Senate Engrossed House Bill

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
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Forty-ninth Legislature
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2009

CHAPTER 106

HOUSE BILL 2458

AN ACT

AMENDING SECTIONS 11-1013, 11-1014, 11-1021 AND 11-1022, ARIZONA REVISED STATUTES; RELATING TO DOGS AND CATS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 11-1013, Arizona Revised Statutes, is amended to read:

11-1013. Establishment of county pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees

A. The board of supervisors in each county may provide or authorize a county pound or pounds or enter into a cooperative agreement with a city, a veterinarian or an Arizona incorporated humane society for the establishment and operation of a county pound.

B. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

C. Each stray dog or any cat impounded shall be kept and maintained at the county pound for a minimum of seventy-two hours OR ONE HUNDRED TWENTY HOURS FOR AN ANIMAL THAT IS WEARING A LICENSE, unless claimed OR SURRENDERED by its owner. Any person may purchase such a dog or cat ~~upon~~ ON expiration of the impoundment period, ~~provided such~~ IF THE person pays all pound fees established by the county board of supervisors and complies with the licensing and vaccinating provisions of this article. If such dog or cat is to be used for medical research, no license or vaccination shall be required.

D. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of ~~his~~ THE PERSON'S right to do so and pays all pound fees established by the board of supervisors. Any person purchasing such a dog or cat shall pay all pound fees established by the board of supervisors.

E. If the dog or cat is not reclaimed within the impoundment period, the county enforcement agent shall take possession of and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The county enforcement agent may destroy impounded sick or injured dogs or cats if destruction is necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

Sec. 2. Section 11-1014, Arizona Revised Statutes, is amended to read:

11-1014. Biting animals; reporting; handling and destruction

A. An unvaccinated dog or cat that bites any person shall be confined and quarantined in a county pound or, on request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten days. The quarantine period shall start on the day of the bite incident. If the day of the bite is not known, the quarantine period shall start on the first day of impoundment. A dog properly vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the county enforcement agent.

B. A DOG OR CAT THAT IS IMPOUNDED AS THE RESULT OF BITING ANY PERSON SHALL NOT BE RELEASED FROM THE POUND TO ITS OWNER UNLESS ONE OF THE FOLLOWING APPLIES:

1. THE DOG HAS A CURRENT DOG LICENSE PURSUANT TO SECTION 11-1008 AT THE TIME THE DOG ENTERED THE POUND.

2. THE DOG OR CAT HAS BEEN PREVIOUSLY SPAYED OR NEUTERED BEFORE IMPOUND OR HAS BEEN SPAYED OR NEUTERED AND IMPLANTED WITH A MICROCHIP BEFORE RELEASE FROM THE POUND.

3. THERE IS NO VETERINARY FACILITY CAPABLE OF PERFORMING SURGICAL STERILIZATION WITHIN A TWENTY MILE RADIUS OF THE POUND.

4. A VETERINARIAN DETERMINES THAT A MEDICAL CONTRAINDICATION FOR SURGERY EXISTS THAT REASONABLY REQUIRES POSTPONEMENT OF THE SURGERY UNTIL THE SURGERY CAN BE PERFORMED IN A SAFE AND HUMANE MANNER.

5. THE BITE OCCURRED IN THE PREMISES OF THE OWNER AND THE VICTIM IS A MEMBER OF THE SAME HOUSEHOLD.

6. THE OWNER PAYS A FIFTY DOLLAR RECOVERY FEE, IN ADDITION TO ANY FEES OR COSTS OTHERWISE REQUIRED PURSUANT TO THIS ARTICLE.

~~B.~~ C. Any domestic animal, other than a dog, a cat or a caged or pet rodent or rabbit, that bites any person shall be confined and quarantined in a county pound or, on the request and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days. Livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona department of agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested.

~~C.~~ D. With the exception of a wild rodent or rabbit, any wild animal that bites any person or directly exposes any person to its saliva may be killed and submitted to the county enforcement agent or the agent's deputies for transport to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determined by the department of health services.

~~D.~~ E. ~~Whenever~~ IF an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.

