

REFERENCE TITLE: animals; sterilization; permits; exemptions

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2516

Introduced by
Representatives Ableser, Sinema: Bradley, Campbell CH, Gallardo, Lopez,
Meza, Rios P

AN ACT

AMENDING SECTIONS 11-1008, 11-1011 AND 11-1022, ARIZONA REVISED STATUTES;
RELATING TO ANIMAL CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-1008, Arizona Revised Statutes, is amended to
3 read:

4 11-1008. License fees for dogs: issuance of dog tags:
5 classification

6 A. The board of supervisors of each county may set a license fee which
7 shall be paid for each dog three months of age or over that is kept, harbored
8 or maintained within the boundaries of the state for at least thirty
9 consecutive days of each calendar year. License fees shall become payable at
10 the discretion of the board of supervisors of each county. The licensing
11 period shall not exceed the period of time for revaccination as designated by
12 the state veterinarian. License fees shall be paid within ninety days to the
13 board of supervisors. A penalty fee of two dollars shall be paid if the
14 license application is made less than one year subsequent to the date on
15 which the dog is required to be licensed under this article. If the license
16 application is made one year or later from the date on which the dog is
17 required to be licensed, an additional penalty fee of ten dollars shall be
18 paid for each subsequent year up to a maximum of twenty-two dollars. This
19 penalty shall not be assessed against applicants who furnish adequate proof
20 that the dog to be licensed has been in their possession in Arizona less than
21 thirty consecutive days.

22 B. If the board of supervisors adopts a license fee, the board shall
23 provide durable dog tags. Each dog licensed under the terms of this article
24 shall receive, at the time of licensing, such a tag on which shall be
25 inscribed the name of the county, the number of the license, and the year in
26 which it expires. The tag shall be attached to a collar or harness which
27 shall be worn by the dog at all times, except as otherwise provided in this
28 article. Whenever a dog tag is lost, a duplicate tag shall be issued upon
29 application by the owner and payment of a fee established by the board of
30 supervisors.

31 C. The board of supervisors may set license fees that are lower for
32 dogs permanently incapable of procreation. An applicant for a license for a
33 dog claimed to be incapable of procreation shall furnish adequate proof
34 satisfactory to the enforcement agent that such dog has been surgically
35 altered to be permanently incapable of procreation.

36 D. All fees and penalties shall be deposited in the rabies AND ANIMAL
37 control fund pursuant to section 11-1011.

38 E. Any person who knowingly fails within fifteen days after written
39 notification from the county enforcement agent to obtain a license for a dog
40 required to be licensed, counterfeits an official dog tag, removes such tag
41 from any dog for the purpose of intentional and malicious mischief or places
42 a dog tag upon a dog unless the tag was issued for that particular dog is
43 guilty of a class 2 misdemeanor.

1 Sec. 2. Section 11-1011, Arizona Revised Statutes, is amended to read:
2 11-1011. Rabies and animal control fund

3 A. The board of supervisors AND COUNTY ENFORCEMENT AGENTS shall
4 transmit the monies collected under ~~the provisions of~~ this article to the
5 county treasurer for deposit in a special fund to be known as the rabies AND
6 ANIMAL control fund to be used BY COUNTIES AND ANIMAL CONTROL AGENTS for the
7 enforcement of ~~the provisions of~~ this article and the regulations promulgated
8 ~~thereunder~~ PURSUANT TO THIS ARTICLE. The county treasurer shall maintain the
9 fund.

10 B. IN ADDITION TO USE FOR ENFORCEMENT, MONIES IN THE FUND SHALL BE
11 USED BY COUNTIES AND MAY BE PROVIDED TO CITIES AND TOWNS TO FUND LOW COST
12 SPAY AND NEUTER PROGRAMS FOR DOGS AND CATS OF PERSONS WHO QUALIFY FOR ANY
13 FEDERAL, STATE OR LOCAL PUBLIC ASSISTANCE PROGRAM.

14 ~~B.~~ C. Any unencumbered balance remaining in the rabies AND ANIMAL
15 control fund at the end of a fiscal year shall be carried over into the
16 following fiscal year.

