Chapter 207

House Bill 2626

An Act

Amending Title 9, Chapter 4, Article 8, Arizona Revised Statutes, by adding Section 9-500.48; Amending Sections 11-1013, 11-1014, 11-1021 and 11-1029, Arizona Revised Statutes; Amending Title 32, Chapter 21, Article 3, Arizona Revised Statutes, by adding Section 32-2239.02; Amending Title 32, Chapter 21, Article 8, Arizona Revised Statutes, by adding Section 32-2297; Amending Title 44, Arizona Revised Statutes, by adding Chapter 40; relating to animal control.

(Text of bill begins on next page)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is amended by adding section 9-500.48, to read:

9-500.48. Deceased cats and dogs

A CITY OR TOWN SHALL REQUIRE AN EMPLOYEE OR A CONTRACTOR OR SUBCONTRACTOR THAT HAS CONTRACTED WITH THE CITY OR TOWN TO REMOVE DECEASED CATS AND DOGS FROM A PUBLIC PLACE TO THOROUGHLY SCAN THE CAT OR DOG FOR THE PRESENCE OF A MICROCHIP AND MAKE A REASONABLE EFFORT TO CONTACT THE OWNER BEFORE DISPOSING OF THE CAT OR DOG IF THE DISPOSAL WILL BE AT A LANDFILL.

Sec. 2. Section 11-1013, Arizona Revised Statutes, is amended to read:

11-1013. Establishment of county pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees

A. The board of supervisors in each county may provide or authorize a county pound or pounds or enter into a cooperative agreement with a city OR TOWN, a veterinarian or an Arizona incorporated humane society for the establishment TO ESTABLISH and operation OF OPERATE a county pound.

B. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

C. ALL DOGS AND CATS IMPOUNDED AT A COUNTY POUND OR AT A CITY OR TOWN FACILITY, A VETERINARIAN OR AN ARIZONA INCORPORATED HUMANE SOCIETY THAT HAS ENTERED INTO A COOPERATIVE AGREEMENT WITH A COUNTY PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE THOROUGHLY SCANNED FOR THE PRESENCE OF A MICROCHIP ON BEING IMPOUNDED AND A REASONABLE EFFORT SHALL BE MADE TO CONTACT THE OWNER.

D. ALL DECEASED DOGS AND CATS FOUND IN A PUBLIC PLACE AND BROUGHT TO A COUNTY POUND OR TO A CITY OR TOWN FACILITY, A VETERINARIAN OR AN ARIZONA INCORPORATED HUMANE SOCIETY THAT HAS ENTERED INTO A COOPERATIVE AGREEMENT WITH A COUNTY PURSUANT TO SUBSECTION A OF THIS SECTION SHALL BE SCANNED FOR THE PRESENCE OF A MICROCHIP AND A REASONABLE EFFORT SHALL BE MADE TO CONTACT THE OWNER.

E. Each stray dog or any cat impounded and not eligible for a sterilization program shall be kept and maintained at the county pound for a minimum of seventy-two hours or one hundred twenty hours for an animal that is impounded with a microchip or wearing a license or any other discernible form of owner identification, unless claimed or surrendered by its owner. Any person may purchase a dog or cat on expiration of the impoundment period, if the person pays all pound fees established by the county board of supervisors and complies with the licensing and vaccinating provisions of this article. If the dog or cat is to be used for medical research, a license or vaccination is not required. Any impounded cat that is eligible for a sterilization program and that will
be returned to the vicinity where the cat was originally captured may be
exempted from the mandatory holding period required by this subsection.
For the purposes of this subsection, “eligible” means a cat that is living
outdoors, lacks discernible identification, is of sound health and
possesses its claws.

D. F. Any impounded licensed dog or any cat may be reclaimed by
its owner or the owner’s agent provided that IF the person reclaiming the
dog or cat furnishes proof of the person’s right to do so and pays all
pound fees established by the board of supervisors. Any person purchasing
a dog or cat shall pay all pound fees established by the board of
supervisors.

