

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 737  
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Short Title: Dog and Cat Sterilization.

(Public)

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Sponsors: Representative Payne.

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Referred to: Basic Resources.

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March 20, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR STERILIZATION OF CATS AND DOGS ADOPTED  
3 FROM OR SOLD BY ANIMAL SHELTERS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 19A of the General Statutes is amended by adding a new  
6 Article to read:

7 **“ARTICLE 5.**

8 **“Sterilization of Cats and Dogs Adopted from or Sold by Animal Shelters.**

9 **“§ 19A-51. Definitions.**

10 Unless the context otherwise requires, the following definitions apply in this Article:

11 (1) ‘Animal Shelter’ means a facility that is used to house animals and is  
12 owned and operated by a political subdivision of the State or by an  
13 organization devoted to the welfare, protection, and humane treatment  
14 of animals.

15 (2) ‘Cat’ means a domestic cat (Felis domestica).

16 (3) ‘Dog’ means a domestic dog (Canis familiaris).

17 (4) ‘Sterilized’ means spayed, with respect to female cats and dogs, and  
18 neutered, with respect to male cats and dogs.

19 **“§ 19A-52. Sterilization required.**

20 (a) No animal shelter may sell or permit the adoption of any cat or dog in its  
21 custody that has not been sterilized unless the shelter:

22 (1) Arranges for the sterilization of the cat or dog by a licensed  
23 veterinarian; or

1           (2) Enters into a written agreement with the person who purchases or  
2 adopts the cat or dog that provides that the purchaser or adopter shall  
3 take the cat or dog to a licensed veterinarian within a stipulated period  
4 of time, not to exceed seven days after the sale or adoption, to have the  
5 cat or dog examined and to schedule a specific time for the  
6 sterilization of the cat or dog. The animal shelter shall require from  
7 the purchaser or adopter a sterilization deposit sufficient to ensure that  
8 he obtains the sterilization. Upon certification by a licensed  
9 veterinarian that the sterilization has been performed, the sterilization  
10 deposit shall be paid to the veterinarian who performed the  
11 sterilization if he has not been compensated for his services. If the  
12 veterinarian has been partially compensated, the animal shelter shall  
13 pay the veterinarian to the extent that he has not been compensated. If  
14 the sterilization deposit or any part of it is not payable to a veterinarian  
15 following the sterilization, the purchaser or adopter is entitled to a  
16 refund of any unexpended amount.

17       (b) If, within one week after the purchase or adoption, a licensed veterinarian  
18 determines that the cat or dog requires major medical treatment, the purchaser or  
19 adopter may elect to return the cat or dog and receive from the animal shelter another  
20 cat or dog or a refund of the sterilization deposit.

21       (c) Unless the animal shelter has made arrangements with one or more local  
22 veterinarians to assume responsibility for the cost of sterilizing cats or dogs sold by or  
23 adopted from the shelter and the sterilization is performed by such a veterinarian, the  
24 person purchasing or adopting the cat or dog shall be responsible for the cost of the  
25 sterilization.

26       (d) A person who fails within a reasonable time to arrange for the sterilization of  
27 an unsterilized cat or dog purchased or adopted from an animal shelter forfeits the  
28 sterilization fee and shall surrender the cat or dog to the animal shelter.

29 **"§ 19A-53. Penalties.**

30       (a) The failure of a purchaser or adopter under this Article to provide for the  
31 sterilization of an unsterilized cat or dog purchased or adopted from an animal shelter  
32 within a reasonable time after the purchase or adoption is an infraction as defined in  
33 G.S. 14-3.1.

34       (b) The failure of a purchaser or adopter under this Article to surrender a cat or  
35 dog to the animal shelter in violation of G.S. 19A-52(d) is an infraction as defined in  
36 G.S. 14-3.1.

37 **"§ 19A-54. Exception for reclaiming owners and institutions within this State**  
38 **registered under the Federal Animal Welfare Act.**

39 This Article shall not apply to owners reclaiming their cats or dogs from animal  
40 shelters or to institutions to which animal shelters may sell cats and dogs under the  
41 provisions of G.S. 130A-192."

42           Sec. 2. This act shall become effective January 1, 1990.