

*Model Legislation to Improve the Performance
and Life-Saving of Animal Shelters*

The
Companion
Animal
Protection
Act



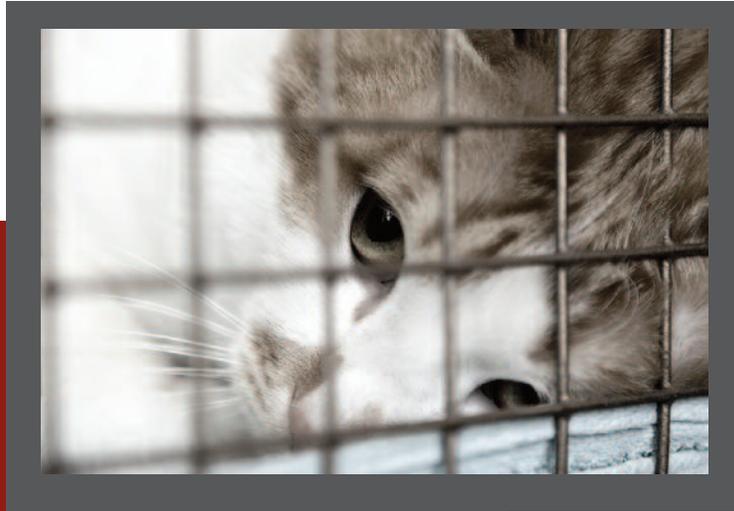
Saving Lives

Saving Taxpayer Money

Improving Public Health and Safety

Improving Public Satisfaction with Government

Table of Contents



Why Shelter Reform Legislation Is Needed 3

What Does the Companion Animal Protection Act Do? 4



CAPA Highlights

- Establishes that saving lives and public safety are compatible;
- Protects all species of shelter animals;
- Makes it illegal for a shelter to kill an animal if a rescue group or No Kill shelter is willing to save that animal;
- Requires shelters to provide animals with fresh food, fresh water, environmental enrichment, regular exercise, veterinary care, and cleanliness;
- Requires shelters to have fully functioning adoption programs including offsite adoptions, use of the internet to promote their animals, and ample adoption hours when the public is available;
- Prohibits shelters from killing animals based on arbitrary criteria when alternatives to killing exist;
- Requires animal control to allow volunteers to help with fostering, socializing, and assisting with adoptions; and
- Requires shelters to be truthful about how many animals they kill and adopt by making their statistics public.

The Companion Animal Protection Act 7

The Companion Animal Protection Act

The People of the State of _____ do enact as follows:

Part 1. Purpose and Intent.
SECTION 1 (a) It is the intent of the Legislature to end the killing of suitable animals in the State, in order to accomplish this, the Legislature finds and declares:

- (1) protecting animals is a legitimate and compelling public interest;
- (2) the killing of suitable animals in shelters is a needless tragedy that must be brought to an end;
- (3) no animal should be killed if the animal can be placed in a suitable home, if a private sheltering agency or rescue group is willing to take care of the animal for purposes of adoption and custody of the animal for purposes of adoption, or, in the case of feral cats, if they can be spayed and released to their habitats;
- (4) animals held in shelters deserve proper care and humane treatment including prompt veterinary care, adequate nutrition, shelter, exercise, environmental enrichment and safety;
- (5) shelters have a duty to make all suitable animals available for adoption for a reasonable period of time;
- (6) owners of lost animals should have a reasonable period of time within which to redeem their animals;
- (7) shelters should not kill suitable animals on the request of their owners;
- (8) all efforts should be made to encourage the voluntary spaying and neutering of animals;
- (9) government is obligated to taxpayers and community members to spend tax monies on programs and services whose purpose is to save and enhance the lives of animals;
- (10) when animals are killed, it should be done as humanely and compassionately as possible;
- (11) taxpayers and community members deserve full and complete disclosure about how animal shelters operate;
- (12) citizens have a right to assure that agencies follow the law;
- (13) saving the lives of animals, identifying and eliminating animal neglect and abuse, and protecting public safety are compatible interests; and,
- (14) policies that undermine the public's trust in animal shelters should be eliminated.

(b) The Legislature further finds and declares that all public and private sheltering agencies that operate within the State shall:

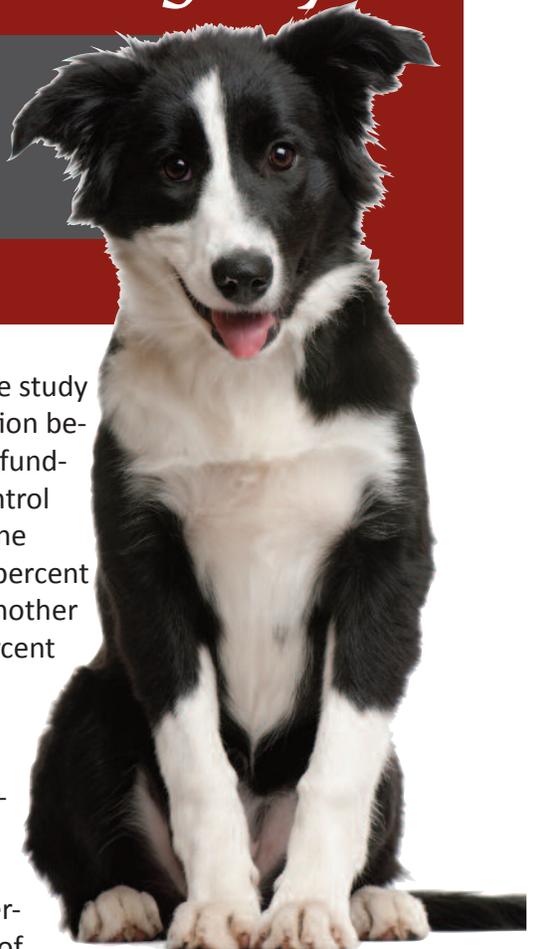
- (1) commit themselves to ending the killing of suitable animals in their care and custody;
- (2) work with other animal adoption organizations to the fullest extent to promote the adoption of animals; and to reduce the rate of killing animals; and
- (3) provide every animal in their custody with full individual consideration and care, regardless of how many animals they take in, or whether such animals are healthy, unweaned, elderly, sick, injured, traumatized, feral, aggressive, or of a particular breed;
- (4) not bar, ban, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria such as breed, age, color, or other criteria except as to the individual animal's medical condition or aggression, or the adopter's fitness to adopt;

