

1 **ANIMAL SHELTER PET STERILIZATION**

2 **ACT AMENDMENTS**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gerry A. Adair**

6 AN ACT RELATING TO LOCAL GOVERNMENT; AMENDING PROVISIONS REGARDING
7 ANIMAL SHELTERS TO CLARIFY THAT STATE LAW DOES NOT REQUIRE
8 STERILIZATION OF AN IMPOUNDED LOST ANIMAL IN ORDER TO RECLAIM IT.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **10-17-102**, as enacted by Chapter 156, Laws of Utah 1998

12 **10-17-103**, as enacted by Chapter 156, Laws of Utah 1998

13 **10-17-104**, as enacted by Chapter 156, Laws of Utah 1998

14 **17-42-102**, as enacted by Chapter 156, Laws of Utah 1998

15 **17-42-103**, as enacted by Chapter 156, Laws of Utah 1998

16 **17-42-104**, as enacted by Chapter 156, Laws of Utah 1998

17 **77-24-1.5**, as last amended by Chapter 156, Laws of Utah 1998

18 *Be it enacted by the Legislature of the state of Utah:*

19 Section 1. Section **10-17-102** is amended to read:

20 **10-17-102. Definitions.**

21 As used in this chapter:

22 (1) "Animal" means a cat or dog.

23 (2) "Animal shelter" means a facility or program:

24 (a) providing services for stray, lost, or unwanted animals, including holding and placing
25 the animals for adoption, but does not include an institution conducting research on animals, as
26 defined in Section 26-26-1; and

27 (b) operated by:

- 28 (i) a first or second class county as defined in Section 17-16-13;
- 29 (ii) a municipality with a population of 40,000 or greater;
- 30 (iii) a first or second class county operating the shelter jointly with any municipality; or
- 31 (iv) a private humane society or private animal welfare organization located within a first
- 32 or second class county or within a municipality with a population of 40,000 or greater.

33 (3) "Person" means an individual, an entity, or a representative of an entity.

34 (4) "Proof of sterilization" means a written document signed by a veterinarian licensed
35 under Title 58, Chapter 28, Veterinary Practice Act, stating:

- 36 (a) a specified animal has been sterilized;
- 37 (b) the date on which the sterilization was performed; and
- 38 (c) the location where the sterilization was performed.

39 (5) "Recipient" means the person to whom an animal shelter transfers an animal for
40 adoption.

41 (6) "Sterilization deposit" means the portion of a fee charged by an animal shelter to a
42 recipient or claimant of an unsterilized animal to ensure the animal is timely sterilized in
43 accordance with an agreement between the recipient or the claimant and the animal shelter.

44 (7) "Sterilized" means that an animal has been surgically altered, either by the spaying of
45 a female animal or by the neutering of a male animal, so it is unable to reproduce.

46 (8) "Transfer" means that an animal shelter sells, gives away, or by other procedures places
47 [~~for adoption, or transfers~~] an animal [~~to~~] with a recipient for adoption.

48 Section 2. Section **10-17-103** is amended to read:

49 **10-17-103. Animal shelters shall transfer only sterilized animals, or shall require**
50 **sterilization deposit.**

51 (1) An animal shelter may not transfer to a recipient an animal that has not been sterilized,
52 except as provided in Subsection (2).

53 (2) An animal shelter may transfer to a recipient an animal that has not been sterilized only
54 if the animal shelter:

55 (a) establishes a written agreement, executed by the recipient, stating the animal is not
56 sterilized and the recipient agrees in writing to be responsible for ensuring the animal is sterilized:

- 57 (i) within 30 days after the agreement is signed, if the animal is six months of age or older;
- 58 or

59 (ii) if the animal is younger than six months of age, within 30 days after the animal
60 becomes six months of age; and

61 (b) receives from the recipient a sterilization deposit as provided under Section 10-17-104,
62 the terms of which are part of the written agreement executed by the recipient under this section.

