

## **FAILURE OF MANDATORY SPAY/NEUTER AND BREEDER LICENSING LAWS**

Mandatory spay/neuter (MSN) laws are promoted by groups who claim it will end euthanasia of animals. These groups claim that breeders and pet shops are to blame for animal abandonment. These groups promote the animal rights agenda. As the end goal of animal rights is to abolish breeding of companion animals, they need to draw a straight line between breeding and euthanasia, whether or not the logic used to make a case is flawed or the information presented is inaccurate.

### **Summary Points:**

- There is no national “overpopulation crisis” of animals. Nationally numbers of animals euthanized at shelters is at an all time low. Some areas are forced to import animals to fill their shelters even though some states and localities have a surplus.
- Areas which have passed this type of legislation have failed to see success in lessening animal abandonment
- Costs for animal control have greatly increased in areas that pass this type of legislation
- MSN and breeder licensing punishes responsible pet owners and breeders while ignoring irresponsible animal owners
- MSN and breeder licensing are tactics of the animal rights movement to end breeding of animals and pet ownership
- MSN and breeder licensing negatively impacts feral or stray cat caretakers
- MSN will have little or no impact on claims of public health and safety problems caused by unwanted animals which can be better dealt with by enforcing existing laws
- MSN punishes low income families who can’t afford spay/neuter to begin with. This is a reason why low cost spay/neuter programs are much more effective.
- Breeding restriction legislation is an inefficient use of government resources
- MSN and breeder licensing fail to address the problem of pet retention. It is undisputable that the number one reason for owner surrender is related to pet behavior or health problems, or the owner’s lack of time or ability to care for the pet.
- The emphasis must be placed on pet retention if animal control and shelter intake is to be lowered. Those pets relinquished had an owner who chose not to keep them.
- Spay/Neuter is an important medical decision that should be made for each individual pet only after careful consultation with the pet’s veterinarian, instead of mandated at a fixed age by the government.

## EXAMPLES OF FAILED LEGISLATION

San Mateo County, CA ordinance passed in 1991.

- The ordinance requires spay/neuter of all dogs and cats in the unincorporated parts of the county unless the owner obtains an unaltered license or breeder's permit. Chap. 8.02.090, Sec. 3332.4 (a) If an unaltered animal breeds accidentally, the owner must obtain a breeder's permit. The license fee for unaltered animals is nearly twice that of spay/neutered cats and dogs. Any owner redeeming impounded unaltered animals must pay an additional fee. This fee is refunded if the animal is spayed or neutered within 30 days. Any unaltered animal impounded twice or more within a 3-year period will be altered at the guardian's expense prior to redemption. Chap. 8.02, Sec. 3330.8 Penalties for violation include fines of up to \$100 on the first offense, \$200 on the second offense, and \$500 for each additional violation of the same ordinance within one year.

- After the effective date of the ordinance, dog deaths in the areas governed by the ordinance, increased 126% and cats 86% while licenses declined by 35%. For the county as a whole dog deaths decreased 5% and cats 16% in 1993; in 1994 dog deaths declined 12% and cats 17%. From 1991-1994 there were no cat breeder permits and 50 permits for dog breeders, eight of which were renewals. In addition, licenses dropped dramatically. For 1998-99, the number dropped to 36,023, a dramatic decline from the 48,000-51,000 range of the previous two decades.

Los Angeles (city), California ordinance passed in 2000.

- requires the spay/neuter of all dogs and cats unless the owner has obtained a \$100. annual unaltered animal or breeder's permit. Sec. 53.15.2 For any dogs that breed, the owner must obtain a \$100 annual breeder's permit for each animal which allows 1 litter. A second litter during the annual permit period may be permissible "to protect the health of the animal[,] avert a substantial economic loss to the permittee" or "if the first litter was euthanized". A breeder must register all dogs bred for sale and disclose their name and permit number in any ad and on any sale documents. The city also tracks the identity of subsequent owners of the animals sold by breeders. There is a \$91.50 license fee for unaltered dogs and a \$6.50 charge for animals that have been spayed/neutered. Sec. 53.15.3 Violators are subject to fines of up to \$500.00.

- Since the passage of this 2000 "spay or pay" Los Angeles ordinance, there has been a decline in dog licensing compliance. The animal control budget after passage of the law rose 269%., from \$6.7 million to \$18 million. The city hired additional animal control officers and bought new trucks and equipment just to enforce the new law.

Montgomery County, MD the mandatory spay/neuter law was repealed.

- When the law was enacted, it was estimated that 550 breeding permits would be issued per year. In reality only an average of 30 permits were issued per year. There was an estimated 50% decline in licensing compliance.

