

FILED

2005 APR 20 P 4: 07

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2005



ENROLLED

House Bill No. 2078

(By Delegate Caputo)



Passed April 7, 2005

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 2078

(BY DELEGATE CAPUTO)

[Passed April 7, 2005; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-20B-1, §19-20B-2, §19-20B-3, §19-20B-4, §19-20B-5 and §19-20B-6, all relating to requiring the spaying or neutering of dogs and cats adopted by shelters; requiring all shelters to require that dogs or cats adopted be spayed or neutered; establishing time-frames for spaying or neutering; requiring a deposit for adoptions in which the dog or cat has not yet been spayed or neutered upon adoption; providing for return of deposit upon proof of spaying or neutering; providing for use of deposit upon failure to reclaim deposit; allowing agency to petition for return of any dog or cat not timely neutered or spayed; and establishing penalties for noncompliance.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §19-20B-1, §19-20B-2, §19-20B-3, §19-20B-4, §19-20B-5 and §19-20B-6, all to read as follows:

ARTICLE 20B. SPAYING OR NEUTERING OF DOGS AND CATS.

§19-20B-1. Short title.

1 This article may be cited as the “West Virginia
2 Spay/Neuter Act.”

§19-20B-2. Requirement for adoption.

1 (a) No person may adopt a dog or cat from an agency,
2 including, but not limited to, an animal shelter, animal control
3 agency or humane shelter operated by a municipality, county,
4 or other governmental agency within the state, or a private
5 organization operating a shelter from which animals are
6 adopted or reclaimed, unless:

7 (1) The dog or cat has already been spayed or neutered;

8 (2) The dog or cat has been spayed or neutered by a
9 licensed veterinarian while in the custody of the agency; or

10 (3) The new owner signs a written agreement with the
11 agency stating that the new owner will have the dog or cat
12 spayed or neutered by a licensed veterinarian:

13 (A) Within thirty days of the date of the adoption, if the dog
14 or cat is sexually mature; or

15 (B) Within thirty days after the dog or cat reaches six
16 months of age, if the dog or cat is not sexually mature at the
17 time of the adoption.

18 (b) Any agency as set forth in subsection (a) of this section
19 which has written policy of not permitting the adopted dog or
20 cat from being released from the custody of the agency to the
21 new owner until the dog or cat has been spayed or neutered,
22 does not have to comply with the provisions of subdivision (3),
23 subsection (a) of this section.

24 (c) Nothing in this section precludes the spaying or neuter-
25 ing of a sexually immature dog or cat at the discretion of a
26 licensed veterinarian with the consent of the new owner.

§19-20B-3. Deposit.

1 (a) If the dog or cat being adopted has not been spayed or
2 neutered, the agency may require a deposit of not more than
3 fifty dollars from the new owner prior to the adoption to ensure
4 that the dog or cat is spayed or neutered. The new owner shall
5 receive a refund of the deposit from the agency upon providing
6 confirmation of the spaying or neutering.

7 (b) If the new owner fails to have the dog or cat spayed or
8 neutered within the time frame established in section two of this
9 article, or if the spaying or neutering is timely performed, but
10 the new owner fails to request the return of the deposit within
11 an additional thirty days after the date by which the spaying or
12 neutering is required to be performed, the deposit shall be
13 forfeited to the agency holding the deposit and shall be used by
14 the agency to conduct programs to spay or neuter dogs and cats
15 or to conduct educational programs in support of the spaying
16 and neutering of dogs and cats.

§19-20B-4. Petition for compliance.

1 If a person fails to comply with the provisions of this
2 article, the agency may file a petition with a court of competent
3 jurisdiction seeking compliance or requesting return of the dog
4 or cat to the agency from which it was adopted.

§19-20B-5. Penalty.

1 A person failing to have a dog or cat spayed or neutered
2 within the time frame established in section two of this article
3 is guilty of a misdemeanor and, upon conviction thereof, shall

4 be fined not less than one hundred fifty dollars nor more than
5 two hundred fifty dollars.

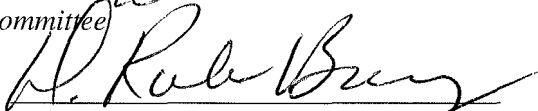
§19-20B-6. Dogs or cats claimed by owner.

1 Nothing in this article authorizes an agency to spay or
2 neuter a dog or cat if the dog or cat is claimed by and returned
3 to its lawful owner within five days of being taken into custody
4 by the agency.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



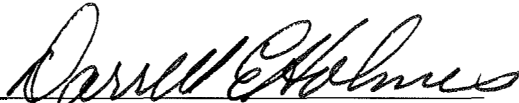
Chairman Senate Committee



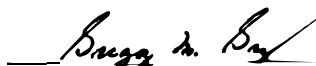
Chairman House Committee

Originating in the House.

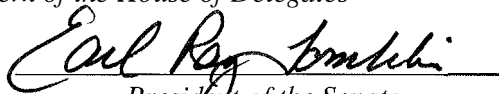
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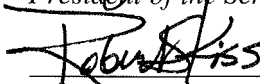
Clerk of the Senate



Clerk of the House of Delegates

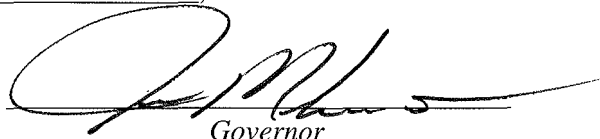


President of the Senate



Speaker of the House of Delegates

The within is approved this the 20th
day of April, 2005.



Governor

PRESENTED TO THE
GOVERNOR

APR 14 2005

Time 3:10 pm