

House BILL NO. *435*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

INTRODUCED BY *Harper*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CERTAIN INFORMATION BE PROVIDED UPON THE SALE OF A CAT OR DOG BY PET SHOPS; REQUIRING THE SPAYING OR NEUTERING OF CERTAIN CATS AND DOGS THAT ARE ADOPTED FROM OR SOLD BY A HUMANE SOCIETY, ANIMAL SHELTER, OR PUBLIC ANIMAL POUND; PROVIDING A PENALTY FOR FAILURE TO SPAY OR NEUTER; AND ALLOWING COOPERATIVE AGREEMENTS TO PROVIDE SPAYING OR NEUTERING SERVICES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Sale of cat or dog -- information required. (1) Except as provided in subsection (2), the following information must be provided by any pet shop operator who makes a cat or dog available for sale:

- (a) age, sex, and weight of the animal;
- (b) breed of the animal;
- (c) a record of vaccinations and veterinary care and treatment the animal has received;
- (d) a record of surgical sterilization of the animal or notice of the lack of surgical sterilization, as applicable;
- (e) name and address of the breeder of the animal; and
- (f) name and address of any person who owned or harbored the animal between its birth and the time of sale.

(2) Subsection (1) does not apply to a cat or dog offered for sale by a humane society or publicly operated animal pound or shelter.

NEW SECTION. Section 2. Adoption of cat or dog from animal shelter or humane society -- spay or neuter required -- deposit -- penalty. (1) Except as provided in subsections (6) and (7), a humane society or animal shelter or pound may not offer for adoption, sale, or trade any cat or dog that has not been redeemed by the owner unless:

- (a) the animal has been spayed or neutered; or

1 (b) the person to whom the animal is released agrees in writing to have the animal spayed or
2 neutered and a deposit for spaying or neutering the animal has been paid. The deposit must be in an
3 amount determined by the humane society, animal shelter, or pound to be comparable to the lowest fee
4 for spaying or neutering that is charged by veterinarians in the locale.

5 (2) Upon payment of the deposit required in subsection (1), the person who is adopting the animal
6 must receive a certificate for spaying or neutering, to be presented to a licensed veterinarian, who shall
7 complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate
8 verifying that the animal has been spayed or neutered, the humane society, animal shelter, or pound shall
9 forward the deposit to the veterinarian who performed the procedure.

10 (3) The deposit must be forfeited if the spaying or neutering is not done:

11 (a) within 30 days if the cat or dog is more than 6 months old at the time of adoption; or

12 (b) by the time the animal reaches the age of 6 months if the animal is less than 6 months old at
13 the time of adoption, or within 30 days of the adoption, whichever is longer.

14 (4) A deposit forfeited pursuant to subsection (3) may be used only for the following purposes:

15 (a) a public education program designed to prevent the overpopulation of cats and dogs;

16 (b) a program to spay or neuter cats and dogs; and

17 (c) costs incurred in the enforcement of this section, including a follow-up program to ensure that
18 animals adopted, sold, or traded by the humane society, animal shelter, or pound are spayed or neutered.

19 (5) Failure to fulfill the terms of an agreement entered into pursuant to subsection (1)(b) may result
20 in:

21 (a) seizure and reimpoundment of the animal by the humane society, animal shelter, or pound; and

22 (b) at the discretion of the county attorney, filing of a misdemeanor charge punishable by a fine of
23 not more than \$500.

24 (6) The provisions of this section do not apply to an animal for which a licensed veterinarian verifies
25 in writing that spaying or neutering would be injurious to the animal's health.

26 (7) The provisions of this section do not apply to an animal adopted for breeding purposes if the
27 person adopting the animal pays an additional adoption fee of at least \$100.

28
29 **NEW SECTION. Section 3. Additional spaying or neutering requirements not precluded --**
30 **cooperative agreements.** (1) Humane societies, animal shelters, and public animal pounds may enter into

1 cooperative agreements with each other and with licensed veterinarians in carrying out the provisions of
2 [section 2].

3 (2) [Section 2] does not preclude humane societies, animal shelters, and public animal pounds from
4 engaging in activities set forth in their charters as long as the activities are not inconsistent with [section
5 2].

