

FIRST REGULAR SESSION

# HOUSE BILL NO. 539

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LOW (39) (Sponsor), WILDBERGER, CHAPPELLE-NADAL, MEADOWS, LeVOTA, QUINN (9), SCAVUZZO, PAGE AND HAYWOOD (Co-sponsors).

Read 1st time January 23, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1223L.01I

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### AN ACT

To amend chapter 273, RSMo, by adding thereto one new section relating to spaying and neutering of dogs and cats.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 273, RSMo, is amended by adding thereto one new section, to be known as section 273.410, to read as follows:

**273.410. 1. As used in this section, the following terms shall mean:**

(1) "Adopting party", any person receiving a dog or cat from a releasing agency;

(2) "Releasing agency", any public or private pound, animal shelter, humane society, society for the protection of cruelty to animals, or animal rescue group.

2. No releasing agency shall release, sell, trade, give away, exchange, adopt out, or otherwise transfer any dog or cat, with or without a fee, without such dog or cat having been spayed or neutered, unless:

(1) The dog or cat is less than four months of age, in which case the adopting party shall execute a written agreement with the releasing agency to have the dog or cat spayed or neutered by a veterinarian within thirty business days of the dog or cat reaching four months of age;

(2) A veterinarian certifies that, due to the physical or medical condition of the dog or cat, spaying or neutering would be detrimental to the health and safety of such dog or cat. In such cases, the adopting party shall execute a written agreement with the releasing

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

15 agency to have the dog or cat spayed or neutered within thirty business days of a  
16 certification by a veterinarian selected by the adopting party that the physical or medical  
17 condition of the dog or cat has sufficiently improved so that such dog or cat is able to be  
18 spayed or neutered; or

19 (3) The dog or cat is being returned to its owner for the first or second time and,  
20 if the dog or cat has not been spayed or neutered, the owner has paid an impoundment fee  
21 of seventy-five dollars in addition to any other fees required for the release of the dog or  
22 cat. Upon the third or subsequent impoundment of a stray dog or cat, the releasing agency  
23 shall not release the dog or cat to its owner until such dog or cat has been spayed or  
24 neutered.

25 3. The written agreement required under subsection 2 of this section shall include  
26 the following:

27 (1) The dog's or cat's age, sex, and general description;

28 (2) The name, address, telephone number, and signature of the adopting party; and

29 (3) The name, address, telephone number of the releasing agency, and the dollar  
30 amount of the deposit remitted.

31 4. In addition to executing a written agreement, the adopting party shall remit a  
32 deposit of not less than fifty dollars to the releasing agency. The releasing agency shall  
33 establish the amount of the deposit at the level the agency determines is necessary to  
34 adequately encourage the spaying or neutering of dogs and cats. Such deposit shall be held  
35 in a separate fund to be used solely for refunds to the adopting party by the releasing  
36 agency upon presentation of:

37 (1) A written confirmation from a veterinarian selected by the adopting party  
38 stating that the spaying or neutering was performed on or before the date included in the  
39 written agreement. Such written confirmation shall briefly describe the dog or cat, include  
40 the name and address of the adopting party, certify that the spaying or neutering of the  
41 dog or cat was performed, and the date of such spaying or neutering; or

42 (2) Reasonable proof provided by the adopting party that the dog or cat is dead,  
43 lost, or stolen; provided that:

44 (a) The dog or cat dies, or is lost or stolen on or before the date included in the  
45 written agreement; and

46 (b) The adopting party delivers the proof not later than thirty business days after  
47 the date of the dog's or cat's death or disappearance. The adopting party shall provide a  
48 signed letter including the date of the dog's or cat's death or disappearance and the cause  
49 of death or circumstances surrounding the disappearance.

50           **5. If the releasing agency makes a formal attempt to contact the adopting party**  
51 **regarding such party's obligation under this section and if such party's deposit remains**  
52 **unclaimed thirty business days after the date included in the written agreement, the deposit**  
53 **shall be forfeited by the adopting party and shall be retained and used by the releasing**  
54 **agency for the following:**

55           **(1) A public education program to prevent overpopulation in animals;**

56           **(2) A program to spay or neuter dogs and cats available for adoption by the**  
57 **releasing agency;**

58           **(3) A follow-up program to assure that dogs and cats adopted from the releasing**  
59 **agency are spayed or neutered; and**

60           **(4) To defray any additional costs incurred by the releasing agency associated with**  
61 **compliance with the provisions of this section.**

62           **6. Nothing in this section shall be construed as prohibiting a political subdivision**  
63 **of this state from adopting releasing agency policies or requirements that are more**  
64 **restrictive than the requirements of this section.**

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