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State Summary Report

Mandatory spay/neuter laws

Updated July 2013

This is a summary of state laws that AVMA is aware of that address spay and neuter of animals. While a number of states have proposed mandatory spay/neuter laws, there are currently no state laws requiring *all* pet owners to sterilize their animals. Rhode Island, however, has adopted legislation which requires all cats to be spayed or neutered unless (1) the caretaker has a breeding permit, (2) the cat has been adopted and the caretakers will be sterilizing the cat pursuant to an agreement with the adopting agency, or (3) due to the animal's health, a veterinarian states that it would be inappropriate.

The inability of state legislatures to pass mandatory spay/neuter legislation has not precluded city and other local governments from proposing and adopting mandatory spay/neuter ordinances.

On Feb. 26, 2008, Los Angeles County signed one of the nation's toughest laws on pet sterilization, requiring most dogs and cats to be spayed or neutered by the time they are 4 months old. The ordinance is aimed at reducing and eventually eliminating the thousands of euthanizations conducted in Los Angeles' animal shelters every year. The ordinance does exempt certain animals, including those that have competed in shows or sporting competitions, guide dogs, animals used by police agencies, and those belonging to professional breeders. The average pet owner, however, must have his or her dog or cat spayed or neutered by the time it reaches 4 months of age (or as late as 6 months with a letter from a veterinarian). Owners with older unneutered pets and newcomers to the city with animals will also be required to comply with the ordinance.

In Los Angeles, first-time offenders will receive information on subsidized sterilization services and be given an additional 60 days to comply. If they still fail to comply they could be fined \$100 and ordered to serve eight hours of community service. A subsequent offense could result in a \$500 fine or 40 hours of community

service. The ordinance brings the nation's second-largest city in line with about a dozen of its neighbors that have enacted similar laws.

In 2008, the city of Dallas, Texas also adopted a spay/neuter ordinance, which provides that all dogs and cats in the city must be spayed or neutered, with certain exceptions. This ordinance became effective on October 25, 2008. Dogs and cats exempt from the ordinance include (1) those under 6 months of age, (2) those unable to be spayed or neutered for health reasons, (3) service dogs helping disabled persons or assisting law enforcement, (4) purebred dogs or cats that compete in confirmation, obedience, and agility events, (5) those available for adoption by Dallas Animal Services or other animal welfare groups or for sale in licensed retail pet stores, and (6) those for which the owner has an Intact Animal Permit.

On November 18, 2009, the Las Vegas City Council approved, by a 5-2 vote, an ordinance which requires most pet owners to spay or neuter their cats or dogs by 4 months of age. North Las Vegas passed a similar ordinance in January 2008. The ordinance was supported by a number of local veterinarians and animal rescue groups in response to a significant increase in the number of impounded dogs and cats in the city's shelters over a three year period. Opponents of the ordinance mainly objected to the age requirement, stating that 4 months of age is too early for spaying and neutering.

Those owners and individuals with breeder, animal handler, or fancier permits, and pets qualifying for a temporary or permanent medical exemption will not be required to comply with the ordinance. Violation of the ordinance will be a misdemeanor. The ordinance will take effect on April 1, 2010, and will be reviewed annually to measure effectiveness.

While only a handful of cities have passed mandatory spay/neuter laws for pet owners, state statutes which require the sterilization of pound or shelter animals prior to release are relatively common. In addition, many city ordinances and state statutes require higher licensing fees for intact animals and mandatory sterilization for dangerous or vicious dogs.

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Missouri, Montana, New Jersey, New Mexico, New York, Nevada, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah and West Virginia all require sterilization or a promise to sterilize in order to adopt an animal from a pound, animal shelter, or pet animal rescue. Some of these states require a monetary deposit to ensure future sterilization, and the majority of the states provide for certain exceptions.

AVMA has adopted spay/neuter policies relating to population control and the age of the animal at the time of the procedure. These policies are provided below:

Policy Positions

Age of animal

http://www.avma.org/issues/policy/animal_welfare/spay_neuter.asp

Population control

http://www.avma.org/issues/policy/animal_welfare/population_control.asp

Source: Staff research, AVMA State Legislative and Regulatory Department
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