

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 477

Short Title: Dog and Cat Sterilization.

(Public)

Sponsors: Representatives Payne; and Stamey.

Referred to: Human Resources.

April 1, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR STERILIZATION OF CATS AND DOGS ADOPTED
3 FROM OR SOLD BY ANIMAL SHELTERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 19A of the General Statutes is amended by adding a new
6 Article to read:

7 **"ARTICLE 5.**
8 **"STERILIZATION OF CATS AND DOGS ADOPTED FROM OR SOLD**
9 **BY ANIMAL SHELTERS.**

10 **"§ 19A-51. Definitions.**

11 Unless the context otherwise requires, the following definitions apply in this Article:

- 12 (1) 'Animal Shelter' means a facility that is used to house animals and is
13 owned and operated by a political subdivision of the State or by an
14 organization devoted to the welfare, protection, and humane treatment
15 of animals.
16 (2) 'Cat' means a domestic cat (Felis domestica).
17 (3) 'Dog' means a domestic dog (Canis familiaris).
18 (4) 'Sterilized' means spayed, with respect to female cats and dogs, and
19 neutered, with respect to male cats and dogs.

20 **"§ 19A-52. Sterilization required.**

21 (a) No animal shelter may sell or permit the adoption of any cat or dog in its
22 custody that has not been sterilized unless the shelter:

- 23 (1) Arranges for the sterilization of the cat or dog by a licensed
24 veterinarian; or

1 (2) Enters into a written agreement with the person who purchases or
2 adopts the cat or dog that provides that the purchaser or adopter shall
3 take the cat or dog to a licensed veterinarian within a stipulated period
4 of time, not to exceed seven days after the sale or adoption, to have the
5 cat or dog examined and to schedule a specific time for the
6 sterilization of the cat or dog. The animal shelter shall require from
7 the purchaser or adopter a sterilization deposit sufficient to ensure that
8 he obtains the sterilization. Upon certification by a licensed
9 veterinarian that the sterilization has been performed, the sterilization
10 deposit shall be paid to the veterinarian who performed the
11 sterilization if he has not been compensated for his services. If the
12 veterinarian has been partially compensated, the animal shelter shall
13 pay the veterinarian to the extent that he has not been compensated. If
14 the sterilization deposit or any part of it is not payable to a veterinarian
15 following the sterilization, the purchaser or adopter is entitled to a
16 refund of any unexpended amount.

17 (b) If, within one week after the purchase or adoption, a licensed veterinarian
18 determines that the cat or dog requires major medical treatment, the purchaser or
19 adopter may elect to return the cat or dog and receive from the animal shelter another
20 cat or dog or a refund of the sterilization deposit.

21 (c) Unless the animal shelter has made arrangements with one or more local
22 veterinarians to assume responsibility for the cost of sterilizing cats or dogs sold by or
23 adopted from the shelter and the sterilization is performed by such a veterinarian, the
24 person purchasing or adopting the cat or dog shall be responsible for the cost of the
25 sterilization.

26 (d) A person who fails within a reasonable time to arrange for the sterilization of
27 an unsterilized cat or dog purchased or adopted from an animal shelter forfeits the
28 sterilization fee and shall surrender the cat or dog to the animal shelter.

29 **"§ 19A-53. Penalties.**

30 (a) The failure of a purchaser or adopter under this Article to provide for the
31 sterilization of an unsterilized cat or dog purchased or adopted from an animal shelter
32 within a reasonable time after the purchase or adoption is an infraction as defined in
33 G.S. 14-3.1.

34 (b) The failure of a purchaser or adopter under this Article to surrender a cat or
35 dog to the animal shelter in violation of G.S. 19A-52(d) is an infraction as defined in
36 G.S. 14-3.1.

37 **"§ 19A-54. Exception for reclaiming owners and institutions within this State**
38 **registered under the Federal Animal Welfare Act.**

39 This Article shall not apply to owners reclaiming their cats or dogs from animal
40 shelters or to institutions to which animal shelters may sell cats and dogs under the
41 provisions of G.S. 130A-192."

42 Sec. 2. This act becomes effective January 1, 1992.