

REFERENCE TITLE: animal handling; microchip scan

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

## HB 2626

Introduced by  
Representatives Kavanagh: Shah

### 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, 11-1029, 32-2232 AND 32-2294, ARIZONA REVISED STATUTES; AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 40; RELATING TO ANIMAL CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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

4 9-500.48. Deceased cats and dogs

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

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

13 11-1013. Establishment of county pounds; impounding and  
14 disposing of dogs and cats; reclaiming impounded  
15 dogs and cats; pound fees

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

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

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

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

34 ~~E.~~ E. Each stray dog or any cat impounded and not eligible for a  
35 sterilization program shall be kept and maintained at the county pound for  
36 a minimum of seventy-two hours or one hundred twenty hours for an animal  
37 that is impounded with a microchip or wearing a license or any other  
38 discernible form of owner identification, unless claimed or surrendered by  
39 its owner. Any person may purchase a dog or cat on expiration of the  
40 impoundment period, if the person pays all pound fees established by the  
41 county board of supervisors and complies with the licensing and  
42 vaccinating provisions of this article. If the dog or cat is to be used  
43 for medical research, a license or vaccination is not required. Any  
44 impounded cat that is eligible for a sterilization program and that will

1 be returned to the vicinity where the cat was originally captured may be  
 2 exempted from the mandatory holding period required by this subsection.  
 3 For the purposes of this subsection, "eligible" means a cat that is living  
 4 outdoors, lacks discernible identification, is of sound health and  
 5 possesses its claws.

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

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

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

20 11-1014. Biting animals; reporting; handling and euthanasia;  
 21 exception

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

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

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

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

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

42 4. A veterinarian determines that a medical contraindication for  
 43 surgery exists that reasonably requires postponement of the surgery until  
 44 the surgery can be performed in a safe and humane manner.

1           5. The bite occurred in the premises of the owner and the victim is  
2 a member of the same household.

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

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

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

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

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

27           1. The animal shows clear clinical signs of rabies.

28           2. The animal's owner consents to ~~its destruction~~ THE EUTHANASIA.

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

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

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

42           J. This section does not apply to a dog that is used by any  
43 federal, state, county, city or town law enforcement agency and that bites  
44 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

1 animal returned to the owner, except that if the owner fails to appear at  
2 the hearing, the justice of the peace or city magistrate may order that  
3 the animal be forfeited to the officer or agent for transfer to a legally  
4 incorporated humane society, county animal shelter or approved rescue  
5 agency and be made available for adoption or humane ~~destruction~~  
6 EUTHANASIA.

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

12 Sec. 6. Section 32-2232, Arizona Revised Statutes, is amended to  
13 read:

14 32-2232. Unprofessional or dishonorable conduct

15 As used in this chapter, unprofessional or dishonorable conduct  
16 includes:

17 1. The fraudulent use of any certificate or other official form  
18 used in practice that would increase the hazard of dissemination of  
19 disease, the transportation of diseased animals or the sale of inedible  
20 food products of animal origin for human consumption.

21 2. Inadequate methods in violation of meat inspection procedures  
22 prescribed by the federal government and Arizona meat inspection laws or  
23 wilful neglect or misrepresentation in the inspection of meat.

24 3. Misrepresentation of services rendered.

25 4. Failure to report, or the negligent handling of, the serious  
26 epidemic diseases of animals, such as anthrax, rabies, glanders,  
27 brucellosis, tuberculosis, foot and mouth disease, hog cholera, and other  
28 communicable diseases known to medical science as being a menace to human  
29 or animal health.

30 5. The dispensing or giving to anyone of live culture or attenuated  
31 live virus vaccines to be administered by a layman without providing  
32 instruction as to their administration and use.

33 6. Having professional connection with, or lending one's name to,  
34 any illegal practitioner of veterinary medicine and the various branches  
35 thereof OF VETERINARY MEDICINE.

36 7. Chronic inebriety or unlawful use of narcotics, dangerous drugs  
37 or controlled substances.

38 8. Fraud or dishonesty in applying or reporting on any test or  
39 vaccination for disease in animals.

40 9. False, deceptive or misleading advertising, having for its  
41 purpose or intent deception or fraud.

42 10. Conviction of a crime involving moral turpitude, or conviction  
43 of a felony.

1           11. Malpractice, gross incompetence or gross negligence in the  
2 practice of veterinary medicine.

3           12. Violation of the ethics of the profession as defined by rules  
4 adopted by the board.

5           13. Fraud or misrepresentation in procuring a license.

6           14. Knowingly signing a false affidavit.

7           15. Distribution of narcotics, dangerous drugs, prescription-only  
8 drugs or controlled substances for other than legitimate purposes.

9           16. Violation of or failure to comply with any state or federal  
10 laws or regulations relating to the storing, labeling, prescribing or  
11 dispensing of controlled substances or prescription-only drugs as defined  
12 in section 32-1901.

13           17. Offering, delivering, receiving or accepting any rebate,  
14 refund, commission, preference, patronage, dividend, discount or other  
15 consideration, whether in the form of money or otherwise, as compensation  
16 or inducement for referring animals or services to any person.