63 Section 3. Section **10-17-104** is amended to read:

64 **10-17-104. Sterilization deposit.**

65 (1) A sterilization deposit [~~may be~~] is:

66 (a) a portion of the adoption fee or purchase price of the pet, which will enable the adopter
67 to take the pet for sterilization to a veterinarian with whom the animal shelter has an agreement
68 that the veterinarian will bill the animal shelter directly for the sterilization; or

69 (b) a deposit that is:

70 (i) refundable to the recipient if proof of sterilization of the animal within the appropriate
71 time limits under Section 10-17-103 is presented to the animal shelter not more than three months
72 after the date the animal is sterilized; and

73 (ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal
74 shelter in compliance with Subsection (1)(b)(i)[~~; or~~].

75 [~~(c) a deposit under Section 10-17-106 required to claim an unsterilized animal impounded
76 at the animal shelter.]~~

77 (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of a
78 sterilization of an animal, based on the gender and weight of the animal, that is reasonably
79 available in the area where the animal shelter is located, but the deposit may not be less than \$25.

80 (3) If a female dog or cat and her litter are transferred to one person, a sterilization deposit
81 is required only for the female dog or cat.

82 (4) All sterilization deposits forfeited or unclaimed under this section shall be retained by
83 the animal shelter and shall be used by the animal shelter only for:

84 (a) a program to sterilize animals, which may include a sliding scale fee program;

85 (b) a public education program to reduce and prevent overpopulation of animals and the
86 related costs to local governments;

87 (c) a follow-up program to assure that animals transferred by the animal shelter are
88 sterilized in accordance with the agreement executed under Section 10-17-103; and

89 (d) any additional costs incurred by the animal shelter in the administration of the

90 requirements of this chapter.

91 Section 4. Section **17-42-102** is amended to read:

92 **17-42-102. Definitions.**

93 As used in this chapter:

94 (1) "Animal" means a cat or dog.

95 (2) "Animal shelter" means a facility or program:

96 (a) providing services for stray, lost, or unwanted animals, including holding and placing

97 the animals for adoption, but does not include an institution conducting research on animals, as

98 defined in Section 26-26-1; and

99 (b) operated by:

100 (i) a first or second class county as defined in Section 17-16-13;

101 (ii) a municipality with a population of 40,000 or greater;

102 (iii) a first or second class county operating the shelter jointly with any municipality; or

103 (iv) a private humane society or private animal welfare organization located within a first

104 or second class county or within a municipality with a population of 40,000 or greater.

105 (3) "Person" means an individual, an entity, or a representative of an entity.

106 (4) "Proof of sterilization" means a written document signed by a veterinarian licensed

107 under Title 58, Chapter 28, Veterinary Practice Act, stating:

108 (a) a specified animal has been sterilized;

109 (b) the date on which the sterilization was performed; and

110 (c) the location where the sterilization was performed.

111 (5) "Recipient" means the person to whom an animal shelter transfers an animal for

112 adoption.

113 (6) "Sterilization deposit" means the portion of a fee charged by an animal shelter to a

114 recipient or claimant of an unsterilized animal to ensure the animal is timely sterilized in

115 accordance with an agreement between the recipient or the claimant and the animal shelter.

116 (7) "Sterilized" means that an animal has been surgically altered either by the spaying of

117 a female animal or by the neutering of a male animal, so it is unable to reproduce.

118 (8) "Transfer" means that an animal shelter sells, gives away, or by other procedure places

119 [~~for adoption, or transfers~~] an animal [~~to~~] with a recipient for adoption.

120 Section 5. Section **17-42-103** is amended to read:

121 **17-42-103. Animal shelters shall transfer only sterilized animals, or shall require**
122 **sterilization deposit.**

123 (1) An animal shelter may not transfer to a recipient an animal that has not been sterilized,
124 except as provided in Subsection (2).