(c) The Legislature further finds and declares that all public sheltering agencies that operate within the State shall:

- (1) implement programs to save lives, including free and low-cost spay/neuter services for cats and dogs, including feral cats, a foster-care network for animals needing special care, including unweaned, traumatized, sick and injured animals;
- (2) implement a comprehensive adoption program that operate during weekend and evening hours and include during adoption hours other than the shelter medical and behavioral rehabilitation programs; pet-rehabilitation programs to solve medical, environmental and behavioral problems and keep animals with good behavioral problems and keep animals with their caring and responsible owners; and, volunteer adoption programs to solve medical, environmental and behavioral problems and keep animals with their caring and responsible owners; and,
- (3) provide, without a known owner present at impound who is voluntarily relinquishing custody, a Suitable Animal is any animal who is either healthy or treatable, and is not a vicious or dangerous dog.

Ending a Preventable Tragedy

Why Shelter Reform Legislation Is Needed



Nearly four million animals are killed in U.S. shelters every year. In fact, shelter killing is the leading cause of death for healthy dogs and cats in the United States. For far too long, we have been led to believe there is no other way. But there is hope. In the last several years, shelters in numerous communities have comprehensively implemented a bold series of programs and services to reduce birthrates, increase adoptions and redemptions, and keep animals with their responsible caretakers. As a result, they are achieving unprecedented results, saving upwards of 95 percent of all impounded animals in open admission animal control facilities, reserving “euthanasia” for hopelessly ill or injured and irremediably suffering animals, and truly vicious dogs with a poor prognosis for rehabilitation. Not only are they saving lives, but they are saving taxpayer money as well.

Many of the programs identified as key components of saving lives are more cost-effective than impounding, warehousing, and then killing animals. Some rely on private philanthropy, as in the use of rescue groups, which shifts costs of care from public taxpayers to private individuals and groups. Others, such as the use of volunteers, augment paid human resources. Still others, such as adoptions, bring in revenue. And some, such as neutering rather than killing, are simply less expensive, with exponential savings in terms of reducing births.

A 2009 multi-state study found no correlation between per capita funding for animal control and save rates. One shelter saved 90 percent of the animals. Another saved only 40 percent despite spending four times per capita on animal control. One community has seen killing rates increase over 30 percent despite one of the best funded shelter systems in the nation. Another has caused death rates to drop by 50 percent despite cutting costs. There was, in other words, no correlation between success/failure and per capita spending on animal control. What *did* make a difference was leadership: the commitment of shelter managers to implement a key series of necessary programs and services to modernize shelter operations.

Unfortunately, many shelter directors remain steadfast in their refusal to embrace lifesaving initiatives. But it makes no sense to kill animals in the face of cost-effective alternatives, nor does it make sense that taxpayers are spending money to kill animals, when non-profit organ-

izations are willing and able to save them at private expense.

Today, Americans of all walks of life want to build a better world for animals. There are now 95 million cats and 70 million dogs in American homes. We spend \$50 billion on their care, an amount which is growing every year even as other economic sectors decline. And giving to animal related charities is the fastest growing segment in American philanthropy. This embrace of animals cuts across all political, economic, and social demographics. Saving lives is not only good public policy, it is also good bipartisan politics.* That is why states like California and Delaware, and municipalities across the country such as Austin, Texas, have legislated shelter reform.

The Companion Animal Protection Act (CAPA) was written as “model” legislation by legislators, shelter directors, animal lawyers, and shelter veterinarians to provide animals with maximum opportunities for lifesaving. No law can anticipate every contingency and CAPA is no exception. It is not in-

tended to be complete or eliminate the need for other animal protection laws. Nor is it intended to reduce stronger protections that animals may have in a particular jurisdiction. The legislation can and should be modified in such circumstances.

But because too many shelters are not voluntarily implementing the programs and services and culture of lifesaving that makes No Kill possible, animals are being needlessly killed. And because animals are being needlessly killed, taxpayer money is being needlessly wasted. And the shelters which are supposed to reflect the values of animal loving Americans are instead undermining them. To combat this, CAPA mandates the programs and services which have proven so successful at lifesaving in shelters and communities which have implemented them; follows the only model that has actually ended the killing of healthy and treatable animals; and, focuses its effort on the

The Companion Animal Protection Act (CAPA) was written as “model” legislation by legislators, shelter directors, animal lawyers, and shelter veterinarians to provide animals with maximum opportunities for lifesaving.



very shelters that are doing the killing.

CAPA saves lives, saves taxpayer money, is consistent with public health and safety, and improves public satisfaction with the job government is doing.

* In California, shelter reform passed the legislature by a vote of 96 to 12. In Delaware, it passed both houses of the legislature unanimously. And Austin’s City Council embraced it 7-0. Both Democratic and Republican legislators, governors, and constituents favor shelter reform by wide margins.