E. G. If the dog or cat is not reclaimed within the impoundment
period, the county enforcement agent shall take possession of and may
place the dog or cat for sale or may dispose of the dog or cat in a humane
manner. The county enforcement agent may destroy euthanize impounded sick
or injured dogs or cats if destruction is necessary to prevent the dog or
cat from suffering or to prevent the spread of disease.

Sec. 3. Section 11-1014, Arizona Revised Statutes, is amended to
read:

11-1014. Biting animals; reporting; handling and euthanasia;
exception

A. An unvaccinated dog or cat that bites any person shall be
confined and quarantined in a county pound or, on request of and at the
expense of the owner, at a veterinary hospital for a period of not less
than AT LEAST ten days. The quarantine period shall start on the day of
the bite incident. If the day of the bite is not known, the quarantine
period shall start on the first day of impoundment. A dog properly
vaccinated pursuant to this article that bites any person may be confined
and quarantined at the home of the owner or wherever the dog is harbored
and maintained with the consent of and in a manner prescribed by the
county enforcement agent.

B. A dog or cat that is impounded as the result of biting any
person shall not be released from the pound to its owner unless one of the
following applies:

1. The dog has a current dog license pursuant to section 11-1008 at
the time the dog entered the pound.

2. The dog or cat has been previously spayed or neutered before
impound or has been spayed or neutered and implanted with a microchip
before release from the pound.

3. There is no veterinary facility capable of performing surgical
sterilization within a twenty mile radius of the pound.

4. A veterinarian determines that a medical contraindication for
surgery exists that reasonably requires postponement of the surgery until
the surgery can be performed in a safe and humane manner.
5. The bite occurred in the premises of the owner and the victim is a member of the same household.

6. The owner pays a **fifty-dollar $50** recovery fee, in addition to any fees or costs otherwise required pursuant to this article.

C. Any domestic animal, other than a dog, a cat or a caged or pet rodent or rabbit, that bites any person shall be confined and quarantined in a county pound or, on the request and at the expense of the owner, at a veterinary hospital for a period of **not less than AT LEAST** fourteen days. Livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona department of agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested.

D. With the exception of a wild rodent or rabbit, any wild animal that bites any person or directly exposes any person to its saliva may be killed and submitted to the county enforcement agent or the agent's deputies for transport to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determined by the department of health services.

E. If an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.

F. The county enforcement agent may destroy EUTHANIZE any animal confined and quarantined pursuant to this section before the termination of the minimum confinement period for laboratory examination for rabies if:

1. The animal shows clear clinical signs of rabies.
2. The animal's owner consents to its destruction THE EUTHANASIA.

G. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

H. The county enforcement agent shall destroy EUTHANIZE a vicious animal by order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue an order to destroy EUTHANIZE a vicious animal after notice to the owner, if any, and the person who was bitten, and a hearing. The justice of the peace or city magistrate may impose additional procedures and processes to protect all parties in the interest of justice, and any decision by the justice of the peace or magistrate may be appealed to the superior court.

I. The owner of a vicious animal shall be responsible for any fees incurred by the enforcement agent for the impounding, sheltering and disposing of the vicious animal.

J. This section does not apply to a dog that is used by any federal, state, county, city or town law enforcement agency and that bites any person if the bite occurs while the dog is under proper law
enforcement supervision and the care of a licensed veterinarian, except
that the law enforcement agency shall notify the county enforcement agent
if the dog exhibits any abnormal behavior and make the dog available for
examination at any reasonable time.

Sec. 4. Section 11-1021, Arizona Revised Statutes, is amended to
read:

11-1021. Proper care, maintenance and euthanasia of impounded
animals
A. Any animal impounded in a county, city or town pound shall be
given proper and humane care and maintenance.

B. Any animal destroyed EUTHANIZED while impounded in a county,
city or town pound shall be destroyed EUTHANIZED only by the use of sodium
pentobarbital or a derivative of sodium pentobarbital.

C. If an animal is destroyed EUTHANIZED by means specified in
subsection B of this section, it shall be done by a licensed veterinarian
or in accordance with procedures established by the state veterinarian
pursuant to section 3-1213.

D. The governing body of any county, city or town that operates a
pound shall establish procedures for the humane destruction of impounded
animals by the methods described in subsections B and C of this section.