6 (3) Humane societies, animal shelters, and public animal pounds may establish spaying and
7 neutering requirements in addition to the requirements set out in [section 2], such as:

8 (a) shorter timeframes for compliance with spaying and neutering requirements;

9 (b) arranging an appointment for spaying or neutering with a licensed veterinarian; and

10 (c) delivering the animal to a licensed veterinarian for surgery prior to releasing the animal to the
11 adopting person.

12

13 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
14 codified as an integral part of Title 7, chapter 23, and the provisions of Title 7, chapter 23, apply to
15 [sections 1 through 3].

16

-END-

1 HOUSE BILL NO. 435

2 INTRODUCED BY HARPER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CERTAIN INFORMATION BE PROVIDED UPON
5 THE SALE OF A CAT OR DOG BY PET SHOPS, HUMANE SOCIETIES, AND ANIMAL SHELTERS; REQUIRING
6 THE SPAYING OR NEUTERING OF CERTAIN CATS AND DOGS THAT ARE ADOPTED FROM OR SOLD BY
7 A HUMANE SOCIETY, ANIMAL SHELTER, OR PUBLIC ANIMAL POUND; PROVIDING A PENALTY FOR
8 FAILURE TO SPAY OR NEUTER; AND ALLOWING COOPERATIVE AGREEMENTS TO PROVIDE SPAYING
9 OR NEUTERING SERVICES."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 NEW SECTION. Section 1. Sale of cat or dog -- information required. ~~(1) Except as provided in~~
14 ~~subsection (2), the~~ THE following information must be provided by any pet shop operator ~~who~~ OR HUMANE
15 SOCIETY OR PUBLICLY OPERATED ANIMAL SHELTER OR POUND THAT makes a cat or dog available for
16 sale:

17 ~~(a)(1)~~ age, sex, and weight of the animal;

18 ~~(b)(2)~~ breed of the animal;

19 ~~(c)(3)~~ a record of vaccinations and veterinary care and treatment the animal has received,
20 INCLUDING THE MANUFACTURER'S NAME AND THE SERIAL NUMBER OF THE VACCINATION USED;

21 ~~(d)(4)~~ a record of surgical sterilization of the animal or notice of the lack of surgical sterilization,
22 as applicable;

23 ~~(e)(5)~~ IF KNOWN, THE name and address of the breeder of the animal; ~~and~~

24 ~~(f)(6)~~ IF KNOWN, THE name and address of any person who owned or harbored the animal
25 between its birth and the time of sale; AND

26 (7) A COPY OF THE IMPORT PERMIT AND HEALTH CERTIFICATE PERTAINING TO AN ANIMAL
27 IMPORTED FROM OUTSIDE MONTANA.

28 ~~(2) Subsection (1) does not apply to a cat or dog offered for sale by a humane society or publicly~~
29 ~~operated animal pound or shelter.~~

1 **NEW SECTION. Section 2. Adoption of cat or dog from animal shelter or humane society -- spay**
2 **or neuter required -- deposit -- penalty.** (1) Except as provided in subsections (6) and (7), a humane society
3 or animal shelter or pound may not offer for adoption, sale, or trade any cat or dog that has not been
4 redeemed by the owner unless:

5 (a) the animal has been spayed or neutered; or

6 (b) the person to whom the animal is released agrees in writing to have the animal spayed or
7 neutered and a deposit for spaying or neutering the animal has been paid. The deposit must be in an
8 amount determined by the humane society, animal shelter, or pound to be comparable to the lowest fee
9 for spaying or neutering that is charged by veterinarians in the locale.

10 (2) Upon payment of the deposit required in subsection (1), the person who is adopting the animal
11 must receive a certificate for spaying or neutering, to be presented to a licensed veterinarian, who shall
12 complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate
13 verifying that the animal has been spayed or neutered, the humane society, animal shelter, or pound shall
14 forward the deposit to the veterinarian who performed the procedure.

15 (3) The deposit must be forfeited if the spaying or neutering is not done:

16 (a) within 30 days if the cat or dog is more than 6 months old at the time of adoption; or

17 (b) by the time the animal reaches the age of 6 months if the animal is less than 6 months old at
18 the time of adoption, or within 30 days of the adoption, whichever is longer.