17 Sec. 3. Section 11-1022, Arizona Revised Statutes, is amended to read:
18 11-1022. Sterilization of dogs and cats; permits;

19 administration; civil penalty; adoption procedures;
20 definition

21 A. A PERSON SHALL NOT OWN OR KEEP A DOG OR CAT THAT IS MORE THAN SIX
22 MONTHS OLD IF THE ANIMAL HAS NOT BEEN SPAYED OR NEUTERED UNLESS THE PERSON
23 HAS AN INTACT PERMIT. THE FEE FOR AN INTACT PERMIT SHALL BE SET BY THE
24 COUNTY ENFORCEMENT AGENT FOR THE COUNTY OR BY THE LOCAL JURISDICTION AND
25 SHALL BE NO MORE THAN IS REASONABLY NECESSARY TO FUND THE ADMINISTRATION OF
26 THE INTACT PERMIT PROGRAM FOR THE JURISDICTION. INTACT PERMIT FEES SHALL BE
27 DEPOSITED IN THE RABIES AND ANIMAL CONTROL FUND ESTABLISHED PURSUANT TO
28 SECTION 11-1011.

29 B. A COUNTY ENFORCEMENT AGENT SHALL ISSUE AN INTACT PERMIT IF THE
30 OWNER OF THE DOG OR CAT PROVIDES ANY OF THE FOLLOWING:

31 1. A COPY OF THE OWNER'S BUSINESS LICENSE AND FEDERAL TAX
32 IDENTIFICATION NUMBER AS A DOG OR CAT BREEDER.

33 2. PROOF THAT THE DOG OR CAT BELONGS TO A RECOGNIZED REGISTRY OR
34 ASSOCIATION AND AT LEAST ONE OF THE FOLLOWING APPLIES:

35 (a) THE DOG OR CAT IS USED TO SHOW OR COMPETE AND HAS COMPETED IN AT
36 LEAST ONE SHOW OR COMPETITION BY, OR UNDER THE APPROVAL OF, A RECOGNIZED
37 REGISTRY OR ASSOCIATION WITHIN THE LAST TWO YEARS, OR BY WHATEVER PROOF IS
38 REQUIRED BY THE COUNTY ENFORCEMENT AGENT DEMONSTRATING THAT THE DOG OR CAT IS
39 BEING TRAINED TO SHOW OR COMPETE AND IS TOO YOUNG TO HAVE COMPETED.

40 (b) THE DOG OR CAT HAS EARNED, OR IF LESS THAN THREE YEARS OLD, IS IN
41 THE PROCESS OF EARNING, A CONFORMATION, OBEDIENCE, AGILITY, CARTING, HERDING,
42 PROTECTION, RALLY, SPORTING, WORKING OR OTHER TITLE FROM A RECOGNIZED
43 REGISTRY OR ASSOCIATION.

44 3. PROOF THAT THE OWNER IS A BREEDER OF MIXED BREED OR PUREBRED
45 WORKING DOGS OR IS SUPPLYING MIXED BREED OR PUREBRED DOGS FOR TRAINING AS

1 WORKING DOGS TO LAW ENFORCEMENT, FIRE AGENCIES OR PROFESSIONAL OR VOLUNTEER
2 PRIVATE SECTOR WORKING DOG ORGANIZATIONS.

3 4. PROOF THAT THE DOG IS BEING ACTIVELY USED BY LAW ENFORCEMENT, FIRE
4 AGENCIES OR PROFESSIONAL OR VOLUNTEER PRIVATE SECTOR WORKING DOG
5 ORGANIZATIONS FOR LAW ENFORCEMENT, FIRE SERVICE, SEARCH AND RESCUE OR MEDICAL
6 SERVICE ACTIVITIES, OR IS BEING RAISED, GROOMED, SOCIALIZED OR OTHERWISE
7 PREPARED FOR DUTIES FOR ANY OF THESE PURPOSES.

8 5. A LETTER FROM A LICENSED VETERINARIAN STATING THAT DUE TO AGE, POOR
9 HEALTH OR ILLNESS IT IS UNSAFE TO SPAY OR NEUTER THE ANIMAL. THE LETTER
10 SHALL INCLUDE THE VETERINARIAN'S LICENSE NUMBER, THE NAME OF THE OWNER, A
11 DESCRIPTION OF THE DOG OR CAT AND, IF THE INFORMATION IS AVAILABLE, THE
12 CONDITION OF THE DOG OR CAT AND THE DATE BY WHICH THE DOG OR CAT MAY BE
13 SAFELY SPAYED OR NEUTERED.

14 6. PROOF THAT THE DOG IS USED FOR HERDING OR GUARDING LIVESTOCK ON
15 PROPERTY DESIGNATED FOR RANCHING.

16 7. PROOF THAT THE DOG OR CAT IS TEMPORARILY IN THIS STATE FOR
17 TRAINING, SHOWING, COMPETITION OR OTHER LAWFUL REASON.

18 8. PROOF THAT THE DOG IS BEING TRAINED OR IS PROVIDING SERVICES AS A
19 GUIDE DOG, SIGNAL DOG OR SERVICE DOG.

