

REFERENCE TITLE: animal shelter; definition

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# **SB 1059**

Introduced by  
Senator Kavanagh

AN ACT

AMENDING SECTION 11-1022, ARIZONA REVISED STATUTES; RELATING TO HANDLING  
OF ANIMALS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 11-1022, Arizona Revised Statutes, is amended to  
3 read:

4 11-1022. Sterilization of impounded dogs and cats;  
5 definitions

6 A. A dog or cat shall not be released for adoption from a county,  
7 city or town pound or from an animal shelter unless one of the following  
8 applies:

9 1. The dog or cat has been first surgically spayed or neutered or  
10 sterilized by another procedure.

11 2. There is no veterinary facility capable of performing  
12 sterilization within a ~~twenty mile~~ TWENTY-MILE radius of the pound or  
13 shelter.

14 3. A veterinarian determines that a medical contraindication for  
15 sterilization exists that reasonably requires postponement of the  
16 sterilization until the surgery or another approved sterilization  
17 procedure can be performed in a safe and humane manner.

18 B. If subsection A, paragraph 2 or 3 of this section applies, the  
19 adopting party shall sign an agreement to have the dog or cat sterilized  
20 by a veterinarian within thirty days or within fifteen days of a  
21 veterinarian's determination that sterilization may be performed in a safe  
22 and humane manner and shall deposit with the pound or shelter an amount  
23 sufficient to ensure that the dog or cat will be sterilized.

24 C. If the adoption fee includes the cost of sterilization, no  
25 deposit is required. The amount of the deposit required by subsection B  
26 of this section shall be determined by the pound or shelter to be  
27 comparable to the lowest fee charged by veterinarians in the county. The  
28 pound or shelter shall refund to the adopting party any monies deposited  
29 pursuant to the agreement if within the time provided in the agreement  
30 there is presented a written statement signed by a licensed veterinarian  
31 that the adopted dog or cat has been sterilized.

32 D. Any deposit monies that are not refunded under subsection C of  
33 this section shall be used only for the following purposes:

34 1. Sterilization of dogs and cats.

35 2. Public education to prevent overpopulation of dogs and cats.

36 3. Costs of confirming that adopted dogs and cats are sterilized.

37 E. This section does not apply to a county or incorporated city or  
38 town that adopts an ordinance or resolution for dog and cat sterilization  
39 that exceeds the requirements of this section.

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

43 1. The dog has a current dog license pursuant to section 11-1008 at  
44 the time the dog entered the pound or shelter.

1           2. The dog or cat has been sterilized and implanted with a  
2 microchip for the purposes of identification at the dog or cat owner's  
3 expense.

4           3. There is no veterinary facility capable of performing  
5 sterilization within a ~~twenty-mile~~ TWENTY-MILE radius of the pound or  
6 shelter.

7           4. A veterinarian determines that a medical contraindication for  
8 sterilization exists that reasonably requires postponement of the  
9 sterilization until the surgery or another approved sterilization  
10 procedure can be performed in a safe and humane manner.

11           5. The owner pays a ~~fifty-dollar~~ \$50 recovery fee, in addition to  
12 any fees and costs otherwise required pursuant to this article.

13           G. Before sterilizing an animal pursuant to subsection F, paragraph  
14 2 of this section, an animal shelter shall hold the impounded dog or cat  
15 for a minimum of seventy-two hours and make reasonable efforts to locate  
16 its owner by inspecting it for microchips, tattoos or other identifying  
17 information.

18           H. For the purposes of this section:

19           1. "Animal shelter" means a duly incorporated humane society,  
20 animal welfare society, society for the prevention of cruelty to animals  
21 or other nonprofit corporate organization devoted to the welfare,  
22 protection and humane treatment of animals, AN ANIMAL RESCUE ORGANIZATION  
23 OR A FOR-PROFIT ORGANIZATION THAT ADOPTS OR SELLS ANIMALS.

24           2. "Sterilization" means the surgical removal of the reproductive  
25 organs of a dog or cat or the use of humane nonsurgical methods and  
26 technologies approved by the UNITED STATES food and drug administration,  
27 the United States department of agriculture or the UNITED STATES  
28 environmental protection agency to permanently render the animal unable to  
29 reproduce.