

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 2160

By: Representative E. Armstrong

For An Act To Be Entitled

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

Subtitle

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

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

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

Subchapter 6 – Sterilization

20-19-601. Definitions.

As used in this subchapter:

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

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

(3) "Dogs" means any domestic canine animal, species *Canis*
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,



1 or department who:

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

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

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

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

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

11
 12 20-19-602. License required.

13 (a) A dog or cat over the age of six (6) months shall be sterilized
 14 unless the owner of the dog or cat qualifies for an intact animal license
 15 under § 20-19- 603.

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

17 (1) An owner of a purebred dog or cat of a breed that is
 18 recognized and currently registered by a professional registering
 19 organization including:

20 (A) The American Kennel Club;

21 (B) The United Kennel Club;

22 (C) The Cat Fanciers' Association; or

23 (D) The International Cat Association;

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

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

29 (i) Municipal or county animal shelters;

30 (ii) Humane societies or other organizations that

31 are:

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

35 (b) Operated in a nonresidential area; and

36 (c) Designated as a nonprofit organization as

1 defined by the Internal Revenue Code, 26 U.S.C. § 501(c)(3); or

2 (iii) Veterinary hospitals.

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

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

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

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

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

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

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

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

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

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

27 (B) Sterilized; or

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

30 (2) The registration shall include:

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

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

34
35 20-19-603. Application – Fee.

36 (a)(1) The county clerk of each county in Arkansas shall administer a

1 certification program to allow owners of dogs or cats that are over the age
2 of six (6) months to obtain an intact-animal license.

3 (2) Except for an animal that is exempt under § 20-19-602(b), an
4 owner of a dog or cat that is over the age of six (6) months shall apply for
5 an intact-animal license by:

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

8 (i) Proof of current rabies vaccination; and

9 (ii) A statement that the owner is in compliance
10 with this subchapter; and

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

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

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

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

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

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

24
25 20-19-604. Violations.

26 (a)(1) It is a violation of this section:

27 (A) For an owner to allow an intact dog or cat to be at-
28 large and in direct contact with other intact dogs or cats; or

29 (B) If an owner of any dog or cat is found to be in
30 violation of the Rabies Control Act, § 20-19-301 et seq.

31 (2)(A) Upon conviction, an owner shall be fined not less than
32 five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for each
33 offense.

34 (B) Except for a violation of subdivision (a)(1)(B), the
35 court may, in lieu of a fine, require the sterilization of a dog or cat.

1 20-19-605. Enforcement.

2 (a) This section may be enforced by:

3 (1) Animal control officers, law enforcement officers, wildlife
4 officers, code officers, health officials, or any other authorized agency;
5 and

6 (2) Investigators or officers of humane societies who are
7 certified at a level one (1) certification by the National Animal Control
8 Association may also enforce this subchapter if they are certified through an
9 accredited animal control association or an accredited governmental agency.

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