~~E.~~ F. The county enforcement agent may destroy any animal confined and quarantined pursuant to this section before the termination of the minimum confinement period for laboratory examination for rabies if:

1. The animal shows clear clinical signs of rabies.

2. The animal's owner consents to its destruction.

~~F.~~ G. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

~~G.~~ H. The county enforcement agent shall destroy a vicious animal by order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue an order to destroy a vicious animal after notice to the owner, if any, and the person who was bitten, and a hearing. The justice of the peace or city magistrate may impose additional procedures and processes to protect all parties in the interest of justice, and any

decision by the justice of the peace or magistrate may be appealed to the superior court.

~~H.~~ I. The owner of a vicious animal shall be responsible for any fees incurred by the enforcement agent for the impounding, sheltering and disposing of the vicious animal.

Sec. 3. Section 11-1021, Arizona Revised Statutes, is amended to read:

11-1021. Proper care, maintenance and destruction of impounded animals

A. Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.

B. Any animal destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.

~~2. Nitrogen gas.~~

~~3.~~ 2. T-61 euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in subsection B, paragraph 1 or ~~3~~ 2 of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to section 3-1213.

D. The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

Sec. 4. Section 11-1022, Arizona Revised Statutes, is amended to read:

11-1022. Sterilization of impounded dogs and cats; definition

A. A dog or cat shall not be released for adoption from a county, city or town pound or from an animal shelter unless one of the following applies:

1. The dog or cat has been first surgically spayed or neutered.

2. There is no veterinary facility capable of performing surgical sterilization within a twenty mile radius of the pound or shelter.

3. A veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.

B. If subsection A, paragraph 2 or 3 OF THIS SECTION applies, the adopting party shall sign an agreement to have the dog or cat spayed or neutered by a veterinarian within thirty days or within fifteen days of a veterinarian's determination that surgical sterilization may be performed in a safe and humane manner and shall deposit with the pound or shelter an amount sufficient to ensure that the dog or cat will be sterilized.

C. If the adoption fee includes the cost of spaying or neutering, ~~then~~ no deposit is required. The amount of the deposit required by subsection B OF THIS SECTION shall be determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the county. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented

a written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

D. Any deposit monies that are not refunded under subsection C OF THIS SECTION shall be used only for the following purposes:

1. Spaying or neutering dogs and cats.

2. Public education to prevent overpopulation of dogs and cats.

3. Costs of confirming that adopted dogs and cats are spayed or neutered.

E. This section does not apply to a county or incorporated city or town that adopts an ordinance or resolution for dog and cat sterilization that exceeds the requirements of this section.

F. A DOG OR CAT SHALL NOT BE RELEASED TO ITS OWNER FROM A COUNTY, CITY OR TOWN POUND OR FROM AN ANIMAL SHELTER UNLESS ONE OF THE FOLLOWING APPLIES:

1. THE DOG HAS A CURRENT DOG LICENSE PURSUANT TO SECTION 11-1008 AT THE TIME THE DOG ENTERED THE POUND OR SHELTER.

2. THE DOG OR CAT HAS BEEN SURGICALLY SPAYED OR NEUTERED AND IMPLANTED WITH A MICROCHIP FOR THE PURPOSES OF IDENTIFICATION AT THE DOG OR CAT OWNER'S EXPENSE.

3. THERE IS NO VETERINARY FACILITY CAPABLE OF PERFORMING SURGICAL STERILIZATION WITHIN A TWENTY MILE RADIUS OF THE POUND OR SHELTER.

4. A VETERINARIAN DETERMINES THAT A MEDICAL CONTRAINDICATION FOR SURGERY EXISTS THAT REASONABLY REQUIRES POSTPONEMENT OF THE SURGERY UNTIL THE SURGERY CAN BE PERFORMED IN A SAFE AND HUMANE MANNER.

5. THE OWNER PAYS A FIFTY DOLLAR RECOVERY FEE, IN ADDITION TO ANY FEES AND COSTS OTHERWISE REQUIRED PURSUANT TO THIS ARTICLE.

G. BEFORE SURGICALLY SPAYING OR NEUTERING AN ANIMAL PURSUANT TO SUBSECTION F, PARAGRAPH 2, OF THIS SECTION AN ANIMAL SHELTER SHALL HOLD THE IMPOUNDED DOG OR CAT FOR A MINIMUM OF SEVENTY-TWO HOURS AND MAKE REASONABLE EFFORTS TO LOCATE ITS OWNER BY INSPECTING IT FOR MICROCHIPS, TATTOOS OR OTHER IDENTIFYING INFORMATION.

~~F.~~ H. For the purposes of this section, "animal shelter" means a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.