Spay & Neuter Overview

By Claudine Wilkins and Jessica Rock, Founders of Animal Law Source™

I. WHAT IS CAUSING THE PROBLEM?

Seven dogs and cats are born each day for each person in the U.S. Four out of five of these are abandoned or dropped off at shelters. It is estimated that six to eight million dogs and cats are turned into animal shelters each year. Twenty-five percent of the dogs relinquished at shelters are purebred and healthy. Only 10% of dogs that enter shelters have been spayed or neutered. 56% of dogs and 71% of cats in the shelters are euthanized, not because of ill health or behavioral problems, but simply because there is no one to adopt them. Over $2 billion a year is spent by local governments to euthanize 3 to 4 million unwanted dogs and cats. (See www.aspca.org/animal)

Of all the animals that are pet owned, 78% of pet dogs are spayed or neutered and 22% are left “intact.” Very few state legislatures require mandatory Spay-neuter of ALL animals. There are NO state laws that require ALL pet owners to spay-neuter their pets. However, some City Ordinances do require all owners to spay-neuter their pets. For example:

(1) Los Angeles:
To reduce the thousands of euthanizations conducted in their shelters, Los Angeles County in 2008 signed one of the nation's toughest laws on pet sterilization, requiring most dogs and cats to be spayed or neutered by the time they are 4 months old. Certain animals were exempt, including those that have competed in shows or sporting competitions, guide dogs, animals used by police agencies, and those belonging to professional breeders. The average pet owner, however, must have his or her dog or cat spayed or neutered by the time it reached 4 months of age (or as late as 6 months with a letter from a veterinarian). Owners with older unneutered pets and newcomers to the city with animals will also be required to comply with the ordinance. First-time offenders receive information on subsidized sterilization services and are given an additional 60 days to comply. If they still fail to comply they could be fined $100 and ordered to serve eight hours of community service. A subsequent offense could result in a $500 fine or 40 hours of community service. The ordinance brought the nation's second-largest city in line with about a dozen of its neighbors that have enacted similar laws.

(2) Dallas:
In 2008, the city of Dallas, Texas also adopted a spay/neuter ordinance, which provided that all dogs and cats in the city must be spayed or neutered, with certain
exceptions. Dogs and cats exempt from the ordinance included (1) those under 6 months of age, (2) those unable to be spayed or neutered for health reasons, (3) service dogs helping disabled persons or assisting law enforcement, (4) purebred dogs or cats that compete in confirmation, obedience, and agility events, (5) those available for adoption by Dallas Animal Services or other animal welfare groups or for sale in licensed retail pet stores, and (6) those for which the owner has an Intact Animal Permit.

(3) Las Vegas:
On April 1, 2010, a Las Vegas City ordinance took effect which required most pet owners to spay or neuter their cats or dogs by 4 months of age. North Las Vegas passed a similar ordinance in January 2008. The ordinance was supported by a number of local veterinarians and animal rescue groups in response to a significant increase in the number of impounded dogs and cats in the city's shelters over a three year period. Opponents of the ordinance mainly objected to the age requirement, stating that 4 months of age was too early for spaying and neutering. Exempt animals included those owners and individuals with breeder, animal handler, or fancier permits, and pets qualifying for a temporary or permanent medical exemption were not be required to comply with the ordinance. Violation of the ordinance is a misdemeanor. (See www.avma.org)

II. WHAT IS THE LAW IN GEORGIA?
In Georgia, all pets that are adopted at a shelter must be spayed or neutered with certain allowable exceptions. O.C.G.A. 4-14-3 (2010). (See Appendix A for complete law). Other states that require sterilization or a promise of sterilization in order to adopt an animal include Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Missouri, Montana, New Jersey, New Mexico, New York, Nevada, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah and West Virginia.

III. WHAT ARE THE BENEFITS OF SPAY-NEUTER PROGRAMS?
Spaying is a sterilization process in females that removes the ovaries and uterus. It requires anesthesia and major surgery. Neutering or castration is the removal of gonads/testicles in males and is done under local anesthesia. An alternative sterilization method to render a male animal unable to procreate is with a vasectomy. It is less invasive and more owners are willing to use this method over castration. The spaying or neutering of an animal:

• increases female life spans by reducing the risk of mammary gland tumors, ovarian and/or uterine cancer and prostate and testicular cancers;
• females no longer have hormonal heat cycles;
• males become less aggressive with less desire to roam;
• Feline Immunodeficiency Syndrome is not spread by bites from intact cats that fight a great deal more than altered cats;
• spaying and neutering a pet reduces the number of unwanted animals that are dropped off at shelters due to overpopulation. (See .www.spayusa.org).

