

MANDATORY SPAY/NEUTER —

The Right Fix for Your Community?

No one contests that spay and neuter is a good practice that is helping reduce the number of unplanned, unwanted companion animals in the world. The practice is so upheld that many believe it could be improved only by making it mandatory and thus more widespread.

For animal welfare professionals who refuse to perform or reluctantly perform euthanasia, the concept of mandatory spay/neuter is compelling. The movement is gaining popularity: Cities and counties in 15 states have passed some sort of legislation calling for mandatory spay/neuter, differential licensing fees for altered and unaltered pets, or restrictions on breeding.

Los Angeles has just ended its “grace period” on legislation passed last year, which mandates that no unaltered cats over the age of 4 months are allowed to be in a public place unsupervised, and that all dogs must be spayed or neutered after the age of 4 months. (There are exemptions for animals used in show or service, animals whose health could be endangered by the procedure or animals that have breeding permits.)

Los Angeles Animal Services reports the legislation has had a positive impact on its spay/neuter operations.

General Manager Ed Boks says, “A large number of pet guardians have responded to the seven-month grace period to get the pets altered. Our low-cost spay/neuter programs are booked three and four months out.”

Boks reports that with the end of the “grace period,” the ordinance will be an effective tool to help address the hundreds of animal nuisance complaints the department receives every day — 99% of the animal-related complaints the agency receives involve intact animals.

“The ordinance will allow us to not only address the immediate problem, but apply a long-term solution to most of our animal control investigations,” says Boks.



PAWS UP? PAWS DOWN?

It sounds all well and good — but that depends on what one reads and who one talks to.

Proponents of mandatory spay/neuter say the legislation indeed reduces the number of shelter pets. After Santa Cruz, Calif., implemented spay/neuter legislation in 1995, making spaying and neutering mandatory for dogs and cats over the age of 6 months, unless the caretaker receives written authorization by the director of animal control, the intake numbers at the county animal shelter decreased from 14,000 animals a year in 1995 to 5,500 in 2007, according to a June 7, 2007, article in *The Santa Cruz Chronicle*. The article cites that euthanasia of dogs dropped from 30 percent to 17 percent and euthanasia of cats dropped from 60 percent to 50 percent. Proponents also cite the benefits of neutering in reducing aggression in dogs and thus helping put an end to the crime of dog fighting.

Further, the International Society for Animal Rights has created a 125-page “monograph” extolling the virtues of mandatory spay/neuter. It states:

“It is self-evident that a voluntary spay/neuter regimen is bound to be less successful than a mandatory system — and it is mandatory spay/neuter that must become the norm throughout the United States, because that, and only that, will reduce the killing.”



Opponents of mandatory spay/neuter have other views. They say mandatory spay/neuter legislation brings with it a host of problems:

Costs too much. Opponents assert that the cost of hiring officers, implementing procedures and passing out fines will quickly add up. The grassroots animal activist group Save Our Dogs reports that passage of spay/neuter legislation in Pinellas County, Fla., resulted in a 75 percent increase in the animal control budget. Opponents further suggest that these types of funds could be used to create and bolster most low-cost spay/neuter clinics.

Cannot be enforced. In speaking out against a mandatory spay/neuter proposal in Davidson County, N.C., last year, the American Kennel Club wrote that mandatory spay/neuter laws are extremely difficult to enforce and that irresponsible owners can evade the laws by not licensing their pets.

Is an infringement on people's Constitutional rights. The website NoPitbullBans.com contends that spay/neuter legislation is a violation of the 14th Amendment, which states, "No State shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," and further asserts that pet owners have the right to spay/neuter or not to spay/neuter their own animals.

Increases rabies vaccination and licensing non-compliance. Opponents believe that people who, for health, personal or financial reasons, choose not to have their animals spayed/neutered may avoid complying

with rabies vaccination and licensing laws for fear of being called on the carpet to spay/neuter their pets. Save Our Dogs cites statistics throughout the country that show rabies vaccinations and licensing compliance dropping significantly in areas where spay/neuter legislation has been enacted.

