

# HB112 INTRODUCED



1 HB112  
2 Z3YSWWK-1  
3 By Representative Clouse  
4 RFD: Fiscal Responsibility  
5 First Read: 06-Feb-24



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SYNOPSIS:

Under existing law, every county and certain municipalities are required to provide a pound and impounding officer for dogs, cats, and ferrets.

Also under existing law, all animal shelters and animal control agencies are required to provide for the sterilization of all dogs or cats acquired from the shelter.

This bill would create the Alabama Dog and Cat Fund to provide monies for costs associated with counties and municipalities providing for pounds, animal shelters providing for sterilizations, and other costs associated with controlling dogs and cats in this state.

This bill would create a tax on the gross proceeds of the sale of dogs and cats at a rate different than the general state gross sales tax.

This bill would exempt the sale of dogs and cats from the general state gross sales tax.

This bill would exempt certain persons in the business of selling dogs and cats from paying general state sales tax on supplies purchased in furtherance of the business.

This bill would provide requirements and procedures for the training of animal control officers.



## HB112 INTRODUCED

29                   This bill would further provide for the entities  
30 that are required to sterilize dogs and cats before  
31 offering them, as well as further provide procedures by  
32 which these entities may provide for sterilizations.

33                   This bill would provide certain prohibitions on  
34 the adoption of an unsterilized dog or cat within this  
35 state.

36                   This bill would further provide for the  
37 requirements of a court to order the disposition of a  
38 seized dog or cat.

39                   This bill would also further provide for the  
40 penalties for violating sterilization requirements for  
41 dogs and cats in this state.

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43

44   A BILL

45   TO BE ENTITLED

46   AN ACT

47

48                   Relating to animals; to create the Alabama Dog and Cat  
49 Fund; to assess a tax on the sales of dogs and cats at a rate  
50 different than the general state sales tax; to exempt the  
51 sales of dogs and cats from the general state sales tax; to  
52 exempt certain persons in the business of selling dogs and  
53 cats from paying sales tax on goods purchased in furtherance  
54 of the business; to provide requirements and procedures for  
55 training animal control officers; to amend Sections 3-9-1,  
56 3-9-2, 3-9-3, and 13A-11-245, Code of Alabama 1975, to further



## HB112 INTRODUCED

57 provide for the entities required to provide for the  
58 sterilization of dogs or cats before offering them; to further  
59 provide for the procedures by which these entities may provide  
60 for sterilizations; to further provide for the penalty for  
61 violating these sterilization requirements; to further provide  
62 for the disposition of seized animals by a court; to add  
63 Section 3-9-5 to the Code of Alabama 1975, to provide certain  
64 prohibitions on the adoption of an unsterlized dog or cat, and  
65 to repeal Section 3-1-13, Code of Alabama 1975, relating to  
66 the right of humane societies to take charge of and care for  
67 neglected or abused animals.

68 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

69           Section 1. (a) The Alabama Dog and Cat Fund is created  
70 in the State Treasury and shall be administered by the Alabama  
71 Department of Economic and Community Affairs. The fund shall  
72 consist of all tax proceeds collected pursuant to Section 2,  
73 less an amount sufficient to cover the cost of administering  
74 the tax to be retained by the Department of Revenue. Monies in  
75 the fund shall be invested by the State Treasurer for the sole  
76 benefit of the fund and any interest earned by the fund shall  
77 be deposited into the fund

78           (b) No money shall be withdrawn or expended from this  
79 fund for any purpose unless the monies have been appropriated  
80 by the Legislature and allocated pursuant to this act. Any  
81 monies appropriated shall be budgeted and allocated pursuant  
82 to the Budget Management Act in accordance with Article 4,  
83 commencing with Section 41-4-80 of Chapter 4 of Title 41, Code  
84 of Alabama 1975, and only in the amounts provided by the



## HB112 INTRODUCED

85 Legislature in the general appropriations act or other  
86 appropriations act.

87 (c) The Alabama Department of Economic and Community  
88 Affairs shall disburse not more than three percent of the fund  
89 to the State Veterinarian for purposes of developing and  
90 providing training to animal control officers pursuant to  
91 Section 5.