19 (4) A deposit forfeited pursuant to subsection (3) may be used only for the following purposes:

20 (a) a public education program designed to prevent the overpopulation of cats and dogs;

21 (b) a program to spay or neuter cats and dogs; and

22 (c) costs incurred in the enforcement of this section, including a follow-up program to ensure that
23 animals adopted, sold, or traded by the humane society, animal shelter, or pound are spayed or neutered.

24 (5) Failure to fulfill the terms of an agreement entered into pursuant to subsection (1)(b) may result
25 in:

26 (a) seizure and reimpoundment of the animal by the humane society, animal shelter, or pound; and

27 (b) at the discretion of the county attorney, filing of a misdemeanor charge punishable by a fine of
28 not more than \$500.

29 (6) The provisions of this section do not apply to an animal for which a licensed veterinarian verifies
30 in writing that spaying or neutering would be injurious to the animal's health.

1 ~~(7) The provisions of this section do not apply to an animal adopted for breeding purposes if the~~
2 ~~person adopting the animal pays an additional adoption fee of at least \$100.~~

3

4 NEW SECTION. **Section 3. Additional spaying or neutering requirements not precluded --**
5 **cooperative agreements.** (1) Humane societies, animal shelters, and public animal pounds may enter into
6 cooperative agreements with each other and with licensed veterinarians in carrying out the provisions of
7 [section 2].

8 (2) [Section 2] does not preclude humane societies, animal shelters, and public animal pounds from
9 engaging in activities set forth in their charters as long as the activities are not inconsistent with [section
10 2].

11 (3) Humane societies, animal shelters, and public animal pounds may establish spaying and
12 neutering requirements in addition to the requirements set out in [section 2], such as:

- 13 (a) shorter timeframes for compliance with spaying and neutering requirements;
- 14 (b) arranging an appointment for spaying or neutering with a licensed veterinarian; and
- 15 (c) delivering the animal to a licensed veterinarian for surgery prior to releasing the animal to the
- 16 adopting person.

17

18 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
19 codified as an integral part of Title 7, chapter 23, and the provisions of Title 7, chapter 23, apply to
20 [sections 1 through 3].

21

-END-

HOUSE BILL NO. 435

INTRODUCED BY HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CERTAIN INFORMATION BE PROVIDED UPON THE SALE OF A CAT OR DOG BY PET SHOPS, HUMANE SOCIETIES, AND ANIMAL SHELTERS; REQUIRING THE SPAYING OR NEUTERING OF CERTAIN CATS AND DOGS THAT ARE ADOPTED FROM OR SOLD BY A HUMANE SOCIETY, ANIMAL SHELTER, OR PUBLIC ANIMAL POUND; PROVIDING A PENALTY FOR FAILURE TO SPAY OR NEUTER; AND ALLOWING COOPERATIVE AGREEMENTS TO PROVIDE SPAYING OR NEUTERING SERVICES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Sale of cat or dog -- information required. ~~(1) Except as provided in subsection (2), the~~ THE following information must be provided by any pet shop operator ~~who~~ OR HUMANE SOCIETY OR PUBLICLY OPERATED ANIMAL SHELTER OR POUND THAT makes a cat or dog available for sale:

~~(a)(1)~~ age, sex, and weight of the animal;

~~(b)(2)~~ breed of the animal;

~~(c)(3)~~ a record of vaccinations and veterinary care and treatment the animal has received, INCLUDING THE MANUFACTURER'S NAME AND THE SERIAL NUMBER OF THE VACCINATION USED;

~~(d)(4)~~ a record of surgical sterilization of the animal or notice of the lack of surgical sterilization, as applicable;

~~(e)(5)~~ IF KNOWN, THE name and address of the breeder of the animal; ~~and~~

~~(f)(6)~~ IF KNOWN, THE name and address of any person who owned or harbored the animal between its birth and the time of sale; AND

(7) A COPY OF THE IMPORT PERMIT AND HEALTH CERTIFICATE PERTAINING TO AN ANIMAL IMPORTED FROM OUTSIDE MONTANA.

