

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/26/13

A Bill

HOUSE BILL 2160

5 By: Representative E. Armstrong
6

For An Act To Be Entitled

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

Subtitle

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13
14 TO REQUIRE STERILIZATION OF CERTAIN DOGS
15 OR CATS OVER SIX (6) MONTHS OF AGE.
16

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

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

Subchapter 6 – Sterilization

20-19-601. Definitions.

As used in this subchapter:

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26
27 (1) "At-large" means any animal not confined within a building,
28 a fenced enclosure, or under the physical control of a competent person;

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

31 (3) "Dogs" means any domestic canine animal, species Canis
32 familiaris;

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

36 (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 he or
17 she is:

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

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

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

26 (i) Municipal or county animal shelters;

27 (ii) Humane societies or other organizations that
28 are:

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

32 (b) Operated in a nonresidential area; and

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

35 (iii) Veterinary hospitals.

36 (B) A member of a rescue organization with noncertified

1 personnel operating from their own residential property or the residential
2 property of another person are not exempt from this subchapter;

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

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

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

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

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

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

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

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

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

24 (B) Sterilized; or

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

27 (2) The registration shall include:

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

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

31
32 20-19-603. Application – Fee.

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

36 (2) Except for an animal that is exempt under § 20-19-602(b), an

1 owner of a dog or cat that is over the age of six (6) months shall apply for
2 an intact-animal license by:

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

5 (i) Proof of current rabies vaccination; and

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

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

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

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

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

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

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

21
22 20-19-604. Violations.

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

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

28
29 20-19-605. Enforcement.

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

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

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/s/E. Armstrong

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