CAPA Highlights

Establishes that saving lives and public safety are compatible;

Protects all species of shelter animals;

Makes it illegal for a shelter to kill an animal if a rescue group or No Kill shelter is willing to save that animal;

Requires shelters to provide animals with fresh food, fresh water, environmental enrichment, regular exercise, veterinary care, and cleanliness;

Requires shelters to have fully functioning adoption programs including offsite adop-

tions, use of the internet to promote their animals, and ample adoption hours when the public is available,

Prohibits shelters from killing animals based on arbitrary criteria when alternatives to killing exist;

Requires animal control to allow volunteers to help with fostering, socializing, and assisting with adoptions; and

Requires shelters to be truthful about how many animals they kill and adopt by making their statistics public.

CAPA saves the lives of animals

A 2010 statewide survey of rescue groups in New York State found that 71% of non-profit animal welfare groups have had at least one NYS shelter refuse to work collaboratively and then turn around and kill the very animals they were willing to save. This is inhumane and bad policy. CAPA would make it illegal for a shelter to kill an animal when a qualified non-profit organization that specializes in adoptions is willing to save that animal. This maximizes the number of animals who are saved, while reducing the numbers killed.

CAPA saves taxpayers money

CAPA is modeled after a similar law which has been in effect in California since 1999. An analysis of that law found that sending animals to non-profit animal rescue organizations saved the City and County of San Francisco \$486,480 in publicly funded animal control costs. CAPA saves taxpayer money by mandating public-private partnerships that not only reduce expenses associated

with having to care for, then kill and dispose of an animal, but which transfers expenses from taxpayers to private philanthropy. Under CAPA, shelters can also charge the cost of an adoption to those groups, thereby bringing in needed revenues and defraying any costs associated with implementation.

CAPA provides whistleblower protections

A 2010 statewide survey of rescue groups in New York State found that 43% of groups have been the subject of retaliation by shelters after they expressed concerns about inhumane conditions which they have witnessed in shelters, while over half (52%) who have witnessed such conditions did not express concerns—and simply looked the other way—because they were afraid if they did complain, they would no longer be allowed to rescue, thus allowing those inhumane conditions to continue. By giving non-profit organizations the legal right to save animals scheduled to be killed, CAPA removes the power to condition life-saving on silence as to inhumane conditions, and sometimes criminal behavior, witnessed by rescuers.

CAPA stops discrimination

All non-profit organizations have identical rights and responsibilities before the law. CAPA seeks to protect those rights by leveling the playing field between the large non-profits which have all the power and the small non-profits which are prevented from fulfilling their lifesaving mission when these larger organizations refuse to collaborate with them in order to save more lives.

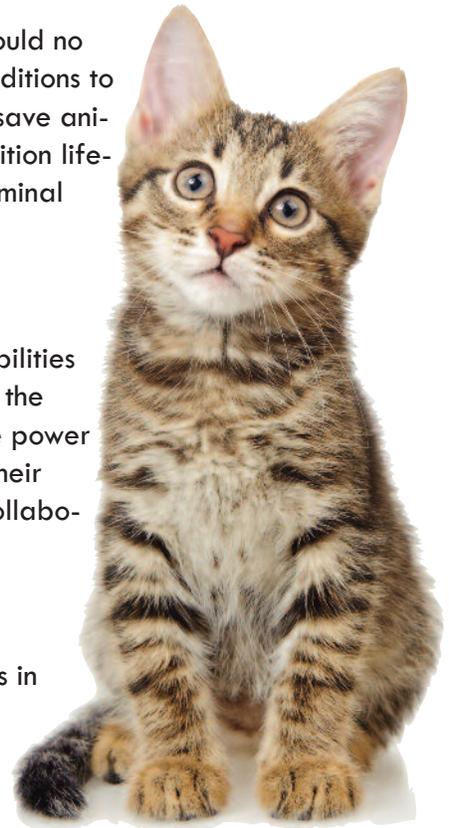
CAPA improves staff well-being

Studies show that staff members responsible for killing animals in shelters are vulnerable to emotional trauma, exhaustion, and burnout. CAPA would spare staff from killing animals when those animals have readily available lifesaving options.

CAPA protects public health and safety

CAPA specifically excludes dangerous and aggressive dogs, animals who have rabies, and animals who are irretrievably suffering. It also requires shelter to implement best practices that reduce disease, ensure animals are behaviorally evaluated and medically screened, thus protecting both employee and public welfare.

Moreover, because CAPA requires rescue organizations to be incorporated as non-profit public corporations under Internal Revenue Code Section 501(c)(3), CAPA would also improve oversight of groups which perform rescue: a 2010 statewide survey in New York State revealed that 70% of organizations performing animal rescue which are not incorporated would do so if CAPA becomes law. This would require them to file articles of incorporation, to recruit a Board of Trustees, and to subject themselves to both state and federal mandates, while placing them under the supervision of the state Attorney General's Office.



CAPA improves shelter operations

CAPA will reduce the number of animals shelters kill. It reduces costs for killing. It brings in revenue through adoption fees. And it transfers costs from taxpayers to private organizations, funded through philanthropic dollars.

CAPA is good bipartisan policy popular with voters

CAPA is based on a similar law in California which was passed in 1998 with overwhelming bipartisan support—96 to 12. It made no sense to California legislators that taxpayers were spending money on killing animals when non-profit organizations were willing to spend their own money to save them. Legislators also found that public shelters that killed animals when those animals have a place to go did not reflect the humane values of their constituents. In addition, the State of Delaware recently passed similar legislation. The bill, mandating collaboration between shelters and rescue organizations, passed both houses of the Delaware Legislature unanimously.

Available Resources

- Analysis showing how California's shelter reform law has saved lives, saved money, and improved shelter accountability
- Leadership study finding per capita spending on animal control less relevant than good policies
- Shelter access survey showing how public shelters often refuse to work collaboratively with private non-profit organizations which would increase lifesaving while reducing costs
- Pro-bono assistance from experienced animal law attorneys who have been instrumental in the passage of animal protection legislation at the local, state, and federal level
- Word version of CAPA

And more at Rescue50.org



The Companion Animal Protection Act

The People of the State of _____ do enact as follows:

Part 1. Purpose and Intent.