~~(2) Subsection (1) does not apply to a cat or dog offered for sale by a humane society or publicly operated animal pound or shelter.~~

1 **NEW SECTION. Section 2. Adoption of cat or dog from animal shelter or humane society -- spay**
2 **or neuter required -- deposit -- penalty.** (1) Except as provided in subsections (6) and (7), a humane society
3 or animal shelter or pound may not offer for adoption, sale, or trade any cat or dog that has not been
4 redeemed by the owner unless:

5 (a) the animal has been spayed or neutered; or

6 (b) the person to whom the animal is released agrees in writing to have the animal spayed or
7 neutered and a deposit for spaying or neutering the animal has been paid. The deposit must be in an
8 amount determined by the humane society, animal shelter, or pound to be comparable to the lowest fee
9 for spaying or neutering that is charged by veterinarians in the locale.

10 (2) Upon payment of the deposit required in subsection (1), the person who is adopting the animal
11 must receive a certificate for spaying or neutering, to be presented to a licensed veterinarian, who shall
12 complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate
13 verifying that the animal has been spayed or neutered, the humane society, animal shelter, or pound shall
14 forward the deposit to the veterinarian who performed the procedure.

15 (3) The deposit must be forfeited if the spaying or neutering is not done:

16 (a) within 30 days if the cat or dog is more than 6 months old at the time of adoption; or

17 (b) by the time the animal reaches the age of 6 months if the animal is less than 6 months old at
18 the time of adoption, or within 30 days of the adoption, whichever is longer.

19 (4) A deposit forfeited pursuant to subsection (3) may be used only for the following purposes:

20 (a) a public education program designed to prevent the overpopulation of cats and dogs;

21 (b) a program to spay or neuter cats and dogs; and

22 (c) costs incurred in the enforcement of this section, including a follow-up program to ensure that
23 animals adopted, sold, or traded by the humane society, animal shelter, or pound are spayed or neutered.

24 (5) Failure to fulfill the terms of an agreement entered into pursuant to subsection (1)(b) may result
25 in:

26 (a) seizure and reimpoundment of the animal by the humane society, animal shelter, or pound; and

27 (b) at the discretion of the county attorney, filing of a misdemeanor charge punishable by a fine of
28 not more than \$500.

29 (6) The provisions of this section do not apply to an animal for which a licensed veterinarian verifies
30 in writing that spaying or neutering would be injurious to the animal's health.

HOUSE BILL NO. 435

INTRODUCED BY HARPER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT CERTAIN INFORMATION BE PROVIDED UPON THE SALE OF A CAT OR DOG BY PET SHOPS, HUMANE SOCIETIES, AND PUBLICLY OPERATED ANIMAL SHELTERS AND POUNDS WHEN MAKING A CAT OR DOG AVAILABLE FOR SALE OR ADOPTION; PROVIDING FOR THE RETENTION AND CONFIDENTIALITY OF CERTAIN INFORMATION; REQUIRING THE SPAYING OR NEUTERING OF CERTAIN CATS AND DOGS THAT ARE ADOPTED FROM OR SOLD BY A HUMANE SOCIETY, OR PUBLICLY OPERATED ANIMAL SHELTER, OR ~~PUBLIC ANIMAL~~ POUND; PROVIDING A PENALTY FOR FAILURE TO SPAY OR NEUTER; AND ALLOWING COOPERATIVE AGREEMENTS TO PROVIDE SPAYING OR NEUTERING SERVICES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Sale OR ADOPTION of cat or dog -- information required. (1) ~~(1)~~ Except as provided in subsection (2), the THE following information must be provided by any pet shop operator, ~~who~~ OR HUMANE SOCIETY, OR PUBLICLY OPERATED ANIMAL SHELTER OR POUND THAT makes a cat or dog available for sale OR ADOPTION:

~~(a)(1)(A)~~ age, sex, and weight of the animal;

~~(b)(2)(B)~~ breed of the animal;

~~(c)(3)(C)~~ a record of vaccinations and veterinary care and treatment the animal has received, INCLUDING, IF AVAILABLE, THE MANUFACTURER'S NAME AND THE SERIAL NUMBER OF THE VACCINATION USED; AND

~~(d)(4)(D)~~ a record of surgical sterilization of the animal or notice of the lack of surgical sterilization, as applicable;

