

1 HB397
2 201463-1
3 By Representative Grimsley
4 RFD: Agriculture and Forestry
5 First Read: 05-MAR-20

8 SYNOPSIS: Existing law provides for the adoption of
9 shelter animals and requires sterilization for
10 adopted shelter animals.

11 This bill would apply the requirements of
12 existing law pertaining to the sterilization of
13 adopted shelter animals to animal welfare
14 organizations and animal rescues, would clarify
15 sterilization requirements, and would increase
16 penalties.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose. The purpose or effect
3 of this bill would be to require a new or increased
4 expenditure of local funds within the meaning of
5 the amendment. However, the bill does not require
6 approval of a local governmental entity or
7 enactment by a 2/3 vote to become effective because
8 it comes within one of the specified exceptions
9 contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to animals; to apply the requirements of
16 existing law pertaining to the sterilization of adopted
17 shelter animals to animal welfare organizations and animal
18 rescues; to clarify sterilization requirements; to increase
19 penalties; and in connection therewith would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds within the meaning of Amendment 621
22 of the Constitution of Alabama of 1901, now appearing as
23 Section 111.05 of the Official Recompilation of the
24 Constitution of Alabama of 1901, as amended and in connection
25 therewith would have as its purpose or effect the requirement
26 of a new or increased expenditure of local funds within the
27 meaning of Amendment 621 of the Constitution of Alabama of

1 1901, now appearing as Section 111.05 of the Official
2 Recompilation of the Constitution of Alabama of 1901, as
3 amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 3-9-1, 3-9-2, and 3-9-3, Code of
6 Alabama 1975, are amended to read as follows:

7 "§3-9-1.

8 "As used in this chapter, the following words shall
9 have the following meanings:

10 "(1) ANIMAL SHELTER. Any facility operated by or
11 under contract for the state or any county, municipal
12 corporation, or other political subdivision of the state for
13 the purpose of impounding or harboring seized, stray,
14 homeless, abandoned, or unwanted dogs, cats, and other
15 animals; any veterinary hospital or clinic operated by a
16 veterinarian or veterinarians which operates for such purpose
17 in addition to its customary purposes; and any facility
18 operated, owned, or maintained by a duly incorporated humane
19 society, animal welfare organization, or other nonprofit
20 organization for the purpose of providing for and promoting
21 the welfare, protection, and humane treatment of animals.

22 "(2) ANIMAL WELFARE ORGANIZATION. Any ~~unincorporated~~
23 nonprofit organization or business entity existing for
24 fostering and adopting dogs and cats by the public.

25 "(3) SEXUALLY MATURE ANIMAL. Any dog or cat that has
26 reached the age of 180 days.

1 "(4) STERILIZATION. The surgical removal of the
2 reproductive organs of a dog or cat in order to render the
3 animal unable to reproduce.

4 "§3-9-2.

5 "(a) Any public or private animal shelter, animal
6 control agency operated by a political subdivision of this
7 state, animal welfare organization, animal rescue, or humane
8 society shall make provisions for the sterilization of all
9 dogs or cats acquired from a shelter, agency, animal welfare
10 organization, animal rescue, or humane society by providing
11 for all of the following:

12 "(1) Sterilization by a licensed veterinarian of all
13 dogs or cats 180 days or older before relinquishing custody of
14 the animal.

15 "(2) ~~Entering into a~~ A written agreement to be made,
16 prior to the relinquishment of custody of an animal that is
17 less than 180 days old, with ~~the~~ a person acquiring the animal
18 ~~guaranteeing~~ to guarantee that sterilization will be performed
19 by a licensed veterinarian either within 30 days after
20 acquisition of the animal, ~~or within~~ or 30 days of the sexual
21 maturity of an animal.

22 "(b) The requirements of this chapter shall not
23 apply to any privately owned animal in possession of a
24 shelter, agency, animal welfare organization, animal rescue,
25 or humane society if the owner of the animal claims or
26 presents evidence that the animal is the property of that
27 person.

1 "(c) All costs of sterilization pursuant to this
2 chapter shall be the responsibility of the person acquiring
3 the animal, and if sterilization is performed prior to
4 acquisition, may be included in any fees charged by the
5 shelter, agency, animal welfare organization, animal rescue,
6 or humane society for an animal.

7 "(d) Any person acquiring an animal from a public or
8 private animal shelter, animal control agency operated by a
9 political subdivision of this state, ~~or humane society,~~ animal
10 welfare organization, or animal rescue, from which an animal
11 is not sterile at the time of acquisition, shall submit to the
12 animal shelter, animal control agency, humane society, ~~or~~
13 ~~public or private animal shelter~~ animal welfare organization,
14 or animal rescue a signed statement from the licensed
15 veterinarian attesting that a sterilization procedure has been
16 performed by the veterinarian within seven days after the
17 sterilization.

18 "§3-9-3.

19 "It shall be a misdemeanor to fail or refuse to
20 comply with this chapter. Any person, animal shelter, animal
21 control agency, animal welfare organization, humane society,
22 or animal rescue failing or refusing to comply shall, upon
23 conviction, be guilty of a misdemeanor and shall be subject to
24 a fine of a minimum of ~~fifty dollars (\$50)~~ three hundred
25 dollars (\$300) and not to exceed ~~two hundred dollars (\$200)~~
26 one thousand dollars (\$1,000)."

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 3. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.