SECTION 1 (a) It is the intent of the Legislature to end the killing of savable animals in the State. In order to accomplish this, the Legislature finds and declares:

- (1) protecting animals is a legitimate and compelling public interest;
- (2) the killing of savable animals in shelters is a needless tragedy that must be brought to an end;
- (3) no animal should be killed if the animal can be placed in a suitable home, if a private sheltering agency or rescue group is willing to take care and custody of the animal for purposes of adoption, or, in the case of feral cats, if they can be sterilized and released to their habitats;
- (4) animals held in shelters deserve proper care and humane treatment including prompt veterinary care, adequate nutrition, shelter, exercise, environmental enrichment, and water;
- (5) shelters have a duty to make all savable animals available for adoption for a reasonable period of time;
- (6) owners of lost animals should have a reasonable period of time within which to redeem their animals;
- (7) shelters should not kill savable animals at the request of their owners;
- (8) all efforts should be made to encourage the voluntary spaying and neutering of animals;
- (9) government is obligated to taxpayers and community members to spend tax monies on programs and services whose purpose is to save and enhance the lives of animals;
- (10) when animals are killed, it should be done as humanely and compassionately as possible;
- (11) taxpayers and community members deserve full and complete disclosure about how animal shelters operate;
- (12) citizens have a right to ensure that agencies follow the law;

(13) saving the lives of animals, identifying and eliminating animal neglect and abuse, and protecting public safety are compatible interests; and,

(14) policies that undermine the public's trust in animal shelters should be eliminated.

(b) The Legislature further finds and declares that all public and private sheltering agencies that operate within the State shall:

- (1) commit themselves to ending the killing of savable animals in their care and custody;
- (2) work with other animal adoption organizations to the fullest extent to promote the adoption of animals and to reduce the rate of killing;
- (3) provide every animal in their custody with individual consideration and care, regardless of how many animals they take in, or whether such animals are healthy, unweaned, elderly, sick, injured, traumatized, feral, aggressive, or of a particular breed;
- (4) not ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria, such as breed, age, color, or other criteria except as to the individual animal's medical condition or aggression, or the adopter's fitness to adopt.

(c) The Legislature further finds and declares that all public sheltering agencies that operate within the State shall:

- (1) implement programs to save lives, including free and low-cost spay/neuter services for animals, including feral cats; a foster-care network for animals needing special care, including unweaned, traumatized, sick and injured animals; comprehensive adoption programs that operate during weekend and evening hours and include adoption venues other than the shelter; medical and behavioral rehabilitation programs; pet-retention programs to solve medical, environmental, and behavioral problems and keep animals with their caring and responsible owners; and, volun-

teer programs to help socialize animals, promote adoptions, and assist in the operations of the shelter.

(d) The Legislature further finds and declares that ending the killing of savable animals will occur when all public and private sheltering agencies and rescue groups work together to achieve this goal, and therefore expects private sheltering agencies and rescue groups to:

(1) be open to the public during hours that permit working people to adopt animals during non-working hours;

(2) implement programs to save lives, including free and low-cost spay/neuter services for animals, including feral cats; a foster-care network for animals needing special care, including unweaned, traumatized, sick and injured animals; comprehensive adoption programs that operate during weekend and evening hours and include adoption venues other than the shelter; medical and behavioral rehabilitation programs; pet-retention programs to solve medical, environmental, and behavioral problems and keep animals with their caring and responsible owners; and, volunteer programs to help socialize animals, promote adoptions, and assist in the operations of the shelter.

Part II. Definitions.

SEC. 2 (a) For purposes of this Act, the following definitions shall apply:

(1) a *Public Sheltering Agency* is a public animal control shelter or private shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group that receives local or state government funding and/or has a contract with a city, town, or government agency under which it accepts stray or owner-relinquished animals.

(2) a *Private Sheltering Agency* is a shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group, which is designated as a non-profit under Section 501(c)(3) of the Internal Revenue Code, and: (a) which does not receive local or state government funding or have a contract with the city, town, or government

agency under which it accepts stray or owner-relinquished animals; (b) accepts animals into a physical facility other than a private residence; and, (c) places into new homes stray and/or owner-relinquished animals and/or animals who have been removed from a public or private sheltering agency.

(3) a *Rescue Group* is a collaboration of individuals not operated for a profit, whose primary stated purpose is animal protection, which places into new homes stray and/or owner-relinquished animals and/or animals who have been removed from a public or private sheltering agency. Individual rescuers who keep animals in their own homes but are not part of a larger collaboration are not a rescue group for purposes of this Act.

(4) an *Animal* is any domestic non-human living creature normally kept as a pet, or a feral cat.

(5) an *Impounded Animal* is any animal who enters a public or private sheltering agency or rescue group regardless of whether the animal is a stray, owner-relinquished, seized, taken into protective custody, transferred from another private or public sheltering agency, or is an animal whose owner requests that the animal be killed, except for any animal presented to a medical clinic associated with such agencies for purposes of preventative or rehabilitative medical care, or sterilization.

(6) a *Stray Animal* is any animal who is impounded without a known owner present at impound who is voluntarily relinquishing custody.

(7) a *Savable Animal* is any animal who is either healthy or treatable, and is not a vicious or dangerous dog.

(8) a *Healthy Animal* is any animal who is not sick or injured.

(9) a *Treatable Animal* is any animal who is sick or injured, whose prognosis for rehabilitation of that illness and/or injury is excellent, good, fair, or guarded as determined by a veterinarian licensed to practice in this state.

(10) a *Non-rehabilitatable Animal* is any animal with severe illness or injury whose prognosis for rehabilitation is either poor or grave as determined by a veterinarian licensed to practice in this state.

