



OLR RESEARCH REPORT

January 14, 2013

2013-R-0049

STATES THAT PROHIBIT BREED SPECIFIC ORDINANCES

By: Janet L. Kaminski Leduc, Senior Legislative Attorney

You asked if any states prohibit breed specific local ordinances.

Breed specific legislation is any government law, rule, regulation, or ordinance that applies only to certain breeds of dogs or discriminates against certain dogs based solely on their breeds. Such laws usually apply to breeds that have a stereotype of being dangerous, such as pit bull or rottweiler.

Thirteen states statutorily prohibit breed specific local ordinances, according to the American Veterinary Medical Association: California, Colorado, Florida, Illinois, Maine, Massachusetts, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Texas, and Virginia. These statutory prohibitions generally appear in state laws dealing with dangerous, potentially dangerous, or vicious dogs.

Table 1 summarizes these thirteen state laws.

Table 1: States Prohibiting Breed Specific Ordinances

State	Citation	Summary
California	Cal. Food & Agric. Code § 31683 and Cal. Health & Safety Code § 122331	Any city or county may adopt a program for controlling dangerous or vicious dogs, but it cannot be specific as to breed. However, breed specific ordinances are allowed for spay/neuter programs and breeding restrictions.
Colorado	Colo. Rev. Stat. § 18-9-204.5	A municipality may adopt a rule or law for the control of dangerous dogs, but it cannot regulate dangerous dogs in a manner that is breed specific.
Florida	Fla. Stat. Ann. § 767.14	Local government may place restrictions or requirements on owners of dangerous dogs, but no regulation can be specific to breed. Any ordinance adopted before October 1, 1990 is grandfathered.
Illinois	510 Ill. Comp. Stat. 5/15(a) and 5/24	Vicious dogs cannot be classified in a manner that is breed specific. Local government is prohibited from adopting animal control ordinances or regulations that are breed specific.
Maine	Me. Rev. Stat. Ann. tit. 7, § 3950	Municipalities are prohibited from adopting breed specific ordinances, laws, or regulations.
Massachusetts	Mass. Gen. Laws Ann. ch. 140 § 157	No dog shall be deemed dangerous based on its breed. No city or town shall regulate dogs in a manner that is breed specific.
Minnesota	Minn. Stat. Ann. §347.51	A statutory or home rule charter city or a county is prohibited from adopting an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed.

Table 1 (continued)

State	Citation	Summary
New Jersey	N.J. Stat. Ann. § 4:19-36	State law supersedes any law, ordinance, or regulation enacted by any municipality or county concerning vicious or potentially dangerous dogs, including any specific breed.
New York	N.Y. Agric. & Mkts. Law § 107	A municipality may adopt a dangerous dog control program, but it cannot be breed specific.
Oklahoma	Okla. Stat. tit. 4, § 46	Local, municipal, or county government can regulate potentially dangerous or dangerous dogs, but the regulations cannot be breed specific.
Pennsylvania	3 Pa. Stat. § 459-507-A	Local ordinances dealing with dogs cannot prohibit or limit a specific breed.
Texas	Tex. Health & Safety Code Ann. § 822.047	A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements are not breed specific.
Virginia	Va. Code Ann. § 3.2-6540	Prohibits finding a dog dangerous or vicious solely based on breed. Local governing bodies cannot prohibit the ownership of a particular dog breed.

Source: American Veterinary Medical Association,
<https://www.avma.org/Advocacy/StateAndLocal/Pages/sr-breed-ordinances.aspx>
(last viewed January 11, 2013)

JKL:ro