- Although the euthanasia rate declined 21.5% after the ordinance was passed, it had declined 34% prior to enactment of the law. The Office of Legislative Oversight recommended in its 1997 report that the county eliminate the new breeder permit system and return to their former license fee structure. Under the current ordinance, Montgomery County

requires a 3 year \$75 license for unaltered animals and an annual \$25 license for those that have been spayed/neutered; there are discounts for low income applicants for the license for a spayed neutered animal. Secs. 05.00.01.01, 05.401.01.02

Fort Worth, TX ended its mandatory spay/neuter program.

- licensing compliance fell off after passage of the ordinance. As a result there was a reduction in rabies vaccinations which lead to an increase in rabies in the city.

Camden County, NJ ordinance passed in 1996

- mandatory spay/neuter ordinance required a \$500 permit fee to possess an intact dog or cat. In 2000 it was changed to \$10, because of there were so few requests for it. But then again in 2001 the permit fee was again raised to \$100, its current rate. As for the euthanasia rates since the effective date of the ordinance, the PAWS NJ website comments, "An analysis of these statistics shows the Humane Society of Southern NJ which operates the Camden County Animal Shelter, to be consistently one of the leading, if not the leading killers of animals in the state of New Jersey." The report covers 1998-2001, well after the effective date of the mandatory spay neuter ordinance. The site's report on the top 50 New Jersey animal shelters reveals some in Camden County have significantly lower euthanasia rates than others in the state, but at least 2 had the highest kill rates in New Jersey.

King County, Washington ordinance passed in 1992

- requires all dogs and cats over 6 months old to be spayed/neutered unless the guardian buys an unaltered license for \$60, \$40 more than for an altered pet. Chap IV, Secs. 11.04.035, 11.04.210, 11.04.400. The ordinance provides for a breeder certification program. Sec. 11.04.570 It is illegal to advertise to King County residents the availability of any unaltered dog or cat without the animal's license number; breeders, however, may advertise litters for sale. Chap. IV, Sec. 11.04.510. It is also illegal to sell or give away an unaltered animal in a public place or as a raffle or other prize. Sec. 11.04.235 Anyone selling or giving away an unaltered dog or cat must notify animal control in writing with the new owner's name, address, and telephone number. Sec. 11.04.570 There is also a provision for door to door canvassing to ensure compliance. Sec. 11.04.580

- License compliance has appeared to decrease since passage of the ordinance. Animal control expenses have increased 56.8% and revenues only 43.2%. In 1990 the total cost of animal control was \$1,662,776; in 1997, it was \$3,087,350. Euthanasia rates actually fell at a slower rate after passage of the ordinance. In the years prior to enactment of the law, euthanasia rates were plummeting in King County. The data shows that the one real success as a result of the ordinance was the increase in adoptions.

Pinellas County Florida has required breeder licensing since 1992. Sec. 14-29.

- Since then the animal control budget has increased 75% with revenue increasing only 13%. There have also been increases in shelter intake and euthanasia rates since the law took effect.

Aurora, CO

- requires breeder permits as part of its mandatory spay/neuter ordinance, licensing compliance has dropped dramatically. Secs. 14-42; 14-71(b), 14-101(a)(1).

### Santa Cruz, CA

- claims that a law to force the sterilization of dogs and cats in California "will save millions of taxpayer dollars" are being discounted after government documents show that animal control expenses have nearly doubled in the county that serves as the model for the proposed statewide measure. In arguably the most contentious bill before the California Legislature this year, AB 1634 by Assemblyman Lloyd Levine (D-Van Nuys) will require nearly all pet owners to spay or neuter their animals or face a \$500 fine. Claiming taxpayer savings as the basis for the bill, proponents point to a 1995 mandatory spay/neuter law in Santa Cruz County that serves as the blueprint for AB 1634. But records obtained by PetPAC from the California State Controller's Office paint a very different picture: Animal control expenses in Santa Cruz County have skyrocketed since the law took effect, from \$635,296 in 1995 to more than \$1.1 million in 2005 - an increase of 93%.

### Athens, AL

- in Dec 2007 the Athens City Council voted to repeal the section of the animal control law that required pets to be registered. Differential licensing had been added to the ordinance back in 1986. City officials said the registration was costing the city far more money to enforce than it was bringing in. Out of the estimated 20,000 to 25,000 dogs in the city only 1,500 were registered.

### Buncombe County, NC

- It is hypothesized that forced sterilization of the local animal population reduces shelter intake and subsequently the euthanasia rate of unwanted pets. While at times numbers to support this theory seem to be pulled from thin air, shelter numbers are reported annually to the State hopefully with some semblance of accuracy. Using this data refutes animal rightist claims that the ordinance has resulted in 60% to 70% reduction in euthanasia rates. Buncombe County budgets for 2004-2006 one year prior to passage of the ordinance and two years after are as follows: 2004-\$ 665,092; 2005-\$696,319; 2006-\$829,688. Shelter intake in 2006: 7161 and despite aggressive enforcement by animal control, rigorous public campaigning to spay/neuter all pets in the county, anti-breeder messages, and constant public pressure from animal rights advocates, Buncombe County animal control processed 8,145 animals in 2007.