92 (d) Not more than 75 percent of the fund shall be  
93 available to the Governor who shall grant as he or she  
94 determines necessary, and the Alabama Department of Economic  
95 and Community Affairs shall disburse accordingly, monies to  
96 counties first and then municipalities for the purpose of  
97 providing a pound for the impoundment of dogs and cats, as  
98 required by Section 3-7A-7, Code of Alabama 1975.

99 (e) From the portion of the fund unused by subsections  
100 (c) and (d), a facility operated by or under contract for the  
101 state or any county, municipal corporation, or other political  
102 subdivision that is responsible for sterilizing dogs or cats  
103 pursuant to Section 3-9-2, Code of Alabama 1975, may request  
104 in writing, and the Director of the Department of Economic and  
105 Community Affairs shall disburse according to greatest need,  
106 an amount from the fund sufficient to cover all reasonably  
107 anticipated costs of providing for the sterilization of dogs  
108 or cats within a calendar year. Any disbursed monies remaining  
109 unused at the end of a calendar year shall not be remitted to  
110 the fund.

111 (f) From the portion of the fund unused by subsections  
112 (c) and (d), a law enforcement officer or animal control



## HB112 INTRODUCED

113 officer, pursuant to Section 13A-11-245, Code of Alabama 1975,  
114 may request, and the Director of the Department of Economic  
115 and Community Affairs shall disburse, an amount from the fund  
116 sufficient to cover all reasonably anticipated costs  
117 associated with providing for the dog or cat, subject to all  
118 of the following:

119 (1) A law enforcement officer or animal control officer  
120 providing for a dog or cat shall certify that county or  
121 municipal sources of funding are nonexistent or fully depleted  
122 before a disbursement from the fund is made.

123 (2) Any funds received by a law enforcement officer or  
124 animal control officer pursuant to an action instituted under  
125 Section 13A-11-245, Code of Alabama 1975, for the  
126 reimbursement of the law enforcement officer or animal control  
127 officer by the owner of a dog or cat for costs incurred for  
128 providing for the dog or cat shall be paid to the State  
129 Treasurer for deposit into the fund in an amount not more than  
130 the original amount disbursed from the fund.

131 (3) The director may only distribute funds upon finding  
132 a request is necessary and reasonable, as provided by C.F.R. §  
133 31.201-3. An itemized list of all funds disbursed pursuant to  
134 this subsection shall be made available by the director to any  
135 interested party.

136 Section 2. (a) For the purposes of this section, the  
137 following terms have the following meanings:

138 (1) CAT. *Felis catus*.

139 (2) DOG. *Canis lupus familiaris*.

140 (3) SALE or SELL. Any transfer of funds for the



## HB112 INTRODUCED

141 purchase, adoption, transfer, rehoming, or resale of a dog or  
142 cat.

143 (b) Beginning on January 1, 2025, there is levied, to  
144 the exclusion and in lieu of all other taxes of every kind now  
145 imposed by law, and shall be collected and remitted in  
146 accordance with Article 1, Chapter 23 of Title 40, Code of  
147 Alabama 1975, a tax at the rate of nine percent on the gross  
148 proceeds of the sales of dogs or cats in this state when sold  
149 by an individual, organization, corporation, association,  
150 partnership, or other entity that annually sells five or more  
151 dogs or cats.

152 (c) All proceeds from the tax levied pursuant to  
153 subsection (b) shall be deposited into the Alabama Dog and Cat  
154 Fund provided for in Section 1.

155 (d) The Department of Revenue shall adopt rules  
156 necessary to implement this section.

157 Section 3. The gross proceeds from the sale of a dog or  
158 cat, as defined in Section 2, are exempt from the general  
159 state gross sales tax provided for in Section 40-23-2, Code of  
160 Alabama 1975.