(11) an *Irremediably Suffering Animal* is any ani-

mal with a medical condition who has a poor or grave prognosis for being able to live without severe, unremitting pain, as determined by a veterinarian licensed to practice in this state.

(12) a *Feral Cat* is a cat who is free-roaming, unsocialized to humans, and unowned.

(13) a *Feral Cat Caregiver* is someone who cares for feral cats and has an interest in protecting the cats, but is not the owner of those cats.

(14) an *Unweaned Animal* is any neonatal animal who, in the absence of his/her mother, requires supplemental bottle feeding by humans in order to survive. In the case of puppies and kittens, unweaned animals are animals who fit the above description and are from 0 to 4 weeks of age.

(15) a *Litter of Animals* includes two or more animals who are under twelve weeks of age as determined by a veterinarian licensed to practice medicine in this state, or by a veterinary technician or veterinary assistant working under the direction of a veterinarian licensed to practice medicine in this state.

(16) a *Vicious Dog* is a dog who exhibits aggression to people even when the dog is not hungry, in pain, or frightened, and whose prognosis for rehabilitation of that aggression is poor or grave as determined by a trained behaviorist who is an expert on canine behavior.

(17) a *Dangerous Dog* is a dog adjudicated to be vicious by a court of competent jurisdiction and where all appeals of that judicial determination have been unsuccessful.

Part III. Sterilization Requirements.

SEC. 3(a) Except as otherwise provided in this section, no public or private sheltering agency or rescue group shall sell, adopt, or give away to a new owner any dog, cat, rabbit, or other animal who has not been spayed or neutered, except as follows:

(1) This section shall not apply to reptiles, amphibians, birds, fish, and small animals such as mice and hamsters, where the anesthesia or sterilization procedure is likely to result in the animal's death.

(b) If a veterinarian licensed to practice veterinary medicine in this state certifies that an animal

is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the animal to be spayed or neutered, the adopter or purchaser shall pay the public or private sheltering agency or rescue group a deposit of not less than fifty dollars (\$50), and not more than one hundred dollars (\$100). This deposit shall be returned if the adopter or purchaser presents the entity from which the animal was obtained with proof that the animal has been spayed or neutered within 60 days of receiving the animal, or presents a signed letter from a veterinarian licensed to practice medicine in this state, certifying that the animal has died, including a description of the animal and most likely cause of death. This deposit shall also be returned upon the expiration the 60-day period if the adopter or purchaser presents a signed letter from a veterinarian licensed to practice medicine in this state, certifying that upon the expiration of the 60-day period, the animal remains too sick or injured, or that it would otherwise be detrimental to the health of the animal, to be spayed or neutered.

(c) The adopter or purchaser of an animal must spay or neuter that animal within 60 days of adoption, purchase, or receipt from a public or private sheltering agency, or rescue group, except as follows:

(1) If a veterinarian licensed to practice medicine in this state certifies that an animal is too sick or injured or that it would otherwise be detrimental to the health of the animal to be spayed or neutered within the time period, such animal shall be spayed or neutered within 30 days of the veterinarian certifying that the animal may safely be spayed or neutered.

(d) Notwithstanding subsection (b), if a veterinarian licensed to practice medicine in this state certifies that an animal is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the animal to be spayed or neutered, and that the animal is not likely to ever be healthy enough to be spayed or neutered, no deposit shall be required.

(e) For purposes of this section, a determination that a dog or cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to his or her health, may not be made based solely on the youth of the dog or cat, so long as the dog or cat is at least eight weeks of age.

(f) Notwithstanding the other requirements of this section, animals may be transferred to organizations listed on the registry required under Section 9 before they have been spayed or neutered and without a spay/neuter deposit, as long as the receiving organization represents that it will spay or neuter all animals before placing them into homes.

(g) Any funds from unclaimed deposits made pursuant to this section shall be expended only for programs to spay or neuter animals.

(h) A licensed veterinarian shall perform spay/neuter operations under this Act.

SEC. 4(a) A person is subject to civil penalties of not less than two hundred dollars (\$200) or more than five hundred dollars (\$500) if that person does any of the following:

- (1) falsifies any proof of spaying or neutering submitted for the purpose of compliance with this Act;
- (2) intentionally issues a check for insufficient funds for any spaying or neutering deposit required under this Act;
- (3) falsifies a signed letter from a veterinarian submitted for the purpose of compliance with this Act, certifying that an animal is too sick or injured to be spayed or neutered;
- (4) fails to sterilize the animal as required.

(b) An action for a penalty proposed under this section may be commenced in a court of competent jurisdiction by the administrator of the public or private animal sheltering agency or rescue group from which the recipient obtained the animal who is the subject of the violation.

(c) All penalties collected under this section shall

be retained by the agency bringing the action under subsection (b) to be used solely for programs to spay or neuter animals.

Part IV. Feral Cats.

SEC. 5(a) Caretakers of feral cats shall be exempted from any provision of law proscribing the feeding of stray animals, requiring permits for the feeding of animals, requiring the confinement of cats, or limiting the number of animals a person can own, harbor, or have custody of, except as follows:

(1) Nothing in this section shall be construed to limit the enforcement of a statute having as its effect the prevention or punishment of animal neglect or cruelty, so long as such enforcement is based on the conditions of animals, and not based on the mere fact that a person is feeding feral cats in a public or private location.

(b) In order to encourage spay/neuter of feral cats and to protect cats, public or private sheltering agencies or rescue groups shall not lend, rent, or otherwise provide traps to the public to capture cats, except to a person for the purpose of catching and reclaiming that person's wayward cat(s), to capture injured or sick cats or cats otherwise in danger, to capture feral kittens for purposes of taming and adoption, or, in the case of feral cats, for purposes of spay/neuter and subsequent re-release;

(1) For purposes of this subsection, the location of the cats, without more, does not constitute "otherwise in danger";

(2) A person is subject to civil penalties of not less than two hundred dollars (\$200) or more than five hundred dollars (\$500) if that person uses a trap from a public or private sheltering agency or rescue group for purposes other than those enumerated above.