(2) THE FOLLOWING INFORMATION MUST BE RETAINED FOR A PERIOD OF 2 YEARS AND REMAINS CONFIDENTIAL UNLESS REQUESTED PURSUANT TO AN ENFORCEMENT ACTION OR LEGAL PROCEEDING:

~~(e)(5)(A)~~ IF KNOWN, THE name and address of the breeder of the animal; ~~and~~

~~(f)(6)(B)~~ IF KNOWN, THE name and address of any person who owned or harbored the animal

1 between its birth and the time of sale OR ADOPTION; AND

2 (7)(C) A COPY OF THE IMPORT PERMIT AND HEALTH CERTIFICATE PERTAINING TO AN ANIMAL
 3 IMPORTED FROM OUTSIDE MONTANA.

4 ~~(2) Subsection (1) does not apply to a cat or dog offered for sale by a humane society or publicly~~
 5 ~~operated animal pound or shelter.~~

7 NEW SECTION. Section 2. Adoption of cat or dog from animal shelter or humane society, ANIMAL
 8 SHELTER, OR POUND -- spay or neuter required -- deposit -- penalty. (1) Except as provided in subsections
 9 (6) and (7), a humane society or PUBLICLY OPERATED animal shelter or pound may not offer for adoption,
 10 sale, or trade any cat or dog that has not been redeemed by the owner unless:

11 (a) the animal has been spayed or neutered; or

12 (b) the person to whom the animal is released agrees in writing to have the animal spayed or
 13 neutered and a deposit for spaying or neutering the animal has been paid. The deposit must be in an
 14 amount determined by the humane society, OR PUBLICLY OPERATED animal shelter, or pound to be
 15 comparable to the lowest fee for spaying or neutering that is charged by veterinarians in the locale.

16 (2) Upon payment of the deposit required in subsection (1), the person who is adopting the animal
 17 must receive a certificate for spaying or neutering, to be presented to a licensed veterinarian, who shall
 18 complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate
 19 verifying that the animal has been spayed or neutered, the humane society, OR PUBLICLY OPERATED
 20 animal shelter, or pound shall forward the deposit to the veterinarian who performed the procedure.

21 (3) The deposit must be forfeited if the spaying or neutering is not done:

22 (a) within 30 days if the cat or dog is more than 6 months old at the time of adoption; or

23 (b) by the time the animal reaches the age of 6 months if the animal is less than 6 months old at
 24 the time of adoption, or within 30 days of the adoption, whichever is longer.

25 (4) A deposit forfeited pursuant to subsection (3) may be used only for the following purposes:

26 (a) a public education program designed to prevent the overpopulation of cats and dogs;

27 (b) a program to spay or neuter cats and dogs; and

28 (c) costs incurred in the enforcement of this section, including a follow-up program to ensure that
 29 animals adopted, FROM OR sold, or traded by the humane society, OR PUBLICLY OPERATED animal
 30 shelter, or pound are spayed or neutered.

1 (5) Failure to fulfill the terms of an agreement entered into pursuant to subsection (1)(b) may result
2 in:

3 (a) seizure and reimpoundment of the animal by the humane society, OR PUBLICLY OPERATED
4 animal shelter, or pound; and

5 (b) at the discretion of the county attorney, filing of a misdemeanor charge punishable by a fine of
6 not more than \$500.

7 (6) The provisions of this section do not apply to an animal for which a licensed veterinarian verifies
8 in writing that spaying or neutering would be injurious to the animal's health.

9 ~~(7) The provisions of this section do not apply to an animal adopted for breeding purposes if the~~
10 ~~person adopting the animal pays an additional adoption fee of at least \$100.~~

11

12 NEW SECTION. **Section 3. Additional spaying or neutering requirements not precluded --**
13 **cooperative agreements.** (1) Humane societies, AND PUBLICLY OPERATED animal shelters, and ~~public~~
14 ~~animal~~ pounds may enter into cooperative agreements with each other and with licensed veterinarians in
15 carrying out the provisions of [section 2].

16 (2) [Section 2] does not preclude humane societies, AND PUBLICLY OPERATED animal shelters,
17 and ~~public animal~~ pounds from engaging in activities set forth in their charters as long as the activities are
18 not inconsistent with [section 2].