161 Section 4. Any entity required to collect the tax on  
162 the gross proceeds of the sale of a dog or cat pursuant to  
163 Section 2 is exempted from paying any state, county, or  
164 municipal sales tax on dog or cat food, medicine, and any  
165 other equipment or supplies used in furtherance of the  
166 business.

167 Section 5. (a) For the purposes of this section, the  
168 term "animal control officer" means the term as defined in



## HB112 INTRODUCED

169 Section 3-6A-3, Code of Alabama 1975.

170 (b) (1) All animal control officers shall complete a  
171 basic animal control course of no less than 12 hours, as  
172 approved by the State Veterinarian, within one year of  
173 becoming certified. After completion of a basic animal control  
174 course, an officer shall complete no less than 10 hours of  
175 continuing animal control education annually, as approved by  
176 the State Veterinarian.

177 (2) Animal control officers who were certified prior to  
178 October 1, 2024, shall complete a basic animal control course  
179 before October 1, 2025.

180 (c) The State Veterinarian, in consultation with the  
181 Alabama Veterinary Medical Association, shall determine and  
182 provide a list of approved curricula for both a basic animal  
183 control course and continuing animal control education. The  
184 topics covered in both curricula shall include all of the  
185 following:

186 (1) State laws governing animal control, protection,  
187 and cruelty.

188 (2) Animal health and disease recognition, control, and  
189 prevention.

190 (3) The ethical care and treatment of animals,  
191 including equine, poultry, and livestock animal husbandry.

192 (4) Standards for care and control in animal shelters.

193 (5) Standards and procedures for the transportation of  
194 animals.

195 (6) Principles and procedures for capturing and  
196 handling stray animals, including principles and procedures to





## HB112 INTRODUCED

197 be followed with respect to an instrument used specifically  
198 for deterring the bite of an animal.

199 (7) First aid for injured animals.

200 (8) The documentation of animal cruelty evidence and  
201 courtroom procedures with an emphasis on due process and the  
202 constitutional amendments guaranteeing individual rights.

203 (9) Animal shelter operations and administration.

204 (10) Spaying and neutering, microchipping, and adopting  
205 animals.

206 (11) Communications and public relations.

207 (12) State and federal laws for possession of  
208 controlled substances and other medications.

209 (13) Any other topic the State Veterinarian deems  
210 necessary.

211 (d) In prescribing the standards and curricula of  
212 courses pursuant to this section, the State Veterinarian shall  
213 do both of the following:

214 (1) Determine what is considered satisfactory  
215 completion of a course, provided that an animal control  
216 officer is required to attend all sessions of a course.

217 (2) Determine what is considered a passing grade for  
218 any post-course examination.

219 (e) The State Veterinarian shall not consult with any  
220 organization, charity, or business with a stated position,  
221 past or present, against commercial agriculture with regard  
222 to, nor may such an entity be directly or indirectly involved  
223 in, the training of animal control officers pursuant to this  
224 section.



## HB112 INTRODUCED

225 Section 6. Sections 3-9-1, 3-9-2, and 3-9-3, Code of  
226 Alabama 1975, are amended to read as follows:

227 "§3-9-1

228 (a) This chapter shall be known and may be cited as the  
229 Protecting Our Pets Through Shelter and Sterilization Act.

230 (b) As used in this chapter, the following words shall  
231 have the following meanings:

232 (1) ANIMAL SHELTER. Any facility operated by or under  
233 contract for the state or any county, municipal corporation,  
234 or other political subdivision of the state for the purpose of  
235 impounding or harboring seized, stray, homeless, abandoned, or  
236 unwanted dogs, cats, and other animals; any veterinary  
237 hospital or clinic operated by a veterinarian or veterinarians  
238 which operates for ~~such~~ this purpose in addition to its  
239 customary purposes; and any facility operated, owned, or  
240 maintained by ~~a duly~~ an incorporated humane society, animal  
241 welfare organization, animal rescue organization, or other  
242 nonprofit organization for the purpose of providing for and  
243 promoting the welfare, protection, and humane treatment of  
244 animals.