(c) An action for a penalty proposed under this section may be commenced in a court of competent jurisdiction by the administrator of the public or private animal sheltering agency or rescue group from which the recipient obtained the trap that is the subject of the violation.

(d) All penalties collected under this section shall be retained by the agency bringing the action under subsection (c) to be used solely for programs to spay or neuter animals.

Part V. Holding Periods.

SEC. 6(a) The required holding period for a stray animal impounded by any public or private sheltering agency shall be five business days, not including the day of impoundment, unless otherwise provided in this section:

(1) Stray animals without any form of identification and without a known owner shall be held for owner redemption during the first two days of the holding period, not including the day of impoundment, and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period;

(2) Stray animals may be adopted into new homes or transferred to a rescue group or private sheltering agency for the purpose of adoption after the first two days of the holding period, not including the day of impoundment, except as provided in subsections (a)(3) to (9);

(3) If a stray animal is impounded with a license tag, microchip, or other form of identification, or belongs to a known owner, the animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period;

(4) Litters of animals or individual members of a litter of animals, including the nursing mother, and unweaned animals may be transferred to a private sheltering agency or rescue group for the purpose of adoption immediately after impound;

(5) Individual members of litters of animals who are at least six weeks of age, including the mother, may be adopted immediately upon impound;

(6) A feral cat caregiver has the same right of redemption for feral cats as an owner of a pet cat, without conferring ownership of the cat(s) on the caregiver;

(7) Irremediably suffering animals shall be euthanized without delay, upon a determination made

in writing and signed by a veterinarian licensed to practice medicine in this state. That certification shall be made available for free public inspection for no less than three years;

(8) Symptomatic dogs with confirmed cases of parvovirus or cats with confirmed cases of panleukopenia may be euthanized without delay, upon a certification made in writing and signed by a veterinarian licensed to practice medicine in this state that the prognosis is poor even with supportive care. That certification shall be made available for free public inspection for no less than three years;

(9) Unweaned animals impounded without their mother may be killed so long as the shelter has exhausted all efforts to place the animals in foster care, made an emergency appeal under the requirements of Section 9, and certified that it is unable to provide the needed care and feeding in its facility. That certification shall also state in clear and definitive terms why the agency is unable to place the animals in foster care, which private sheltering agencies and rescue groups it made an appeal to, and what would be required in the future in order to provide the needed care and feeding in foster care or its facility, and what steps are being taken to do so. This certification shall be made in writing, signed by the director of the agency or by a veterinarian, and be made available for free public inspection for no less than three years.

SEC. 7(a) The required holding period for an owner relinquished animal impounded by public or private sheltering agencies shall be the same as that for stray animals and applies to all owner relinquished animals, except as follows:

(1) Any owner-relinquished animal that is impounded shall be held for adoption or for transfer to a private sheltering agency or rescue group for the purpose of adoption for the entirety of the holding period;

(2) Owner-relinquished animals may be adopted into new homes or transferred to a private sheltering agency or rescue group for the purpose of adoption at any time after impoundment.

(b) When an animal is surrendered or brought to

a shelter to be killed at the owner's request, the animal shall be subject to the same holding periods and the same requirements of all owner relinquished animals notwithstanding the request.

(c) An animal seized by an officer of a public or private sheltering agency under the provisions of a state statute having as its effect the prevention or punishment of animal neglect or cruelty, or seized under the provision of state dangerous dog laws or under state quarantine or disease control regulations, shall be impounded and held as consistent with the requirements of those laws, except as follows:

(1) Where any statute under the provisions of those laws permits a holding period, care, or disposition which affords an animal less protection than the mandates of this Act, this Act shall supersede those specific provisions regarding holding, care, and disposition.

Part VI. Animal Care Standard.

SEC. 8(a) Except as otherwise provided in this section, public and private sheltering agencies shall provide all animals during the entirety of their shelter stay with fresh food; fresh water; environmental enrichment to promote their psychological well-being such as socialization, toys and treats; and exercise as needed; however, never less than once daily, except as follows:

(1) dogs who are vicious to people or dangerous dogs may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), public and private sheltering agencies shall work with a veterinarian licensed to practice medicine in this state to develop and follow a care protocol, which is consistent with the goals of this Act as defined in Part I, for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, geriatric animals, or animals needing therapeutic exercise. This care protocol shall specify any deviation from the standard requirements of subsection (a) and the reasons for the deviation(s).

(c) During the entirety of their shelter stay, animals

shall be provided prompt and necessary cleaning of their cages, kennels, or other living environments no less than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. This cleaning shall be conducted in accordance with a protocol developed in coordination with a veterinarian licensed to practice medicine in this state, provided as follows:

(1) animals shall be temporarily removed from their cages, kennels, or other living environments during the process of cleaning, to prevent them from being exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or antibiotics, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition, even if the animals are not candidates for redemption, transfer, or adoption.

(e) Public and private sheltering agencies shall work with a veterinarian licensed to practice medicine in this state to develop and follow a protocol to prevent the spread of disease, including, but not limited to, appropriate evaluation and testing of newly impounded animals, administration of vaccines, proper isolation and handling of sick animals, and measures to protect those animals most vulnerable to infection.

Part VII. Additional Programs & Duties.