20 9. PROOF THAT THE DOG OR CAT IS BEING TRAINED OR USED FOR ANY OF THE
21 PURPOSES PERMITTED BY THE UNITED STATES ANIMAL WELFARE ACT (7 UNITED STATES
22 CODE SECTION 2131 THROUGH 2159) IF THE PERSON IN POSSESSION OF THE DOG OR CAT
23 IS LICENSED BY OR REGISTERED WITH THE UNITED STATES SECRETARY OF AGRICULTURE
24 PURSUANT TO THE ANIMAL WELFARE ACT.

25 10. A WRITTEN AGREEMENT TO ALLOW ONE MALE DOG AND ONE FEMALE DOG PER
26 HOUSEHOLD TO PRODUCE A SINGLE LITTER OF OFFSPRING WITHIN ONE YEAR AFTER
27 ISSUANCE OF THE PERMIT AND:

28 (a) THE DOG HAS BEEN EXAMINED BY A LICENSED VETERINARIAN AND IS
29 FOLLOWING A PREVENTIVE HEALTH CARE PROGRAM RECOMMENDED BY THE VETERINARIAN.

30 (b) THE OWNER HAS NOT BEEN CONVICTED OF ANY STATE OR LOCAL LAW
31 INVOLVING THE DOG.

32 (c) THE DOG IS NOT A BITING ANIMAL AS DETERMINED PURSUANT TO SECTION
33 11-1014.

34 (d) THE DOG IS PROPERLY HOUSED AND CARED FOR, INCLUDING:

35 (i) PROVISION OF A SUFFICIENT QUANTITY OF GOOD AND WHOLESOME FOOD AND
36 WATER.

37 (ii) PROVISION OF CLEAN SHELTER THAT ALLOWS THE DOG TO STAND UP, TURN
38 AROUND AND LIE DOWN WITHOUT LYING IN ITS FECES.

39 (iii) CONTAINMENT ON THE OWNER'S PROPERTY WITH PROPER EXERCISE.

40 (e) THE OWNER COMPLIES WITH ALL STATE AND LOCAL LAWS CONCERNING THE
41 HOUSING AND CARE OF ANIMALS.

42 (f) THE OWNER FURNISHES A SIGNED STATEMENT AGREEING TO THE FOLLOWING
43 CONDITIONS:

44 (i) OFFSPRING OF THE DOG SHALL NOT BE SOLD OR ADOPTED BEFORE EIGHT
45 WEEKS OF AGE.

1 (ii) RECORDS SHALL BE KEPT OF THE NUMBER OF OFFSPRING AND THE IDENTITY
2 OF THE BUYER OR ADOPTING PERSON.

3 (iii) BEFORE ANY SALE OR ADOPTION, THE DOG SHALL RECEIVE A HEALTH
4 EXAMINATION BY A LICENSED VETERINARIAN AND SHALL RECEIVE ANY PREVENTIVE
5 HEALTH CARE THAT IS DEEMED NECESSARY BY THE VETERINARIAN.

6 (iv) ANY ADVERTISEMENT FOR THE SALE OR ADOPTION OF THE OFFSPRING SHALL
7 PROMINENTLY DISPLAY THE DOG'S INTACT PERMIT NUMBER.

8 (v) THE OWNER PROVIDES PROOF THAT THE DOG HAS BEEN SPAYED OR NEUTERED
9 WITHIN THIRTY DAYS AFTER PRODUCING THE OFFSPRING.

10 C. A PERMIT ISSUED PURSUANT TO THIS SECTION MAY BE REVOKED IF THE
11 COUNTY ENFORCEMENT AGENT HAS REASONABLE CAUSE TO BELIEVE THAT THE PERMITTEE
12 HAS DONE ANY OF THE FOLLOWING:

13 1. VIOLATED THIS ARTICLE OR ANY OTHER STATE LAW OR LOCAL ORDINANCE
14 RELATING TO THE SALE, ADOPTION, KEEPING CARE OR USE OF ANY DOG OR CAT.

15 2. FAILED TO COMPLY WITH ANY CONDITION OR REQUIREMENT OF THE PERMIT.

16 3. FAILED TO PAY ANY FEE OR PENALTY REQUIRED BY THIS SECTION.

17 4. REFUSED TO ALLOW INSPECTION, AFTER AT LEAST A FORTY-EIGHT HOUR
18 WRITTEN NOTICE, OF ANY DOG OR CAT COVERED BY THE PERMIT OR OF THE PREMISES ON
19 WHICH THE ANIMAL IS KEPT.