245 (2) ANIMAL WELFARE ORGANIZATION. Any ~~unincorporated~~  
246 nonprofit organization or business entity existing for  
247 fostering and adopting dogs and cats by the public.

248 (3) SEXUALLY MATURE ANIMAL. Any dog or cat that has  
249 reached the age of 180 days.

250 (4) STERILIZATION. The surgical removal of the  
251 reproductive organs of a dog or cat in order to render the  
252 animal unable to reproduce."



## HB112 INTRODUCED

253 "§3-9-2

254 (a) Any public or private animal shelter, or animal  
255 control agency operated by a political subdivision of this  
256 state, ~~or humane society~~ shall make provisions for the  
257 sterilization of all dogs or cats, including dogs and cats  
258 being fostered pursuant to the direction of one of these  
259 entities, acquired from any source, including, but not limited  
260 to, a an animal shelter, or animal control agency, ~~or humane~~  
261 ~~society~~ by providing for ~~all~~ either of the following:

262 (1) Sterilization by a licensed veterinarian before  
263 relinquishing custody of ~~the~~ a sexually mature animal.

264 (2) ~~a. Entering into a~~ A written agreement with ~~the~~ a  
265 person acquiring ~~the~~ an animal that is not sexually mature  
266 guaranteeing that sterilization will be performed by a  
267 licensed veterinarian within ~~30 days after acquisition of the~~  
268 ~~animal, or within~~ 30 days of the animal becoming sexually  
269 mature ~~sexual maturity of an animal~~.

270 b. A prepaid voucher for the sterilization of the  
271 animal by a licensed veterinarian within 30 days of the animal  
272 becoming sexually mature may be provided with the agreement.

273 c. Any person who acquires an unsterilized animal from  
274 a public or private animal shelter or animal control agency,  
275 within seven days of the sterilization procedure, shall submit  
276 to the entity from which the animal was obtained a signed  
277 statement from a licensed veterinarian attesting that a  
278 sterilization procedure has been performed by the  
279 veterinarian.

280 (b) The requirements of this chapter shall not apply to



## HB112 INTRODUCED

281 any privately owned animal in possession of ~~a~~ an animal  
282 shelter, animal control agency, or ~~humane society~~ other entity  
283 that houses dogs or cats for adoption if the owner of the  
284 animal claims or presents evidence that the animal is the  
285 property of that person.

286 ~~(c) All costs of sterilization pursuant to this chapter~~  
287 ~~shall be the responsibility of the person acquiring the~~  
288 ~~animal, and if sterilization is performed prior to~~  
289 ~~acquisition, may be included in any fees charged by the~~  
290 ~~shelter, agency, or humane society for an animal.~~

291 ~~(d) Any person acquiring an animal from a public or~~  
292 ~~private animal shelter, animal control agency operated by a~~  
293 ~~political subdivision of this state, or humane society from~~  
294 ~~which an animal is not sterile at the time of acquisition,~~  
295 ~~shall submit to the animal shelter, animal control agency,~~  
296 ~~humane society, or public or private animal shelter a signed~~  
297 ~~statement from the licensed veterinarian attesting that a~~  
298 ~~sterilization procedure has been performed by the veterinarian~~  
299 ~~within seven days after the sterilization."~~

300 "§3-9-3

301 ~~It shall be a misdemeanor to fail or refuse to comply~~  
302 ~~with this chapter.~~ Any person failing or refusing to comply  
303 with the requirements of this chapter ~~shall~~, upon conviction,  
304 shall be guilty of a Class B misdemeanor and ~~shall be~~ subject  
305 to a fine of ~~a minimum of fifty dollars (\$50)~~ not less than  
306 three hundred dollars (\$300) and not to exceed ~~two hundred~~  
307 ~~dollars (\$200)~~ one thousand dollars (\$1,000)."

