

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 560 Session of 2009

INTRODUCED BY BROWNE, ALLOWAY, LOGAN, WOZNIAK, FERLO, WASHINGTON
AND RAFFERTY, MARCH 2, 2009

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MARCH 2, 2009

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225),
2 entitled, as amended, "An act relating to dogs, regulating
3 the keeping of dogs; providing for the licensing of dogs and
4 kennels; providing for the protection of dogs and the
5 detention and destruction of dogs in certain cases;
6 regulating the sale and transportation of dogs; declaring
7 dogs to be personal property and the subject of theft;
8 providing for the abandonment of animals; providing for the
9 assessment of damages done to animals; providing for payment
10 of damages by the Commonwealth in certain cases and the
11 liability of the owner or keeper of dogs for such damages;
12 imposing powers and duties on certain State and local
13 officers and employees; providing penalties; and creating a
14 Dog Law Restricted Account," further providing for spaying or
15 neutering as condition for release of certain animals; and
16 repealing certain provisions relating to sterilization of
17 dogs and cats.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 902-A of the act of December 7, 1982
21 (P.L.784, No.225), known as the Dog Law, added December 11, 1996
22 (P.L.943, No.151), is amended to read:

23 Section 902-A. Spaying or neutering as condition for release of
24 certain animals.

25 No dog or cat may be adopted by a new owner from a releasing

1 agency unless the animal has been sterilized by a licensed
2 doctor of veterinary medicine [or unless the new owner signs an
3 agreement to have the animal sterilized by or under the
4 supervision of a licensed doctor of veterinary medicine and
5 deposits funds with the releasing agency to ensure that the
6 adopted animal will be sterilized. The amount of the deposit
7 required shall be determined by each releasing agency. In no
8 event shall the required deposit be less than \$30 for a dog or
9 \$20 for a cat] of the releasing agency.

10 Section 2. Sections 903-A, 904-A, 905-A, 906-A, 907-A, 908-
11 A, 909-A, 910-A and 911-A of the act, added December 11, 1996
12 (P.L.943, No.151), are repealed:

13 [Section 903-A. Refund of deposit upon proof of sterilization.

14 The funds deposited with the releasing agency shall be
15 refunded to the new owner upon the presentation of a written
16 statement signed by a licensed doctor of veterinary medicine
17 that the subject animal has been sterilized. However, no refunds
18 shall be made unless the animal was sterilized within 60 days of
19 acquisition in the case of a mature animal or, in the case of an
20 immature animal, within 30 days of the date the animal attained
21 the age of six months.

22 Section 904-A. Rules and sterilization agreement.

23 Releasing agencies may establish any additional rules to
24 implement this article, provided that such rules are not in
25 conflict with the provisions or purpose of this article to
26 require the sterilization of all dogs and cats adopted from
27 releasing agencies. The sterilization agreement to be used by
28 releasing agencies shall be in substantially the following form:

29 STERILIZATION AGREEMENT

30 This agreement is made and entered into this day of

1 , 19 , by and between:

2 (Releasing Agency) (New Owner)

3	Name	Name
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4 Address

5	City	Telephone	City	Telephone
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6 In consideration of the adoption of this animal and in
7 further consideration of mutual obligations herein, the
8 releasing agency authorizes the adoption of the following
9 animal to the new owner:

10 (describe animal)

11 1. The releasing agency agrees to release the above-listed
12 animal into the care of the new owner and refund the new
13 owner's sterilization deposit provided that:

14 (1) The animal is sterilized by a licensed doctor of
15 veterinary medicine by (give date).

(2) A written statement signed by the licensed doctor of veterinary medicine performing the sterilization that the animal has been sterilized by the stated date is given to the releasing agency.

20 2. The new owner accepts the above-listed animal and agrees:

21 (1) To have the animal sterilized by a licensed doctor of
22 veterinary medicine by (give date).

(2) To provide written evidence to the releasing agency from the licensed doctor of veterinary medicine performing the sterilization that the animal has been sterilized by the above date listed. This agreement shall be binding upon the assigns, heirs, executors and administrators of the respective parties. The parties hereto have hereunto set their hands the day and year first above written.

30 Amount of deposit

Releasing Agency
(signature of agent)

New Owner
(signature of)

WRITTEN STATEMENT OF LICENSED DOCTOR OF
VETERINARY MEDICINE

I hereby certify that the above-described
animal has been sterilized on
(give date).

(Signature of
Licensed Doctor of Veterinary
Medicine)

Address

City State Zip

Section 905-A. Extension of time to sterilize.

Upon presentation of a written report from a licensed doctor of veterinary medicine stating that the life or health of an adopted animal may be jeopardized by sterilization, the releasing agency shall grant a 30-day extension of the period within which sterilization would otherwise be required. Further extensions shall be granted upon additional veterinary reports stating their necessity.

Section 906-A. Exemption from sterilization; refund of deposited funds.

Upon presentation of a written report from a licensed doctor of veterinary medicine stating that the adopted animal has already been sterilized or can never be sterilized due to old age or a health condition that would likely result in the death of the animal, the sterilization deposit shall be refunded.

Section 907-A. Death of adopted animal.

1 Upon request, the releasing agency shall refund deposited
2 funds to the new owner upon reasonable proof being presented to
3 the releasing agency by the new owner that the adopted animal
4 died before the expiration of the period during which the
5 sterilization was required to be completed.

6 Section 908-A. Forfeiture of deposited funds and adopted dog or
7 cat.

8 Failure of a new owner to comply with provisions of this
9 article shall result in the forfeiture of the deposited funds to
10 the releasing agency. The releasing agency may reclaim the dog
11 or cat from the new owner.

12 Section 909-A. Disposition of forfeited funds; record of
13 accounts.

14 Funds which have been forfeited by new owners shall be placed
15 in an interest-bearing account belonging to the releasing
16 agency. The releasing agency may allocate the unused funds from
17 such account to programs which directly promote, subsidize or
18 otherwise reduce the cost of sterilization of animals of the
19 releasing agency. Funds may also be used to provide for the
20 health and welfare of animals being cared for by the releasing
21 agency. The releasing agency shall maintain an accurate
22 accounting of these forfeited funds.

23 Section 910-A. Construction of article.

24 The provisions of this article shall not be construed to
25 require the sterilization of dogs and cats which are being held
26 in releasing agencies which might be claimed by their rightful
27 owners. Further, this article shall not be construed to
28 interfere with municipal ordinances or the policies and programs
29 of releasing agencies that meet or exceed the sterilization
30 requirements set forth in this article.

1 Section 911-A. Penalty.

2 Failure to comply with the provisions of this article
3 relating to the sterilization of animals constitutes a summary
4 offense.]

5 Section 3. This act shall take effect in 60 days.