

Representative Gerry A. Adair proposes to substitute the following bill:

ANIMAL SHELTER PET STERILIZATION

ACT AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Gerry A. Adair

AN ACT RELATING TO POLITICAL SUBDIVISIONS AND ANIMAL WELFARE;
AMENDING ANIMAL SHELTER STERILIZATION PROVISIONS TO REQUIRE THAT IF
AN OWNED ANIMAL IS IMPOUNDED A SECOND TIME, THE SHELTER SHALL
REQUIRE PROOF OF STERILIZATION OR A STERILIZATION DEPOSIT; AND
PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

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

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

10-17-105, as enacted by Chapter 156, Laws of Utah 1998

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

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

17-42-105, as enacted by Chapter 156, Laws of Utah 1998

ENACTS:

10-17-105.5, Utah Code Annotated 1953

17-42-105.5, Utah Code Annotated 1953

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

Section 1. Section **10-17-103** is amended to read:

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

26 (1) An animal shelter may not transfer an animal that has not been sterilized, except as
27 provided in Subsection (2) or Section 10-17-105.5.

28 (2) An animal shelter may transfer an animal for adoption that has not been sterilized only
29 if the animal shelter:

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

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

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

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

38 Section 2. Section **10-17-104** is amended to read:

39 **10-17-104. Sterilization deposit.**

40 (1) A sterilization deposit may be:

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

44 (b) a deposit that is:

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

48 (ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal
49 shelter in compliance with Subsection (1)(b)(i); or

50 (c) a deposit under Section [~~10-17-106~~] 10-17-105.5 required for an owner to claim an
51 unsterilized animal impounded at the animal shelter.

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

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

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

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

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

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

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

66 Section 3. Section **10-17-105** is amended to read:

67 **10-17-105. Failure to comply with sterilization agreement.**

68 If a recipient fails to comply with the sterilization agreement under [Section] Subsection
69 10-17-103(2):

70 (1) the failure is ground for seizure and impoundment of the animal by the animal shelter
71 from whom the recipient obtained the animal;

72 (2) the recipient relinquishes all ownership rights regarding the animal and any claim to
73 expenses incurred in maintenance and care of the animal; and

74 (3) the recipient forfeits the sterilization deposit.

75 Section 4. Section **10-17-105.5** is enacted to read:

76 **10-17-105.5. Sterilization deposit -- When required for redemption by owner of**
77 **impounded animal.**

78 (1) Upon the second impound within a 12-month period and upon any subsequent
79 impound of an animal that is claimed by its owner, an animal shelter may release the impounded
80 animal to its owner only upon payment of all impound fees required by the shelter and:

81 (a) receipt of proof the animal has been sterilized; or

82 (b) a sterilization deposit.

83 (2) The sterilization deposit shall be refunded to the owner only if the owner provides
84 proof of sterilization to the animal shelter within 30 days of release of the animal to the owner.

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

86 **17-42-103. Animal shelters shall transfer only sterilized animals, or shall require**
87 **sterilization deposit.**

88 (1) An animal shelter may not transfer an animal that has not been sterilized, except as
89 provided in Subsection (2) or Section 17-42-105.5.

90 (2) An animal shelter may transfer an animal for adoption that has not been sterilized only
91 if the animal shelter:

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

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

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

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

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

101 **17-42-104. Sterilization deposit.**

102 (1) A sterilization deposit may be:

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

106 (b) a deposit that is:

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

110 (ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal
111 shelter in compliance with Subsection (1)(b)(i); or

112 (c) a deposit under Section [~~17-42-106~~] 17-42-105.5 required for an owner to claim an
113 unsterilized animal impounded at the animal shelter.

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

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

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

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

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

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

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

128 Section 7. Section **17-42-105** is amended to read:

129 **17-42-105. Failure to comply with sterilization agreement.**

130 If a recipient fails to comply with the sterilization agreement under [Section] Subsection
131 17-42-103(2):

132 (1) the failure is ground for seizure and impoundment of the animal by the animal shelter
133 from whom the recipient obtained the animal;

134 (2) the recipient relinquishes all ownership rights regarding the animal and any claim to
135 expenses incurred in maintenance and care of the animal; and

136 (3) the recipient forfeits the sterilization deposit.

137 Section 8. Section **17-42-105.5** is enacted to read:

138 **17-42-105.5. Sterilization deposit -- When required for redemption by owner of**
139 **impounded animal.**

140 (1) Upon the second impound within a 12-month period and upon any subsequent
141 impound of an animal that is claimed by its owner, an animal shelter may release the impounded
142 animal to its owner only upon payment of all impound fees required by the shelter and:

143 (a) receipt of proof the animal has been sterilized; or

144 (b) a sterilization deposit.

145 (2) The sterilization deposit shall be refunded to the owner only if the owner provides
146 proof of sterilization to the animal shelter within 30 days of release of the animal to the owner.

147 Section 9. **Effective date.**

148 If approved by two-thirds of all the members elected to each house, this act takes effect
149 upon approval by the governor, or the day following the constitutional time limit of Utah

150 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
151 date of veto override.