

# TITLE 4

## Animals and Animal Husbandry

### CHAPTER 4-19

#### Animal Care

#### SECTION 4-19-16

##### **§ 4-19-16 Mandatory spaying and neutering of dogs and cats adopted from a licensed releasing agency.**

(a)(1) No licensed releasing agency shall release, sell, trade, give away, exchange, adopt out, or otherwise transfer with or without a fee any dog or cat that has not been spayed or neutered unless the adopting party executes a written agreement with the licensed releasing agency to have the dog or cat spayed or neutered in accordance with subdivisions (2) and (3).

(2) The licensed releasing agency is authorized to enter into a written adoption agreement with the adopting party provided that at the time of execution of the written agreement, the licensed releasing agency collect from the adopting party an amount equal to the cost to the licensed releasing agency for the spaying or neutering of the dog or cat to be adopted. The written agreement must include the dog or cat's age, sex, and general description; the date the adoption agreement was executed; the date by which the licensed releasing agency anticipates that the dog or cat will be spayed or neutered; the date by which the adoptive party shall claim the dog or cat; the adopting party's name, address, phone number, and signature; the licensed releasing agency's name, address, phone number, and the dollar amount remitted to the licensed releasing agency for the cost of spaying or neutering the dog or cat.

(3) After execution of the agreement, the licensed releasing agency shall cause the dog or cat to be spayed or neutered and, when medically fit, shall transfer custody of the dog or cat to the adopting party. Any dog or cat that is not claimed by the adoptive party within ten (10) days of the date enumerated in the written adoption agreement shall be considered unclaimed and may be offered for adoption to another party.

(b) The following are exemptions from the provisions of subsection (a):

(1) A licensed releasing agency returns a stray dog or cat to its owner.

(2) A licensed releasing agency receives a written report from a licensed veterinarian stating that the life of the dog or cat would be jeopardized by the surgery and that this health condition is likely to be permanent.

(3) A licensed releasing agency receives a written report from a licensed veterinarian stating that there is a temporary health condition, including sexual immaturity, which would make surgery life threatening to the dog or cat or impracticable, in which instance the licensed releasing agency shall enter into a written agreement for the spaying or neutering of the dog or cat upon resolution of the temporary health condition or the animal reaching maturity and shall collect from the adopting party an amount equal to the cost to the licensed releasing agency for the spaying or neutering of the dog or cat to be adopted. The licensed releasing agency may then allow the transfer of the dog or cat to the adopting party who shall return the dog or cat to the licensed releasing agency for spaying or neutering upon resolution of the temporary health condition or the animal reaching sexual maturity. The licensed releasing agency may grant the adopting party an appropriate extension of time in which to have the dog or cat spayed or neutered based on the veterinarian's report.

(4) A licensed releasing agency transfers a dog or cat to another licensed releasing agency.

(c) If requested to do so, a licensed releasing agency shall refund fees collected for the purpose of spaying or neutering the dog or cat to the adopting party upon reasonable proof being presented to the releasing agency by the adopting party that the dog or cat died before the spaying or neutering was required to be completed.

(d) Any and all licensed releasing agencies:

- (1) May enter into cooperative agreements with each other and with veterinarians in carrying out this section; and
- (2) Shall make a good faith effort to cause an adopting party to comply with this section.

History of Section.

(P.L. 1993, ch. 24, § 2; P.L. 1995, ch. 260, § 1; P.L. 2013, ch. 312, § 1; P.L. 2013, ch. 417, § 1.)

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