
3 any county having a population of three hundred thousand (300,000) or greater,  
4 dogs and cats over two (2) months of age be spayed and neutered prior to their  
5 release by pounds, shelters or humane organizations.

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7 SECTION 2. Arkansas Code 20-19-103 is amended to read as follows:

8 "20-19-103. Sterilization of impounded dogs and cats.

9 (a) It shall be unlawful for any pound, shelter, or humane  
10 organization, supported wholly or partly by public funds, to release any dog  
11 or cat which has not been sterilized to a new owner unless, except as provided  
12 in section (c) below, a promise to spay or neuter the animal has been signed  
13 by the person acquiring the animal.

14 (b) The sterilization shall be performed by the date stipulated, except  
15 that the releasing agency may grant an extension of time not to exceed thirty  
16 (30) days upon the request of the owner. The signed promise shall be binding,  
17 and failure to comply shall constitute a violation of this section.

18 (1) In such case, the animal described therein shall be returned  
19 to the releasing agency upon demand.

20 (2) Ownership of the animal reverts to the releasing agency in  
21 such instance, and no claim may be made by the owner to recover expenses  
22 incurred for maintenance of the animal, including the initial procurement  
23 cost.

24 (c) In any county in the state having a population of three hundred  
25 thousand (300,000) or more persons according to the most recent federal  
26 decennial census, it shall be unlawful for any pound, shelter or humane  
27 organization to release to a new owner any dog or cat over two (2) months of  
28 age which has not been sterilized, except that an animal which, in the opinion  
29 of a veterinarian licensed to practice veterinary medicine in the State of  
30 Arkansas, is medically compromised to the extent that it cannot withstand  
31 immediate sterilization may be temporarily released pursuant to a foster care  
32 agreement until such time as it can safely be sterilized or until two (2)  
33 veterinarians licensed to practice veterinary medicine in the State of  
34 Arkansas certify that is unlikely that the animal will ever recover to the  
35 extent that it can safely be sterilized, at which time ownership of the animal  
36 may be transferred to an owner who certified that the animal will not be used

1 for breeding. An owner who violates the agreement shall be subject to the  
2 penalties set forth in subsection (d) of this section.

3 ~~(c)~~ (d) Violations of this section are declared to be misdemeanors  
4 punishable by a fine of not less than one hundred dollars (\$100) nor more than  
5 five hundred dollars (\$500). "

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7 SECTION 3. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 4. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 5. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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20 /s/ Creekmore  
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