17           18. Violating or attempting to violate, directly or indirectly, or  
18 assisting or abetting the violation or conspiracy to violate ~~any of the~~  
19 ~~provisions of~~ this chapter, a rule adopted by the board or a written order  
20 of the board.

21           19. Failing to dispense drugs and devices in compliance with  
22 article 7 of this chapter.

23           20. Performing veterinary services without adequate equipment and  
24 sanitation considering the type of veterinary services provided.

25           21. Failure to maintain adequate records of veterinary services  
26 provided.

27           22. Medical incompetence in the practice of veterinary medicine.

28           23. Cruelty to or neglect of animals. For the purposes of this  
29 paragraph, "cruelty to or neglect of animals" means knowingly or  
30 negligently torturing, beating or mutilating an animal, killing an animal  
31 in an inhumane manner or depriving an animal of necessary food, water or  
32 shelter.

33           24. Representing that the veterinarian is a specialist if the  
34 veterinarian lacks the credentials to be a specialist.

35           25. Performing veterinary services without having a valid  
36 veterinarian client patient relationship.

37           26. Releasing, prescribing or dispensing any prescription drugs in  
38 the absence of a valid veterinarian client patient relationship.

39           27. **FAILING TO THOROUGHLY SCAN FOR THE PRESENCE OF A MICROCHIP AND**  
40 **MAKE A REASONABLE EFFORT TO CONTACT THE OWNER FOR ALL STRAY DOGS AND CATS**  
41 **BROUGHT TO A VETERINARY PREMISES.**

1           Sec. 7. Section 32-2294, Arizona Revised Statutes, is amended to  
2 read:

3           32-2294. Grounds for refusal to issue or renew license or for  
4 disciplinary action; procedure; civil penalty

5           A. The board may take disciplinary action against the animal  
6 crematory, including revoking, suspending, refusing to issue or refusing  
7 to renew an animal crematory license for any of the following grounds:

8           1. Failure to notify the board in writing within twenty days after  
9 a change of the person who owns the animal crematory or the person  
10 responsible for ~~the operation of~~ OPERATING the animal crematory.

11           2. Failure to maintain clean and sanitary facilities for ~~the~~  
12 ~~performance of~~ PERFORMING services in accordance with the rules adopted by  
13 the board.

14           3. Failure to keep written records of all animals receiving  
15 crematory services, failure to provide a summary of the records on request  
16 to the client or failure to produce the records at the request of the  
17 board.

18           4. Failure to maintain a current animal crematory license to  
19 provide crematory services to the public at a fixed location.

20           5. FAILURE TO THOROUGHLY SCAN FOR THE PRESENCE OF A MICROCHIP AND  
21 MAKE A REASONABLE EFFORT TO CONTACT THE OWNER FOR ALL STRAY DOGS AND CATS  
22 BROUGHT TO THE ANIMAL CREMATORY BEFORE CREMATION.

23           B. If the board receives information indicating that disciplinary  
24 action should be taken against an animal crematory license and if it  
25 appears after investigation that the information may be true, the board  
26 may issue a notice of formal hearing or the board may hold an informal  
27 interview. If the results of the informal interview indicate suspension  
28 or revocation of the animal crematory license or other action may be in  
29 order, the board shall issue a notice of formal hearing and proceed  
30 pursuant to title 41, chapter 6, article 10. If the informal interview  
31 and other evidence indicate that disciplinary action should be taken other  
32 than suspension or revocation, the board may take any one or a combination  
33 of the following actions:

34           1. Issue a decree of censure.

35           2. Fix such period and terms of probation as are best adapted to  
36 protect the public and rehabilitate or educate the animal crematory  
37 licensee. The terms of probation may include temporary suspension not to  
38 exceed thirty days. The failure to comply with any term of the probation  
39 is cause to consider the entire case and any other alleged violations of  
40 this chapter at a formal hearing pursuant to title 41, chapter 6,  
41 article 10.

42           3. Impose a civil penalty of not more than ~~one thousand dollars~~  
43 \$1,000 for each violation. The total penalty shall not exceed ~~five~~  
44 ~~thousand dollars~~ \$5,000.



1 C. Before a license may be revoked or suspended for any cause  
2 provided by subsection A OF THIS SECTION, the board shall serve notice and  
3 conduct a hearing in the manner prescribed by title 41, chapter 6,  
4 article 10.

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

7 CHAPTER 40

8 ANIMAL SHELTERS

9 ARTICLE 1. GENERAL PROVISIONS

10 44-8021. Dog or cat possession; microchip scan; definition

11 A. WHEN TAKING POSSESSION OF A DOG OR CAT, AN ANIMAL SHELTER SHALL  
12 THOROUGHLY SCAN FOR THE PRESENCE OF A MICROCHIP IN THE DOG OR CAT AND  
13 SHALL MAKE A REASONABLE EFFORT TO CONTACT THE OWNER.

14 B. FOR PURPOSES OF THIS SECTION, "ANIMAL SHELTER" HAS THE SAME  
15 MEANING PRESCRIBED IN SECTION 11-1022.