



What areas of law entail spay/neuter?

- Sterilization requirements for adoption
- Differential licensing for sterilized animals
- Dangerous dog provisions
- Public housing policies
- Statewide spay/neuter funds
- TNR programs
- Impounded animals/animals running at large provisions

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How do states and localities define "sterilization?"

- 1) State definition expressly confined to surgical methods (9)
- 2) State definition expressly allows for non-surgical methods (7)
- 3) Sterilization defined as spaying or neutering (5)
- 4) State definition may allow for non-surgical methods (3)
- 5) No statewide definition (27)

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Review of Fifty States + DC

DEFINITION EXPLICITLY ALLOWS FOR ALTERNATIVES TO SURGERY

- 1 Arizona
- 2 Colorado
- 3 Delaware
- 4 Iowa
- 5 Missouri
- 6 Texas
- 7 Virginia

State definition may allow for non-surgical methods

- doesn't expressly allow or preclude

'Alteration' means a professional sterilization procedure performed by a veterinarian that renders a dog, cat, or ferret incapable of reproducing." Michigan Compiled Laws Annotated § 287.331.

Review of Fifty States + DC

- Definition may allow for non-surgical methods

DEFINITION MAY ALLOW FOR NON-SURGICAL STERILIZATION

- 1 Michigan
- 2 Nebraska
- 3 Nevada

Sterilization defined as spay/neuter

Example 1:

"Sterilization" means rendering an animal unable to reproduce, either by the spaying of a female animal or by the neutering of a male animal. (N.M. Stat. Ann. § 77-1-19).

Sterilization defined as spay/ neuter

Example 2:

"Neuter" means to render a male dog or cat unable to reproduce;

"Spay" means to remove the ovaries of a female dog or cat in order to render said animal unable to reproduce; and

"Sterilization" means to spay or neuter a dog or cat.

Oklahoma Statutes §499.1

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- Sterilization defined as spaying or neutering

STERILIZATION IS DEFINED AS SPAYING OR NEUTERING

- 1 Oklahoma
- 2 New Jersey
- 3 New Mexico
- 4 Pennsylvania

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NO STATEWIDE DEFINITION OF STERILIZATION

1 Alaska	10 Kentucky	19 North Dakota
2 Arkansas	11 Maryland	20 Ohio
3 California	12 Massachusetts	21 Oregon
4 District of Columbia	13 Minnesota	22 South Dakota
5 Florida	14 Mississippi	23 Tennessee
6 Hawaii	15 Montana	24 Washington
7 Idaho	16 New Hampshire	25 West Virginia
8 Indiana	17 New York	26 Wisconsin
9 Kansas	18 North Carolina	27 Wyoming

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ASPCA State Sterilization Requirements for Adoption



- * New Jersey is currently operating a pilot program in select counties requiring animals to be sterilized before adoption.
- 15 Surgical sterilization required prior to adoption
- 16 Sterilization required prior to adoption but not defined and/or may allow for non-surgical methods
- 17 Sterilization required prior to adoption but non-surgical sterilization is separately allowed
- 17 No statewide sterilization requirement prior to adoption

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State Sterilization Requirements for Adoption

- Many states do not define sterilization but require that animals be sterilized before adoption.
- Example: "It shall be unlawful for any pound, shelter, humane organization, or animal rescue group to release any dog or cat which has not been sterilized to a new owner" (Arkansas Code Annotated A.C.A 20-19-103.)



Model Language

"Sterilization" means the act of permanently rendering an animal incapable of reproduction. The term applies to surgical methods, including the procedures commonly referred to as spay and neuter, and nonsurgical methods and technologies approved by the United States Food and Drug Administration, the United States Department of Agriculture, or other appropriate designated federal authority.

(Colorado Revised Statutes 35-80-102)



Other Considerations

- How would nonpermanent methods fit under the law?
- Must these methods be administered by a vet?



Resources

- Cornell University Legal Information Institute, listing by state jurisdiction: <http://www.law.cornell.edu/states/listing>
- Michigan State University Animal Legal and Historical Center: <http://animallaw.info/>
- Neighborhood Cats, TNR Ordinances by State: http://www.neighborhoodcats.org/RESOURCES_ORDINANCES





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