308 Section 7. Section 3-9-5 is added to the Code of



## HB112 INTRODUCED

309 Alabama 1975, to read as follows:

310 §3-9-5

311 No person shall adopt an unsterilized dog or cat within  
312 this state without an agreement to have the dog or cat  
313 sterilized pursuant to Section 3-9-2.

314 Section 8. Section 3-1-13, Code of Alabama 1975,  
315 relating to the right of humane societies to take charge of  
316 and care for neglected or abused animals, is repealed.

317 Section 9. Section 13A-11-245, Code of Alabama 1975, is  
318 amended to read as follows:

319 "§13A-11-245

320 (a) For the purposes of this section, the following  
321 terms have the following meanings:

322 (1) ANIMAL CONTROL OFFICER. The term as defined in  
323 Section 3-6A-3.

324 (2) ANIMAL SHELTER. The term as defined in Section  
325 3-9-1.

326 ~~(a)~~ (b) The law enforcement officer or animal control  
327 officer ~~agent of the county or municipality~~ may provide for  
328 the dog or cat until ~~either~~ the dog or cat is returned to the  
329 owner by the court, ~~or the court refuses to return the dog or~~  
330 ~~cat to the owner and implements one of the procedures~~ ~~pursuant~~  
331 ~~to~~ provided under subsection ~~(c)~~. (d), subject to both of the  
332 following:

333 (1) The dog or cat shall be housed at an animal shelter  
334 that is within the county in which the dog or cat was seized.

335 (2) The owner shall be allowed to have a licensed  
336 veterinarian inspect their dog or cat.



## HB112 INTRODUCED

337 ~~(b)~~ (c) If the owner is adjudged by the court, with  
338 certification from a licensed veterinarian, to be able to  
339 provide adequately for and have custody of the dog or cat, the  
340 dog or cat shall be returned to the owner.

341 ~~(e)~~ (d) If the court determines that the owner of the  
342 dog or cat is unable, unwilling, or unfit to adequately  
343 provide for, protect, and have custody of the dog or cat, the  
344 court may implement the following by court order:

345 (1) Upon the testimony of the ~~person~~ law enforcement  
346 officer or animal control officer taking custody, ~~and~~ a  
347 licensed veterinarian, ~~or another qualified witness~~ that the  
348 dog or cat requires destruction or other disposition for  
349 humane reasons or is of no commercial value, order the dog or  
350 cat destroyed or remanded directly to the custody of the ~~dog~~  
351 ~~or cat control, humane shelter, or similar facility~~ animal  
352 shelter designated by the county or the municipality or other  
353 appropriate person to be disposed of by the ~~facility~~ animal  
354 shelter or person in a humane manner.

355 (2) Upon itemized proof of the costs incurred by the  
356 agent or agency having custody of the dog or cat, order that  
357 the owner pay any necessary and reasonable costs incurred for  
358 the care of the dog or cat and for any costs incurred in  
359 destroying the dog or cat. A separate hearing may be held by  
360 the judge of the district court on the assessment of costs,  
361 which assessment shall include all costs of notice and  
362 hearing, and the reasonableness of costs as determined under  
363 48 C.F.R. § 31.201-3. In the event the court finds the owner  
364 ~~innocent~~ not guilty of charges, the owner shall not be charged



## HB112 INTRODUCED

365 with costs of the care of the dog or cat in custody.

366 ~~(d)~~ (e) If the court determines that the owner is  
367 unable, unwilling, or unfit to adequately provide for ~~and~~ or  
368 protect any other dog or cat in the custody of the owner that  
369 was not ~~originally~~ seized by the ~~agency, agent, or other~~  
370 ~~person~~ law enforcement officer or animal control officer when  
371 the dog or cat in custody was seized, the court may enjoin the  
372 owner of further possession or custody of the unseized dog or  
373 cat.

374 Section 10. This act shall become effective on  
375 September 1, 2024.