19 (3) Humane societies, AND PUBLICLY OPERATED animal shelters, and ~~public animal~~ pounds may
20 establish spaying and neutering requirements in addition to the requirements set out in [section 2], such
21 as:

22 (a) shorter timeframes for compliance with spaying and neutering requirements;

23 (b) arranging an appointment for spaying or neutering with a licensed veterinarian; and

24 (c) delivering the animal to a licensed veterinarian for surgery prior to releasing the animal to the
25 adopting person.

26

27 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
28 codified as an integral part of Title 7, chapter 23, and the provisions of Title 7, chapter 23, apply to
29 [sections 1 through 3].

30

-END-

HOUSE BILL NO. 435

INTRODUCED BY HARPER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT, ABSENT A CONFLICTING LOCAL ORDINANCE, CERTAIN INFORMATION BE PROVIDED UPON THE SALE OF A CAT OR DOG BY PET SHOPS, HUMANE SOCIETIES, AND PUBLICLY OPERATED ANIMAL SHELTERS AND POUNDS WHEN MAKING A CAT OR DOG AVAILABLE FOR SALE OR ADOPTION; PROVIDING FOR THE RETENTION AND CONFIDENTIALITY OF CERTAIN INFORMATION; REQUIRING THE SPAYING OR NEUTERING OF CERTAIN CATS AND DOGS THAT ARE ADOPTED FROM OR SOLD BY A HUMANE SOCIETY, OR PUBLICLY OPERATED ANIMAL SHELTER, OR PUBLIC ANIMAL POUND; PROVIDING A PENALTY FOR FAILURE TO SPAY OR NEUTER; AND ALLOWING COOPERATIVE AGREEMENTS TO PROVIDE SPAYING OR NEUTERING SERVICES; AND PROVIDING AN APPLICABILITY PROVISION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Sale OR ADOPTION of cat or dog -- information required. (1) (1) Except as provided in subsection (2), the THE following information must be provided by any pet shop operator, who OR HUMANE SOCIETY, OR PUBLICLY OPERATED ANIMAL SHELTER OR POUND THAT makes a cat or dog available for sale OR ADOPTION:

- (a) (1) (A) age, sex, and weight of the animal;
- (b) (2) (B) breed of the animal;
- (c) (3) (C) a record of vaccinations and veterinary care and treatment the animal has received, INCLUDING, IF AVAILABLE, THE MANUFACTURER'S NAME AND THE SERIAL NUMBER OF THE VACCINATION USED; AND
- (d) (4) (D) a record of surgical sterilization of the animal or notice of the lack of surgical sterilization, as applicable;

(2) THE FOLLOWING INFORMATION MUST BE RETAINED FOR A PERIOD OF 2 YEARS AND REMAINS CONFIDENTIAL UNLESS REQUESTED PURSUANT TO AN ENFORCEMENT ACTION OR LEGAL PROCEEDING:

- (e) (5) (A) IF KNOWN, THE name and address of the breeder of the animal; and

1 ~~(6)(B)~~ IF KNOWN, THE name and address of any person who owned or harbored the animal
2 between its birth and the time of sale OR ADOPTION; AND

3 ~~(7)(C)~~ A COPY OF THE IMPORT PERMIT AND HEALTH CERTIFICATE PERTAINING TO AN ANIMAL
4 IMPORTED FROM OUTSIDE MONTANA.

5 ~~(2) Subsection (1) does not apply to a cat or dog offered for sale by a humane society or publicly~~
6 ~~operated animal pound or shelter.~~

7

8 NEW SECTION. Section 2. Adoption of cat or dog from animal shelter or humane society, ANIMAL
9 SHELTER, OR POUND -- spay or neuter required -- deposit -- penalty -- EXCEPTIONS. (1) Except as provided
10 in subsections (6) and (7), a humane society or PUBLICLY OPERATED animal shelter or pound may not offer
11 for adoption, sale, or trade any cat or dog that has not been redeemed by the owner unless:

12 (a) the animal has been spayed or neutered; or

13 (b) the person to whom the animal is released agrees in writing to have the animal spayed or
14 neutered and a deposit for spaying or neutering the animal has been paid. The deposit must be in an
15 amount determined by the humane society, OR PUBLICLY OPERATED animal shelter, or pound to be
16 comparable to the lowest fee for spaying or neutering that is charged by veterinarians in the locale.

