

1 SB18
2 114544-1
3 By Senator Marsh
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 12-JAN-10
6 PFD: 09/14/2009

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8 SYNOPSIS: Under existing law, an animal shelter is
9 required to make provisions for the sterilization
10 of dogs and cats adopted from the shelter.

11 This bill would require the sterilization of
12 dogs and cats owned by private individuals in any
13 county in which the county commission has made a
14 finding that a low-cost sterilization program
15 exists in the county. The bill would provide
16 exceptions and for civil enforcement.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 Relating to dogs and cats; to provide for
23 sterilization of all privately owned dogs and cats under
24 certain conditions; to provide for civil fines; to provide for
25 exceptions; and to provide that this act shall be operative in
26 a county only after certain findings by the county commission
27 of a county.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be operative in a county
3 only after a four-fifths vote of the county commission of the
4 county making a specific finding that a low-cost sterilization
5 program exists in the county.

6 Section 2. As used in this act, the following words
7 shall have the following meanings:

8 (1) COMPLAINT. An oral or written complaint to a
9 local animal control agency that alleges that the dog or cat
10 or the owner of the dog or cat has violated this act, any
11 other provision of state law that relates to dogs or cats, or
12 a local animal control ordinance. "Complaint" also means the
13 observation by an employee or officer of a local animal
14 control agency of behavior by a dog or cat or the owner of a
15 dog or a cat that violates this act, any other provision of
16 state law that related to dogs or cats, or a local animal
17 control ordinance. "Complaint" shall not include an allegation
18 of excessive noise or barking.

19 (2) LOCAL ANIMAL CONTROL AGENCY. Any city or county
20 animal control agency or other entity responsible for
21 enforcing animal-related laws or local animal control
22 ordinances.

23 (3) STERILIZATION. The surgical removal of the
24 reproductive organs of a dog or cat in order to render the
25 animal unable to reproduce.

26 Section 3. (a) The owner of a dog that is over 180
27 days old that is not sterilized and that is the subject of a

1 complaint may be cited and, if cited, shall pay a civil
2 penalty as provided in this section. This civil penalty shall
3 be in addition to any fine, fee, or penalty imposed under any
4 other law or local ordinance.

5 (b) At the time that the citation is issued, the
6 local animal control agency shall provide the owner of the dog
7 with information regarding the availability of sterilization
8 services.

9 (c) The owner of the dog shall pay the civil penalty
10 to the local animal control agency within 30 business days of
11 the citation. The penalty shall be used by the local animal
12 control agency to administer this act. The local animal
13 control agency shall waive the civil penalty if, within 14
14 business days of the citation, the owner of the dog presents
15 written proof from a licensed veterinarian that the dog was
16 sterilized.

17 (d) The civil penalties shall be as follows:

18 (1) On the first occurrence, a warning citation
19 accompanied with basic information on the low-cost
20 sterilization program in the county.

21 (2) On the second occurrence, fifty dollars (\$50).

22 (3) On the third occurrence for the same dog, one
23 hundred dollars (\$100).

24 (4) On the fourth occurrence for the same dog, the
25 sterilization of the dog by order of the local animal control
26 agency, with the owner paying the cost of the procedure. The

1 local animal control agency may seek injunctive relief from
2 the appropriate court to enforce the order.

3 Section 4. (a) The owner of a cat that is over 180
4 days old that is not sterilized and that is the subject of a
5 complaint may be cited and, if cited, shall pay a civil
6 penalty as provided in this section. The civil penalty shall
7 be in addition to any fine, fee, or penalty imposed under any
8 other law or local ordinance.

9 (b) At the time that the citation is issued, the
10 local animal control agency shall provide the owner of the cat
11 with information regarding the availability of sterilization
12 services.

13 (c) The owner of the cat shall pay the civil penalty
14 to the local animal control agency within 30 business days of
15 the citation. The penalty shall be used by the local animal
16 control agency to administer this act. The local animal
17 control agency shall waive the civil penalty if, within 14
18 business days of the citation, the owner of the cat presents
19 written proof from a licensed veterinarian that the cat was
20 sterilized.

21 (d) The civil penalties shall be as follows:

22 (1) On the first occurrence, a warning citation
23 accompanied with basic information on the low-cost
24 sterilization program in the county.

25 (2) On the second occurrence, fifty dollars (\$50).

26 (3) On the third occurrence for the same cat, the
27 cat shall be sterilized by order of the local animal control

1 agency, with the owner paying the cost of the procedure. The
2 local animal control agency may seek injunctive relief from
3 the appropriate court to enforce the order.

4 Section 5. The owner of a dog or cat that is not
5 sterilized shall be exempt from this act if the dog or cat:

6 (1) Is a breed approved by and is registered with a
7 recognized registry or association.

8 (2) Is being trained or groomed to show or compete
9 and is too young to have yet competed.

10 (3) Has earned or is in the process of earning a
11 special title, such as agility or herding.

12 (4) Is trained or in training for use in law
13 enforcement, military, or rescue activities.

14 (5) By letter from a licensed veterinarian, has been
15 certified to be temporarily or permanently deferred due to age
16 or health or any other valid reason.

17 Section 6. Nothing in this act applies to any dog
18 used in hunting.

19 Section 7. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.