

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

1 enforcement supervision and the care of a licensed veterinarian, except
2 that the law enforcement agency shall notify the county enforcement agent
3 if the dog exhibits any abnormal behavior and make the dog available for
4 examination at any reasonable time.

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

7 11-1021. Proper care, maintenance and euthanasia of impounded
8 animals

9 A. Any animal impounded in a county, city or town pound shall be
10 given proper and humane care and maintenance.

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

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

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

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

23 11-1029. Hearing on disposition of vicious animals;
24 forfeiture; exception

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

32 B. The officer or agent who has requested a hearing under
33 subsection A of this section shall serve the order on the owner of the
34 animal either by personal service on the owner or by leaving a copy of the
35 order with a person of suitable discretion at the owner's residence or
36 place of business. Proof of service shall be filed with the court. If
37 the justice of the peace or city magistrate determines that the animal is
38 vicious, the justice of the peace or city magistrate may order that the
39 animal be forfeited to the officer or agent for transfer to a legally
40 incorporated humane society, county animal shelter or approved rescue
41 agency or be humanely ~~destroyed~~ EUTHANIZED. The owner shall pay impound
42 fees and any other costs for boarding or necessary veterinary care. If
43 the justice of the peace or city magistrate determines that the animal is
44 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~~ 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.

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

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.