17 (2) Upon payment of the deposit required in subsection (1), the person who is adopting the animal
18 must receive a certificate for spaying or neutering, to be presented to a licensed veterinarian, who shall
19 complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate
20 verifying that the animal has been spayed or neutered, the humane society, OR PUBLICLY OPERATED
21 animal shelter, or pound shall forward the deposit to the veterinarian who performed the procedure.

22 (3) The deposit must be forfeited if the spaying or neutering is not done:

23 (a) within 30 days if the cat or dog is more than 6 months old at the time of adoption; or

24 (b) by the time the animal reaches the age of 6 months if the animal is less than 6 months old at
25 the time of adoption, or within 30 days of the adoption, whichever is longer.

26 (4) A deposit forfeited pursuant to subsection (3) may be used only for the following purposes:

27 (a) a public education program designed to prevent the overpopulation of cats and dogs;

28 (b) a program to spay or neuter cats and dogs; and

29 (c) costs incurred in the enforcement of this section, including a follow-up program to ensure that
30 animals adopted, FROM OR sold, or traded by the humane society, OR PUBLICLY OPERATED animal

1 shelter, or pound are spayed or neutered.

2 (5) Failure to fulfill the terms of an agreement entered into pursuant to subsection (1)(b) may result
3 in:

4 ~~(a) seizure and reimpoundment of the animal by the humane society, OR PUBLICLY OPERATED~~
5 ~~animal shelter, or pound; and~~

6 ~~(b) at the discretion of the county attorney, RESULT IN THE~~ filing of a misdemeanor charge
7 punishable by a fine of not more than \$500.

8 (6) The provisions of this section do not apply to an animal for which a licensed veterinarian verifies
9 in writing that spaying or neutering would be injurious to the animal's health.

10 ~~(7) The provisions of this section do not apply to an animal adopted for breeding purposes if the~~
11 ~~person adopting the animal pays an additional adoption fee of at least \$100.~~

12 (7) THE PROVISIONS OF THIS SECTION DO NOT APPLY WHEN A HUMANE SOCIETY OR
13 PUBLICLY OPERATED ANIMAL SHELTER OR POUND, AT ITS DISCRETION, CHOOSES TO ACCEPT AN
14 ADOPTION FEE OF NOT LESS THAN \$50 FROM A PERSON WHO WISHES TO ADOPT AN ANIMAL FOR
15 BREEDING PURPOSES.

16
17 NEW SECTION. **Section 3. Additional spaying or neutering requirements not precluded --**
18 **cooperative agreements.** (1) Humane societies, AND PUBLICLY OPERATED animal shelters, and ~~public~~
19 ~~animal~~ pounds may enter into cooperative agreements with each other and with licensed veterinarians in
20 carrying out the provisions of [section 2].

21 (2) [Section 2] does not preclude humane societies, AND PUBLICLY OPERATED animal shelters,
22 and ~~public animal~~ pounds from engaging in activities set forth in their charters as long as the activities are
23 not inconsistent with [section 2].

24 (3) Humane societies, AND PUBLICLY OPERATED animal shelters, and ~~public animal~~ pounds may
25 establish spaying and neutering requirements in addition to the requirements set out in [section 2], such
26 as:

27 (a) shorter timeframes for compliance with spaying and neutering requirements;
28 (b) arranging an appointment for spaying or neutering with a licensed veterinarian; and
29 (c) delivering the animal to a licensed veterinarian for surgery prior to releasing the animal to the
30 adopting person.

1 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 through 3] are intended to be
2 codified as an integral part of Title 7, chapter 23, and the provisions of Title 7, chapter 23, apply to
3 [sections 1 through 3].

4

5 NEW SECTION. SECTION 5. APPLICABILITY. [THIS ACT] APPLIES ONLY IF A LOCAL
6 GOVERNMENT HAS NOT ENACTED AN ORDINANCE THAT CONFLICTS WITH THE PROVISIONS OF [THIS
7 ACT].

8

-END-