Does not significantly stop aggressive behavior in dogs. Opponents contend that those who raise and fight dogs tend not to be law-abiding citizens who would obey spay/neuter legislation anyway. Also there is some evidence that spay/neuter does not have as much effect on aggression as was once thought.

And ultimately is just not effective. Even for Santa Cruz, the city whose spay/neuter policies are revered as model legislation, there are disputes. Save Our Dogs asserts on its website that the changes in Santa Cruz's shelter intakes and euthanasia rates are no better than the state average. The group also asserts that animal control costs have doubled since the Santa Cruz law passed and that licensing compliance has dropped significantly.

Contention is evident as more and more communities consider such legislation. In California, where spay/neuter legislation is in effect in nine areas, debate came to a head as California's Assembly Bill 1634 progressed through the state Senate. The "Healthy Pets Act" required that any dog or cat in California be spayed or neutered if the animal is repeatedly impounded by animal control or cited for being at large, or is repeatedly cited for being unlicensed as required by current law. The bill ultimately failed, but the statewide controversy in California remains.

WHERE DO YOU STAND?

Where does the law stand in your community? Where does your organization stand? And, if you have a stand, what are you truly standing for?

“Mandatory” spay/neuter is a broad term, and it doesn’t necessarily mean every animal over the age of 4 months must be spayed or neutered.

For example, in Athens, Ohio, mandatory spay/neuter means that pet stores and out-of-town breeders must prove that buyers ultimately spayed/neutered their purchased pets. Some cities, like Lawton, Okla., fine pet store owners if they sell a pet that has not been spayed or neutered. Some laws mandate spaying or neutering only strays. In Tacoma, Wash., any companion animal found running loose must be spayed or neutered. Many spay/neuter laws mandate only that animals must be spayed or neutered before they

are adopted from shelters. Other cities have laws that hold adopters to spaying/neutering their pets within a specified period of time.

All laws are not created equal, and it’s important to understand the law in your community and the effects it can have on your organization. American Humane evaluates spay/neuter laws on a case-by-case basis, depending on their language and the intentions and capabilities of the communities they serve. While American Humane supports mandatory spay/neuter of all shelter and rescue animals prior to adoption, we believe in general that expenses associated with mandatory spay/neuter legislation would be better spent on low- or no-cost spay/neuter programs.

THE FUTURE OF THE FIX

Opinions surrounding mandatory spay/neuter can be just as volatile as the animal behavior the laws

hope to diffuse. One can “Google” spay/neuter laws and curl up for some heavy reading on government involvement, animal rights, “racist” breeding and the fate of Americans’ tax dollars.

Mandatory spay/neuter is not an issue to be taken lightly, and it is easy to feel overwhelmed with the discord in the animal welfare profession. But a common thread does prevail among the arguments: The continuing need for education, education, education. Animal lovers and animal welfare professionals on both sides of the fence agree spay/neuter is an important weapon in combating pet overpopulation and that educating the public about spaying and neutering — and sharing with them low-cost spay/neuter resources — is imperative... whether it’s required by law or not. ■

WE WANT TO HEAR FROM YOU!

Is spay/neuter mandatory in your community? How has it affected your organization’s work? Please complete, clip out, and return this survey to

63 Inverness Dr. East,
Englewood, CO 80112,
or fax to (303)925-9477 –
or complete it online at

www.americanhumane.org/neutersurvey.

We’d love to know about your experiences!

1. In which county do you reside?
2. In which state do you reside?
3. Does your county or state have a spay/neuter law?
4. If so, exactly what does the law mandate?
5. What kind of effect has the law had on your organization?
6. What kind of mandatory spay/neuter law – if any – would you support in your state?
7. Please share additional comments:

1. _____
2. _____
3. _____
4. _____

5. _____

6. _____

7. _____

