State and Local Regulations: Paving the way for use of new non-surgical sterilants

How do state and local laws need to change to allow for non-surgical methods?

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

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)
State definition expressly confined to surgical methods:

Code of Alabama § 3-9-1 (4)
“Sterilization. The surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.”

State definition expressly allows for non-surgical methods

“Sterilization” means the surgical removal of the reproductive organs of a dog or cat or the use of humane nonsurgical methods and technologies approved by the Food and Drug Administration, the United States Department of Agriculture or the Environmental Protection Agency to permanently render the animal unable to reproduce.

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.

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

Review of Fifty States + DC

- Sterilization defined as spaying or neutering

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<th>NO. STATE/WESTERN DEPT. OF STERILIZATION</th>
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<td>1. Alaska</td>
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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