

Senate Engrossed

~~animal shelter; definition~~
(now: animal shelter; rescue organization; definition)

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

SENATE BILL 1059

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 **OR AN ANIMAL RESCUE**
8 **ORGANIZATION** unless one of the following 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.

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