SEC. 9(a) All public and private sheltering agencies that kill animals shall maintain a registry of organizations willing to accept animals for the purposes of adoption, as follows:

(1) All public or private sheltering agencies, and rescue groups designated as non-profits by Section 501(c)(3) of the Internal Revenue Code, shall be immediately placed on this registry upon their request, regardless of the organizations' geo-

graphical location or any other factor except as described under subsection (a)(5);

(2) The public or private sheltering agency may, but is not required to, include on the registry any rescue groups that are not designated as non-profits under Section 501(c)(3) of the Internal Revenue Code;

(3) The registry shall include the following information as provided by the registered organization: organization name, mailing address, and telephone number; website and e-mail address, if any; emergency contact information for the organization; the types of animals about whom the organization wishes to be contacted, including species-type and breed; and whether or not the organization is willing and able to care for unweaned animals, sick or injured animals, and/or feral or aggressive animals;

(4) All public and private sheltering agencies shall seek organizations to include on the registry;

(5) A public or private sheltering agency may refuse to include an organization on the registry, or delete it from the registry, until such time as this is no longer the case, if any of the organization's current directors and/or officers have been convicted in a court of competent jurisdiction of a crime consisting of cruelty to animals or neglect of animals; or if such charges are pending against any of the organization's current directors or officers; or if that organization or its current directors or officers are constrained by a court order or legally binding agreement that prevents the organization from taking in or keeping animals. An agency may require an organization to disclose any or all convictions, charges, and legal impediments described in this subsection;

(6) A public or private sheltering agency may require that registered organizations provide the following summary information on no more than a monthly basis: the total number of animals the organization has taken from the agency who have been adopted, died, were transferred, were killed, and are still under the organization's care. This information may be provided in an informal format, such as via electronic mail;

(7) A public or private sheltering agency shall not demand additional information, other than that

described in this section, as a prerequisite for including an organization on the registry or for continuing to maintain that organization on the registry;

(8) The requirements of this subsection do not apply to groups having an officer, board member, staff member, or volunteer who has been convicted of a statute having as its primary effect the punishment of animal neglect, cruelty, and/or dog fighting until such time as that officer, board member, staff member, or volunteer is no longer with the organization.

(9) The requirement of this subsection further do not apply to groups having an officer, board member, staff member, or volunteer against whom charges of violating the provisions of a statute having as its primary effect the punishment of animal neglect, cruelty, and/or dog fighting are pending in a court of law until such time as that officer, board member, staff member, or volunteer is no longer with the organization or such charges are dismissed, dropped, or that person is acquitted.

(b) No public or private sheltering agency may kill an animal unless and until the agency has notified, or made a reasonable attempt to notify, all organizations on the registry described in subsection (a) that have indicated a willingness to take an animal of that type.

(1) Such notification must take place at least two business days prior to the killing of the animal;

(2) At a minimum, such notification shall include calling the organization's regular and emergency contact numbers, and sending an email to its email address, if any. Notification is considered complete as to each individual group when this has been accomplished;

(3) No animal may be killed if an organization on the registry is willing and able to take the animal within two business days after being notified;

(4) No fee may be assessed for animals released to organizations listed on the registry.

(c) No public or private sheltering agency may kill an animal unless and until the agency has notified, or made a reasonable attempt to notify, individ-

ual rescuers, rescue groups who are not designated as a non-profit under Section 501(c)(3) of the Internal Revenue Service, and the public at large so that they may consider adopting or rescuing the animal consistent with the agency's normal adoption or transfer protocols.

(1) Such notification must take place at least two business days prior to the killing of the animal;
(2) Such notification can be accomplished in any manner reasonably likely to lead to lifesaving, but must, at a minimum, include posting a notice in the shelter on the particular animal's cage or kennel, and on the agency's website that states: "This animal is to be killed on [date] and [time]."

(d) The following exceptions shall apply to the requirements of subsections (b) and (c):

(1) All irremediably suffering animals shall be euthanized without delay. The determination that an animal is irremediably suffering shall be made in writing, signed by a veterinarian licensed to practice medicine in this state, and made available for free public inspection for no less than three years;
(2) Dangerous dogs may, but are not required to be, released to organizations listed on the registry;
(3) Upon the impoundment of unweaned animals without their mother, all public and private sheltering agencies which have not placed the animals into foster care or are not able to provide supplemental feeding shall immediately make an emergency appeal to organizations on the registry that have indicated that they are willing and able to care for unweaned animals, and give such organizations a reasonable amount of time to respond to the appeal. Unweaned animals impounded without their mother may then be killed before the expiration of the two business days notification period if the requirements of Section 6(a)(9) are met.

(e) All public and private sheltering agencies shall require organizations taking animals under this section to sign a contract providing:

(1) That the animals are being taken for the purposes of adoption;
(2) That all animals taken from the agency will be

spayed or neutered before adoption, unless a licensed veterinarian certifies that an animal is too sick to be spayed or neutered or that it would otherwise be detrimental to the health of the animal to be spayed or neutered as required under Section 3 of this Act.

SEC. 10(a) All public and private sheltering agencies shall take appropriate action to ensure that all animals are checked for all currently acceptable methods of identification, including microchips, identification tags, and licenses. All public and private sheltering agencies shall maintain continuously updated lists of animals reported lost, and match these lost reports with animals reported found and animals in the shelter, and shall also post all stray animals on the Internet with sufficient detail to allow them to be recognized and claimed by their owners. If a possible owner is identified, the agencies shall undertake reasonable efforts to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts shall include, but are not limited to, notifying the possible owner by telephone, mail, and personal service to the last known address. Upon the owner's or caretaker's initiation of recovery procedures, the agencies shall retain custody of the animal for five days to allow for completion of the recovery process. Efforts to locate or contact an owner or caretaker, and communications with persons claiming to be owners or caretakers, shall be recorded and be made available for free public inspection for no less than three years.

SEC. 11(a) Every public or private sheltering agency shall have adoption programs which include adoption programs to place animals into homes and to transfer animals to other private sheltering agencies or rescue groups for adoption; promotion of animals to the community through means such as the local media and the Internet; evening and weekend adoption hours; and, community-based adoption events or venues at locations other than the shelter.

