

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 477
Committee Substitute Favorable 5/14/91

Short Title: Dog and Cat Sterilization.

(Public)

Sponsors:

Referred to:

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:

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

3 (2) Enters into a written agreement with the person who purchases or
4 adopts the cat or dog which provides that the purchaser or adopter
5 shall take the cat or dog to a licensed veterinarian within a stipulated
6 period of time, not to exceed seven days after the sale or adoption, to
7 have the cat or dog examined and to schedule a specific time for the
8 sterilization of the cat or dog. The animal shelter shall require from
9 the purchaser or adopter a sterilization deposit sufficient to ensure that
10 the sterilization is obtained. Upon certification by a licensed
11 veterinarian that the sterilization has been performed, the animal
12 shelter shall pay the sterilization deposit to the veterinarian who
13 performed the sterilization to the extent that the veterinarian has not
14 been compensated. If any balance remains on the sterilization deposit
15 after the sterilization, the animal shelter shall refund the balance to the
16 purchaser or adopter.

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 to have sterilized an unsterilized cat or dog purchased or
27 adopted from an animal shelter forfeits the sterilization fee and shall surrender the cat or
28 dog to the animal shelter.

29 **"§ 19A-53. Penalties.**

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

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

36 **"§ 19A-54. Exceptions.**

37 This Article shall not apply to an owner reclaiming a cat or dog from an animal
38 shelter pursuant to G.S. 130A-192, nor to persons to whom animal shelters may sell cats
39 and dogs under the Federal Animal Welfare Act (7 U.S.C. § 2131 et seq.)."

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