IV. ARE THERE ANY DETRIMENTS TO SPAY-NEUTER PROGRAMS?
Some studies have shown downsides to spaying/neutering pets depending on the size, sex and age of the animal:
• surgery using anesthesia may have acute side effects, such as bleeding, inflammation or breathing complications;
• S/N may increase the incidence of bone cancer, heart tumors, and hypothyroidism;
• S/N may increase canine cruciate ligament (CCL) injuries;
• S/N may increase prostate cancer in male dogs;
• S/N may increase urinary incontinence in females;
• S/N cats may become sedentary and obese;
• Veterinarians are split over what age is the best minimum age to spay/neuter a dog or cat. (www.aspca.org/position)

V. IF SPAYING AND NEUTERING DOGS AND CATS IS THE ANSWER TO ANIMAL OVERPOPULATION, THEN WHY ISN’T IT WORKING?
There are many reasons why spay-neuter laws don’t work:
(1) Lack of enforcement – for example, the Georgia law has a gaping loophole that allows a pet owner retrieving an animal from a shelter to sign an agreement to have the animal spayed or neutered within 30 days if it is an adult or too young to be spayed at time of adoption. However, there is really no follow up to make sure the animal has been spayed or neutered because Animal Control simply does not have the resources to follow up. The same is true in most states with similar laws. How does one tell whether the animal has been spayed/neutered or not, and that an owner is in compliance? What if the owner lies? Are veterinarians supposed to keep tabs on intact animals and then report them to Animal Control? How exactly is one supposed to enforce spay/neuter laws?
(2) Lack of affordable access to services – generally, there are no low cost accessible spay/neuter clinics in areas of highest need; low income areas are the hardest hit by spay/neuter ordinances. As a result, many areas that have spay/neuter requirements have experienced a reduction in the number of pets licensed due to high
fees and costs to remain compliant. Many people simply cannot afford the high veterinarian fees charged to spay/neuter an animal, especially a feral animal that does not belong to him/her.

(3) **Impacting the wrong people** – illicit backyard breeders who stay under the radar are generally non-compliant with ordinances to spay/neuter. Importation of puppies and kittens from unregulated sources may be encouraged rather than discouraged in order to disregard spay/neuter laws. To build community support for responsible animal care and control, there is a need to educate people in non-English speaking and low income communities to the benefits of spay/neuter policies. Failure to comply may be punishable with a fine that most low income people cannot afford.

(4) **High costs low results** – usually the person acquiring the animal, must pay for the spay/neuter. Some states require that a deposit be made to ensure the sterilization of the animal. However, there are very few places where free or low cost spay/neuter is available. (See [wwwdogtime.com/dog-health/spay-neuter](http://wwwdogtime.com/dog-health/spay-neuter)).

VI. WHAT ARE THE REALISTIC SOLUTIONS TO CONTROLLING ANIMAL OVERPOPULATION?

According to the ASPCA, sterilization is currently the best method to reduce animal overpopulation and to reduce shelter intake and euthanasia. However to achieve goals to stem the tide of animal overpopulation, the ASPCA recommends:

- Communities must have readily accessible, efficient and affordable spay/neuter programs available;
- Communities should provide incentives to have surgeries performed;
- Communities should address the problem that feral and strays contribute to overpopulation and have affordable and accessible trap/neuter/return (TNR) programs available;
- Programs must be adequately funded, staffed, monitored and revised to consistently achieve local goals;
- Research in individual communities must be done to address why animals are relinquished or abandoned in that particular locale and which communities are contributing disproportionately to the problem;
- Ensure that spay/neuter costs are not prohibitive to all pet owners.

**APPENDIX A**

O.C.G.A. 4-14-3. Sterilization of dogs and cats required; exceptions; costs

(a) Any public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal
refuge shall make provisions for the sterilization of all dogs or cats acquired from such shelter, agency, society, or refuge by:

(1) Providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

(2) Entering into a written agreement with the person acquiring such animal guaranteeing that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of such animal in the case of an adult animal or within 30 days of the sexual maturity of the animal in the case of an immature animal; provided, however, that the requirements of this Code section shall not apply to any privately owned animal which any such shelter, agency, society, or refuge may have in its possession for any reason if the owner of such animal claims or presents evidence that such animal is the property of such person.

(b) All costs of sterilization pursuant to this Code section shall be the responsibility of the person acquiring such animal and, if performed prior to acquisition, may be included in any fees charged by the shelter, agency, society, or refuge for such animal.

(c) Any person acquiring an animal from a public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge, which animal is not sterile at the time of acquisition, shall submit to the animal shelter, animal control agency, humane society, or public or private animal refuge a signed statement from the licensed veterinarian performing the sterilization required by paragraph (2) of subsection (a) of this Code section within seven days after such sterilization attesting that such sterilization has been performed.

(d) Every public or private animal shelter, animal control agency operated by a political subdivision of this state, humane society, or public or private animal refuge selling or offering for sale or exchange any dog or cat shall maintain and furnish to any person acquiring an animal from such shelter, agency, society, or refuge a current list of veterinarians licensed in this state who have notified the shelter, agency, society, or refuge that they are willing to perform sterilizations and the cost for such procedures.

Credit to Kaye Klapper