



MODEL EUTHANASIA STATISTICS STATUTE

Providing for the compiling of certain information relating to the activities of public and private animal shelters, for additional duties of the Attorney General, and for penalties.

The legislature finds as follows:

- (1) That there is today in this state a serious problem of dog and cat overpopulation which has consequences for the public fiscal, health, safety, welfare and environment.
- (2) That, to a considerable extent, the problem is dealt with by animal shelters, both public and private.
- (3) That a principal method by which those shelters deal with the problem of dog and cat overpopulation is by killing.
- (4) That the killing of large numbers of homeless dogs and cats annually raises public fiscal, health, safety, welfare, and environmental questions which the legislature may from time to time wish to address.
- (5) That at present there are no reliable statistics of how many homeless dogs and cats shelters kill annually and thus no concrete data upon which the legislature can base any legislative conclusions it may wish to make in order to deal with the public fiscal, health, safety, welfare, environmental, and other issues presented by the disposition of unwanted dogs and cats.

The legislature of the State of _____ hereby enacts the following:

Section 1. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise.

"Animal shelter" and "operator of animal shelter." The term includes all shelters operated in whole or in part for dogs and cats and all public and private agencies, organizations and associations operating animal shelters, regardless of source of funds and whether for profit or not for profit.

"Office." The Office of Attorney General.

"Reported year." The calendar year for which a report is made under section 2.

Section 2. Reporting requirements.

a) Content - All animal shelter operators shall, on an annual basis, make a report to the office. This report shall include all of the following:

- (1) The number of dogs, by breed, on hand as of January 1 of the reported year.
- (2) The number of dogs, by breed, on hand as of 11:59 p.m. on December 31 of the reported year.
- (3) The number of cats, by breed, on hand as of January 1 of the reported year.
- (4) The number of cats, by breed, on hand as of 11:59 p.m. on December 31 of the reported year.
- (5) The number of dogs redeemed by their owners and not returned during the reported year.
- (6) The number of cats redeemed by their owners and not returned during the reported year.
- (7) The number of dogs redeemed by their owners and returned during the reported year.
- (8) The number of cats redeemed by their owners and returned during the reported year.
- (9) The number of dogs adopted and not returned during the reported year.
- (10) The number of cats adopted and not returned during the reported year.
- (11) The number of dogs adopted and returned during the reported year.
- (12) The number of cats adopted and returned during the reported year.
- (13) The number of dogs killed during the reported year.
- (14) The number of cats killed during the reported year.
- (15) The number of dogs transferred or otherwise provided to dealers and the number of dogs transferred or otherwise provided to laboratories and biological supply houses during the reported year.
- (16) The number of cats transferred or otherwise provided to dealers and the number of cats transferred or otherwise provided to laboratories and biological supply houses during the reported year.
- (17) The number of dogs which have run away or died naturally or were subject to such other disposition which shall be specified.

(18) The number of cats which have run away or died naturally or were subject to other disposition which shall be specified.

(19) The amounts of public funds and the amounts of private funds and the sources thereof which are expended in support of the activities which are the subject of the report.

b) Method of killing. -- The report shall specify the method of killing and the manner of disposition of the remains.

c) Form. -- The office shall develop and provide a standard reporting form. The form shall include a statement that the maker of the report certifies it to be true and correct.

d) Fee. -- The office may charge a reasonable fee to cover the cost of collecting and processing these reports. This fee shall cover the cost of reproducing the reports and mailing them to persons who may request them.

Section 3. Compilation.

The office shall compile these reports on a statewide and on a county- by county basis. Reports shall be maintained by the office for at least ten years. Reports made under this act shall be public records and shall be open to public inspection, and access to said report shall not be denied pursuant to any exemption in this state's Freedom of Information Act.

Section 4. Penalties

a) Failure to file.--Failure to file a report under this act constitutes [here include appropriate punishment under the jurisdiction's criminal laws].

b) False statement. -- any person who knowingly submits a false or fraudulent report or who supplies false or fraudulent information in a report commits [here include appropriate punishment under the jurisdiction's criminal laws].

Section 5. Rules and regulations.

The Office of Attorney General shall promulgate rules and regulations to administer and enforce this act.

Section 6. Effective date.

This act shall take effect immediately upon being duly approved.

Lest there be any question about the constitutionality of spay/neuter legislation in general, and the foregoing statute in particular, it can quickly be laid to rest. The Tenth Amendment to the Constitution of the United States gives the states (and thus political subdivisions like counties, cities, towns and villages) the power to enact virtually any laws they wish that are reasonably related to the public health, safety and welfare. On the other hand, neither at the state nor federal level is there any constitutional right to foster the breeding of countless numbers of unwanted dogs and cats.

Thus, a potentially effective weapon in the war on overpopulation is the use of spay/neuter legislation- and ISAR will continue to develop appropriate laws.