

Model Ordinance – Microchipping Pets

MUNICIPALITY

ORDINANCE NUMBER

AN ORDINANCE to amend [SECTION] of the [MUNICIPAL STATUTES/CODE] requiring all municipal animal shelters to microchip any dog or cat that is either adopted or claimed by a pet owner.

WHEREAS, The American Humane Association estimates that 1 out of every 3 pets becomes lost at some point in their lifetime, and according to the Coalition for Reuniting Pets and Families less than 23% of lost pets in the United States are reunited with their owners; and

WHEREAS, Pets that are microchipped with their owner’s contact information stand a much higher chance of being reunited with their owners; and

WHEREAS, Many pets that have been lost for long periods of time or found hundreds of miles away from their homes have been reunited with their families due to microchip technology; and

WHEREAS, Requiring all dogs and cats at shelters to be microchipped before they are adopted by a new owner or reclaimed by a current owner will increase the likelihood of pets being reunited with their owners quickly and efficiently;

NOW THEREFORE, The people of the [MUNICIPALITY] do enact as follows:

SECTION 1. The [STATUTE/CODE] is amended by adding new section [SECTION] as follows:

- a. (1) Except as provided in subdivision (b), a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group shall not release a dog or cat to an owner seeking to reclaim it, or adopt out, sell, or give away a dog or cat to a new owner, unless one of the following conditions is met:

(A) The dog or cat is microchipped with current contact information on the owner reclaiming the dog or cat or new owner receiving the dog or cat, as applicable.

(B) If the shelter or rescue group does not have microchipping capability on location, the shelter or rescue group must obtain from the owner reclaiming the dog or cat or the new owner receiving the dog or cat an agreement that requires the owner to provide the shelter or rescue group with proof of microchipping within 30 days, as described in subparagraph (A) and also requires the dog’s or

cat's microchip number to be registered with a microchip registry company.

(2) The cost of microchipping pursuant to paragraph (1) shall be borne by the new owner or owner reclaiming the dog or cat.

(3) A shelter or rescue group may require proof that the dog or cat is microchipped with current information on the owner reclaiming the dog or cat or new owner receiving the dog or cat before releasing, adopting out, selling, or giving away the dog or cat, as applicable, pursuant to paragraph (1).

b. (1) Notwithstanding subdivision (a), this section does not require a dog or cat to be microchipped if a licensed veterinarian certifies in writing that the dog or cat is medically unfit for the microchipping procedure because the dog or cat has a physical condition that would be substantially aggravated by the procedure.

(2) Notwithstanding subdivision (a), this section does not require a dog or cat to be microchipped if a new owner or owner reclaiming a lost dog or cat provides verification that the owner's household income is below two hundred percent (200%) of the federal poverty guidelines issued by the U.S. Department of Health and Human Services.

c. (1) A shelter or rescue group that violates this section is subject to a fine of fifty dollars (\$50).

(2) A shelter or rescue group that does not have microchipping capability on location is not subject to the civil penalty described in this subdivision upon obtaining the agreement described in subparagraph (B) of paragraph (1) of subdivision (a).

SECTION 2. This ordinance shall take effect immediately.

Explanation of the Model Ordinance

a. Section 1(a)

This section provides that shelters and rescue groups may not release a dog or cat under their care to a new or current owner unless one of two conditions are met:

1. The shelter or rescue group may release the animal to a new or current owner if it is microchipped with the owner's current contact information; or
2. If the shelter or rescue group does not have the capability to microchip a dog or cat, they must obtain an agreement from the owner that they will provide proof to the shelter or rescue group that the dog or cat was microchipped within 30 days of release. The microchip number must be registered with a microchip registry company that will not use the owner's personal information except for the sole purpose of reuniting the animal with the owner.

The owner shall bear the responsibility of paying for the microchipping of their dog or cat. In addition, the shelter or rescue group may require proof that a dog or cat is microchipped with the owner's current contact information before releasing the animal to the owner.

b. Section 1(b)

This section carves out two exceptions to the bill's microchipping requirements:

1. Dogs and cats that are deemed medically unfit to be microchipped because of a physical condition that would be substantially aggravated by the procedure, which must be certified in writing by a licensed veterinarian; and
2. Low-income dog or cat owners with a household income below two hundred percent (200%) of the federal poverty guidelines issued by the U.S. Department of Health and Human Services.

c. Section 1(c)

This section imposes a civil penalty of \$50 on any shelter or rescue group that violates the statute. However, shelters and rescue groups that do not have microchipping capability are not subject to the penalty.