20 5. TRANSFERRED, SOLD OR OTHERWISE DISPOSED OF THE DOG OR CAT FOR WHICH
21 THE PERMIT WAS ISSUED WITHOUT SURRENDERING THE PERMIT.

22 D. IF, AFTER INVESTIGATION, THE COUNTY ENFORCEMENT AGENT CONCLUDES
23 THAT IT IS PROBABLE THAT ONE OR MORE OF THE GROUNDS FOR REVOCATION IN
24 SUBSECTION C OF THIS SECTION HAVE OCCURRED, THE AGENT SHALL PROVIDE WRITTEN
25 NOTICE TO THE PERMITTEE OF THE GROUNDS FOR POSSIBLE REVOCATION OF THE PERMIT
26 AND SHALL SPECIFY A DATE AND TIME FOR AN INFORMAL HEARING BY THE AGENT AT
27 LEAST FIVE DAYS AFTER THE NOTICE. AFTER THE HEARING, THE AGENT MAY MODIFY
28 THE TERMS OF THE PERMIT OR REVOKE THE PERMIT. IF THE HEALTH OR WELL-BEING OF
29 THE DOG OR CAT IS IN DANGER, THE AGENT MAY TAKE CUSTODY OF THE ANIMAL UNTIL
30 AFTER THE HEARING IS CONCLUDED.

31 E. A PERSON WHO VIOLATES THIS SECTION HAS NO MORE THAN THIRTY DAYS TO
32 HAVE THE DOG OR CAT SPAYED OR NEUTERED, PROVIDE PROOF FROM A VETERINARIAN
33 THAT ARRANGEMENTS HAVE BEEN MADE FOR SPAYING OR NEUTERING OR OBTAIN AN INTACT
34 PERMIT. A PERSON WHO DOES NOT COMPLY WITH THIS SECTION IS SUBJECT TO A FIVE
35 HUNDRED DOLLAR CIVIL PENALTY FOR NONCOMPLIANCE. THESE CIVIL PENALTIES SHALL
36 BE DEPOSITED IN THE RABIES AND ANIMAL CONTROL FUND. AT THE TIME A CITATION
37 IS ISSUED, THE CITING AUTHORITY SHALL PROVIDE THE PERSON BEING CITED WITH
38 INFORMATION AS TO THE AVAILABILITY OF SPAYING AND NEUTERING SERVICES THAT ARE
39 FREE OR AT A REDUCED COST.

40 ~~A.~~ F. A dog or cat shall not be released for adoption from a county,
41 city or town pound or from an animal shelter unless one of the following
42 applies:

43 1. The dog or cat has been first surgically spayed or neutered.

44 2. There is no veterinary facility capable of performing surgical
45 sterilization within a twenty mile radius of the pound or shelter.

1 3. A veterinarian determines that a medical contraindication for
2 surgery exists that reasonably requires postponement of the surgery until the
3 surgery can be performed in a safe and humane manner.

4 ~~B.~~ G. If subsection ~~A- F~~, paragraph 2 or 3 OF THIS SECTION applies,
5 the adopting party shall sign an agreement to have the dog or cat spayed or
6 neutered by a veterinarian within thirty days or within fifteen days of a
7 veterinarian's determination that surgical sterilization may be performed in
8 a safe and humane manner and shall deposit with the pound or shelter an
9 amount sufficient to ensure that the dog or cat will be sterilized.

10 ~~C.~~ H. If the adoption fee includes the cost of spaying or neutering,
11 ~~then~~ no deposit is required. The amount of the deposit required by
12 subsection ~~B- G OF THIS SECTION~~ shall be determined by the pound or shelter
13 to be comparable to the lowest fee charged by veterinarians in the county.
14 The pound or shelter shall refund to the adopting party any monies deposited
15 pursuant to the agreement if within the time provided in the agreement there
16 is presented a written statement signed by a licensed veterinarian that the
17 adopted dog or cat has been spayed or neutered.

18 ~~D.~~ I. Any deposit monies that are not refunded under subsection ~~C- H~~
19 OF THIS SECTION shall be used only for the following purposes:

- 20 1. Spaying or neutering dogs and cats.
21 2. Public education to prevent overpopulation of dogs and cats.
22 3. Costs of confirming that adopted dogs and cats are spayed or
23 neutered.

24 ~~E.~~ J. This section does not apply to a county or incorporated city or
25 town that adopts an ordinance or resolution for dog and cat sterilization
26 that exceeds the requirements of this section.

27 ~~F.~~ K. For the purposes of this section, "animal shelter" means a duly
28 incorporated humane society, animal welfare society, society for the
29 prevention of cruelty to animals or other nonprofit corporate organization
30 devoted to the welfare, protection and humane treatment of animals.