125 (2) An animal shelter may transfer to a recipient an animal that has not been sterilized only
126 if the animal shelter:

127 (a) establishes a written agreement, executed by the recipient, stating the animal is not
128 sterilized and the recipient agrees in writing to be responsible for ensuring the animal is sterilized:

129 (i) within 30 days after the agreement is signed, if the animal is six months of age or older;
130 or

131 (ii) if the animal is younger than six months of age, within 30 days after the animal
132 becomes six months of age; and

133 (b) receives from the recipient a sterilization deposit as provided under Section 17-42-104,
134 the terms of which are part of the written agreement executed by the recipient under this section.

135 Section 6. Section **17-42-104** is amended to read:

136 **17-42-104. Sterilization deposit.**

137 (1) A sterilization deposit [~~may be~~] is:

138 (a) a portion of the adoption fee or purchase price of the pet, which will enable the adopter
139 to take the pet for sterilization to a veterinarian with whom the animal shelter has an agreement
140 that the veterinarian will bill the animal shelter directly for the sterilization; or

141 (b) a deposit that is:

142 (i) refundable to the recipient if proof of sterilization of the animal within the appropriate
143 time limits under Section 17-42-103 is presented to the animal shelter not more than three months
144 after the date the animal is sterilized; and

145 (ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal
146 shelter in compliance with Subsection (1)(b)(i)[~~; or~~].

147 ~~[(c) a deposit under Section 17-42-106 required to claim an unsterilized animal impounded~~
148 ~~at the animal shelter.]~~

149 (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of a
150 sterilization of an animal, based on the gender and weight of the animal, that is reasonably
151 available in the area where the animal shelter is located, but the deposit may not be less than \$25.

152 (3) If a female dog or cat and her litter are transferred to one person, a sterilization deposit
153 is required only for the female dog or cat.

154 (4) All sterilization deposits forfeited or unclaimed under this section shall be retained by
155 the animal shelter and shall be used by the animal shelter only for:

156 (a) a program to sterilize animals, which may include a sliding scale fee program;

157 (b) a public education program to reduce and prevent overpopulation of animals and the
158 related costs to local governments;

159 (c) a follow-up program to assure that animals transferred by the animal shelter are
160 sterilized in accordance with the agreement executed under Section 17-42-103; and

161 (d) any additional costs incurred by the animal shelter in the administration of the
162 requirements of this chapter.

163 Section 7. Section **77-24-1.5** is amended to read:

164 **77-24-1.5. Safekeeping by officer pending disposition -- Records required -- Stray**
165 **animals.**

166 (1) Each peace officer shall:

167 (a) hold custodial property in safe custody:

168 (i) until it is received into evidence; or

169 (ii) if it is not used as evidence, until it can be disposed of as provided in this chapter; and

170 (b) maintain a proper record of the custodial property that identifies:

171 (i) the owner of the custodial property, if known; and

172 (ii) the case for which it was taken or received and is being held.

173 (2) (a) Each municipal or county animal control officer shall hold any unidentified or
174 unclaimed stray dog or stray cat in safe and humane custody for a minimum of three working days
175 after the time of impound prior to making any final disposition of the animal, including:

176 (i) placement in an adoptive home [~~or other transfer of the animal~~], which shall be in
177 compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization Act, or Title 17,
178 Chapter 42, County Animal Shelter Pet Sterilization Act; or

179 (ii) euthanasia.

180 (b) An unidentified or unclaimed stray dog or stray cat may be euthanized prior to the
181 completion of the three working day minimum holding period to prevent unnecessary suffering due
182 to serious injury or disease, if the euthanasia is in compliance with written established agency or

183 department policies and procedures, and with any local ordinances allowing the destruction.
184 (c) An unidentified or unclaimed stray dog or stray cat shall be returned to its owner upon:
185 (i) proof of ownership; and
186 (ii) compliance with requirements of local animal control ordinances[~~;~~and].
187 [~~(iii) compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization~~
188 ~~Act, or Title 17, Chapter 42, County Animal Shelter Pet Sterilization Act.]~~

Legislative Review Note
as of 1-24-00 7:19 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel