

078967554

HOUSE BILL NO. 1853

Offered January 10, 2007

Prefiled January 3, 2007

A BILL to amend and reenact §§ 3.1-796.126:1 through 3.1-796.126:5 of the Code of Virginia, relating to the sterilization of dogs and cats.

Patron—Wittman

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.126:1 through 3.1-796.126:5 of the Code of Virginia are amended and reenacted as follows:

Article 6.1.

Mandatory Sterilization of Dogs and Cats.

§ 3.1-796.126:1. Sterilization of dogs and cats; enforcement; civil penalty.

A. Every new owner of a dog or cat *purchased from a dealer or* adopted from a releasing agency shall cause to be sterilized the dog or cat pursuant to the agreement required by subdivision 2 of subsection B of this section.

B. ~~A dog or cat shall not be released for adoption from a releasing agency~~ *Dealers shall not sell and releasing agencies shall not release for adoption any dog or cat unless:*

1. The animal has already been sterilized; or

2. The ~~individual~~ *person purchasing or* adopting the animal signs an agreement to have the animal sterilized by a licensed veterinarian (i) within thirty days of the *sale or* adoption, if the animal is sexually mature, or (ii) within thirty days after the animal reaches six months of age, if the animal is not sexually mature at the time of *sale or* adoption.

C. A *dealer or* releasing agency may extend for thirty days the date by which a dog or cat must be sterilized on presentation of a written report from a veterinarian stating that the life or health of the ~~adopted~~ animal may be jeopardized by sterilization. In cases involving extenuating circumstances, the veterinarian and the *dealer or* releasing agency may negotiate the terms of an extension of the date by which the animal must be sterilized.

D. Nothing in this section shall preclude the sterilization of a sexually immature dog or cat upon the written agreement of the veterinarian, the *dealer or* releasing agency, and the new owner.

E. Upon the petition of an animal control officer, humane investigator, the State Veterinarian or a State Veterinarian's representative to the district court of the county or city where a violation of this article occurs, the court may order the new owner to take any steps necessary to comply with the requirements of this article *and revoke the sale or transfer of the animal from the dealer or releasing agency*. This remedy shall be exclusive of and in addition to any civil penalty which may be imposed under this article.

F. Any person who violates subsection A or B of this section shall be subject to a civil penalty not to exceed ~~fifty dollars~~ *\$150*.

§ 3.1-796.126:2. Sterilization agreement.

Any agreement used by a *dealer or* releasing agency pursuant to subsection B of § 3.1-796.126:1 shall contain:

1. The date of the agreement;

2. The names, addresses, and signatures of the *dealer or* releasing agency and the new owner;

3. A description of the dog or cat to be *sold or* adopted;

4. The date by which the dog or cat is required to be sterilized *or, if the new owner is exempted from this article under § 3.1-796.126:5, the applicable exemption;* and

5. A statement printed in conspicuous, bold print, that sterilization of the dog or cat is required under this article; that a person who violates this article is subject to a civil penalty; *that persons fraudulently claiming exemption from this article under § 3.1-796.126:5 shall be subject to a civil penalty of \$1,000;* and that the new owner may be compelled to comply with the provisions of this article *or face revocation of the sale or transfer of the animal*.

§ 3.1-796.126:3. Sterilization confirmation; civil penalty.

Each new owner who signs a sterilization agreement shall, within seven days of the sterilization, cause to be delivered or mailed to the *dealer or* releasing agency written confirmation signed by the veterinarian who performed the sterilization. The confirmation shall briefly describe the dog or cat; include the new owner's name and address; certify that the sterilization was performed; and specify the

INTRODUCED

HB1853

59 date of the procedure. Any person who violates this section shall be subject to a civil penalty not to
60 exceed \$150.

61 § 3.1-796.126:4. Notification concerning lost, stolen or dead dogs or cats; civil penalty.

62 If ~~an adopted~~ a dog or cat is lost or stolen or dies before the animal is sterilized and before the date
63 by which the dog or cat is required to be sterilized, the new owner shall, within seven days of the
64 animal's disappearance or death, notify the *dealer or* releasing agency of the animal's disappearance or
65 death. Any person who violates this section shall be subject to a civil penalty not to exceed ~~twenty-five~~
66 ~~dollars~~\$25.

67 § 3.1-796.126:5. Exemptions.

68 A. This article shall not apply to:

69 1. An owner reclaiming his dog or cat from a releasing agency;

70 2. A releasing agency located in a county, city, or town that has adopted a more stringent mandatory
71 sterilization ordinance; ~~and~~

72 3. A local governing body which has disposed of an animal by sale or gift to a federal agency,
73 state-supported institution, agency of the Commonwealth, agency of another state, or licensed federal
74 dealer having its principal place of business located within the Commonwealth;;

75 4. A *fancier breeder that (i) regularly shows the dog or cat being bred at competitions sanctioned by*
76 *the American Kennel Club (AKC), United Kennel Club (UKC), American Working Dog Federation*
77 *(AWDF) and their member clubs, or the Cat Fanciers Association (CFA) and their sanctioned*
78 *competitions; and (ii) adheres to AKC's 22 responsible breeding steps, UKC's breeders code of ethics,*
79 *AWDF's constitution and bylaws, or CFA's breed standards;*

80 5. A *breed improver that (i) breeds working dogs, show dogs, or cats of specific breeds, not for*
81 *profit but to perpetuate the breed or to eliminate physical shortcomings and disease, or who could*
82 *otherwise demonstrate a conscious and deliberate plan of breed improvement; and (ii) adheres to AKC's*
83 *22 responsible breeding steps, UKC's breeders code of ethics, AWDF's constitution and bylaws, or*
84 *CFA's breed standards; or*

85 6. A *hobby breeder that wishes to breed and find homes for one litter, but not for profit.*

86 B. Any person fraudulently claiming an exemption under this section shall be subject to a civil
87 penalty not to exceed \$1,000.