Sec. 5. Section 11-1029, Arizona Revised Statutes, is amended to
read:

11-1029. Hearing on disposition of vicious animals;
forfeiture; exception
A. A peace officer, county enforcement agent or animal control
officer who has impounded an animal pursuant to section 11-1014, on a
showing of probable cause that the animal is vicious or may be a danger to
the safety of any person or other animal, may request a disposition
hearing before a justice of the peace or city magistrate to determine
whether the animal is vicious. The hearing shall be set within fifteen
business days after the request has been filed.

B. The officer or agent who has requested a hearing under
subsection A of this section shall serve the order on the owner of the
animal either by personal service on the owner or by leaving a copy of the
order with a person of suitable discretion at the owner's residence or
place of business. Proof of service shall be filed with the court. If
the justice of the peace or city magistrate determines that the animal is
vicious, the justice of the peace or city magistrate may order that the
animal be forfeited to the officer or agent for transfer to a legally
incorporated humane society, county animal shelter or approved rescue
agency or be humanely destroyed EUTHANIZED. The owner shall pay impound
fees and any other costs for boarding or necessary veterinary care. If
the justice of the peace or city magistrate determines that the animal is
not vicious, the justice of the peace or city magistrate may order the
animal returned to the owner, except that if the owner fails to appear at
the hearing, the justice of the peace or city magistrate may order that
the animal be forfeited to the officer or agent for transfer to a legally
incorporated humane society, county animal shelter or approved rescue
agency and be made available for adoption or humane destruction
EUTHANASIA.

C. This section does not apply to the seizure of an equine
pursuant to section 3-1721 or to a city, town or county that adopts or has
adopted an ordinance or resolution providing for the forfeiture of
a vicious animal if the ordinance or resolution imposes
requirements that are equal to or more stringent than this section.

Sec. 6. Title 32, chapter 21, article 3, Arizona Revised Statutes,
is amended by adding section 32-2239.02, to read:

32-2239.02. Duty of veterinarian to scan for presence of
microchip; owner notification

FOR ALL STRAY DOGS AND CATS BROUGHT TO A VETERINARY PREMISES, THE
VETERINARIAN SHALL THOROUGHLY SCAN FOR THE PRESENCE OF A MICROCHIP AND
MAKE A REASONABLE EFFORT TO CONTACT THE OWNER.

Sec. 7. Title 32, chapter 21, article 8, Arizona Revised Statutes,
is amended by adding section 32-2297, to read:

32-2297. Duty of animal crematory licensee to scan for
presence of microchip; exception

FOR ALL DOGS AND CATS BROUGHT TO A CREMATORY BY A PERSON OTHER THAN
THE DOG'S OR CAT'S OWNER, THE CREMATORY LICENSEE SHALL THOROUGHLY SCAN FOR
THE PRESENCE OF A MICROCHIP AND MAKE A REASONABLE EFFORT TO CONTACT THE
OWNER, UNLESS THERE IS A WRITTEN OR ELECTRONIC RECORD THAT THE DOG OR CAT
HAS BEEN THOROUGHLY SCANNED FOR THE PRESENCE OF A MICROCHIP AND A
REASONABLE EFFORT HAS BEEN MADE TO CONTACT THE OWNER.

Sec. 8. Title 44, Arizona Revised Statutes, is amended by adding
chapter 40, to read:

CHAPTER 40
ANIMAL SHELTERS

ARTICLE 1. GENERAL PROVISIONS

44-8021. Dog or cat possession; microchip scan; definition
A. WHEN TAKING POSSESSION OF A DOG OR CAT, AN ANIMAL SHELTER SHALL
THOROUGHLY SCAN FOR THE PRESENCE OF A MICROCHIP IN THE DOG OR CAT AND
SHALL MAKE A REASONABLE EFFORT TO CONTACT THE OWNER.
B. FOR PURPOSES OF THIS SECTION, "ANIMAL SHELTER" HAS THE SAME
MEANING PRESCRIBED IN SECTION 11-1022.

APPROVED BY THE GOVERNOR APRIL 29, 2022.