(1) In addition to the requirements of subsection

(a), all public sheltering agencies shall be open for public adoption seven days per week for a minimum of six hours per day, except on the following federally recognized holidays, when the shelter may, but is not required to, be open for adoptions: Thanksgiving Day and Christmas Day.

SEC. 12(a) No public or private sheltering agency shall ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria except as to the individual animal's medical condition and aggression, or the adopter's fitness to adopt.

SEC. 13(a) Every public sheltering agency shall provide the following public services:

- (1) low-cost spay/neuter services for animals;
- (2) volunteer opportunities for people to assist the shelter, including fostering animals, socializing animals, assisting with adoptions, and otherwise helping in the operations of the shelter;
- (3) programs to assist people in overcoming situations that may cause them to relinquish or abandon their animals, including, but not limited to, programs that address animal behavior problems, medical conditions, and environmental conditions.

(b) Nothing in this section shall prohibit an agency from enacting reasonable rules to facilitate the orderly operation of these programs, so long as the rules are designed to meet the goals of this Act, as defined in Part I.

SEC. 14(a) No person shall procure or use any living animal from a public or private sheltering agency or rescue group for medical or biological teaching, research or study. No hospital, educational or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture, shall purchase or accept any living animal from a public or private sheltering agency, rescue group, commercial kennel, kennel, peace officer, or animal control officer.

(b) No public or private sheltering agency, rescue

group, commercial kennel, kennel, peace officer, or animal control officer shall sell, adopt, transfer, or give away any living animal to a person, hospital, educational or commercial institution, laboratory, or dealer in animals, whether or not such dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research or study.

SEC. 15(a) No savable animal in a public or private sheltering agency shall be killed simply because the holding period has expired. Before an animal is killed, all of the following conditions must be met:

- (1) there are no empty cages, kennels, or other living environments in the shelter;
- (2) the animal cannot share a cage or kennel with another animal;
- (3) a foster home is not available;
- (4) organizations listed on the registry described in Section 9 are not willing to accept the animal;
- (5) the animal is not a feral cat subject to sterilization and release;
- (6) all mandates, programs and services of the Act have been met; and
- (7) the director of the agency certifies he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SEC. 16(a) All animals impounded by a public or private sheltering agency or rescue group shall be killed, only when necessary and consistent with the requirements of this Act, by lethal intravenous injection of sodium pentobarbital, except as follows:

- (1) intraperitoneal injections may be used only under the direction of a licensed veterinarian, and only when intravenous injection is not possible for infant animals, companion animals other than cats and dogs, feral cats, or in comatose animals with depressed vascular function.
- (2) intracardiac injections may be used only when intravenous injection is not possible for animals

who are completely unconscious or comatose, and then only under the direction of a veterinarian.

(b) No animal shall be allowed to witness any other animal being killed or being tranquilized/sedated for the purpose of being killed or see the bodies of animals which have already been killed.

(c) Animals shall be sedated/tranquilized as necessary to minimize their stress or discomfort, or in the case of vicious animals, to ensure staff safety, except as follows:

(1) neuromuscular blocking agents shall not be used.

(d) Following their injection, animals shall be lowered to the surface on which they are being held and shall not be permitted to drop or otherwise collapse without support.

(e) An animal may not be left unattended between the time procedures to kill the animal are commenced and the time death occurs, nor may the body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal in all of the following ways:

- (1) by lack of heartbeat, verified by a stethoscope;
- (2) by lack of respiration, verified by observation;
- (3) by pale, bluish gums and tongue, verified by observation; and
- (4) by lack of eye response, verified if lid does not blink when eye is touched and pupil remains dilated when a light is shined on it.

(g) The room in which animals are killed shall be cleaned and regularly disinfected as necessary, but no less than once per day on days the room is used, except as follows:

(1) The area where the procedure is performed shall be cleaned and disinfected between each procedure.

(h) The room in which animals are killed shall have adequate ventilation that prevents the accumula-

tion of odors.

(i) A veterinarian licensed to practice medicine in this state or a euthanasia technician certified by the state euthanasia certification program shall perform these procedures, except as follows:

(1) If a state certification program does not exist, the procedure may be performed by a trained euthanasia technician working under the direction of a veterinarian.

Part VIII. Public Accountability.

SEC. 17(a) All public and private sheltering agencies must post, in a conspicuous place where animals are being relinquished by owners, a sign which is clearly visible and readable from any vantage point in the area, and at least 17 inches by 22 inches, which has all of the following information identified by species-type:

- (1) the number of animals impounded for the prior calendar year;
- (2) the number of animals impounded for the prior calendar year who were adopted;
- (3) the number of animals impounded for the prior calendar year who were transferred to other agencies for adoption;
- (4) the number of animals impounded for the prior calendar year who were reclaimed by their owners;
- (5) the number of animals impounded for the prior calendar year who died, were lost, and/or were stolen while under the direct or constructive care of the agency; and
- (6) the number of animals impounded for the prior calendar year who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency.

(b) All public or private sheltering agencies must provide all owners who are relinquishing an animal with accurate information, in writing, about the likely disposition of their animal which includes, but is not limited to: (1) if the animal is the breed or type who is normally killed, (2) if the animal is likely to be killed because of some current, usual, or unusual circumstances, and (3) the information provided in Section 17(a)(1)-(6).

(c) Any owner surrendering an animal to a public or private sheltering agency must sign a statement on a form provided by the agency which includes the specific language: "I understand that the shelter may kill my pet." If such statements are provided on a form which has additional information, the owner must initial the statement where these words appear. If the person refuses to sign such statement, the shelter, or its agents, must recite the statement aloud to the owner and then write: "Refused to sign." Such statements must be kept on file for a period of no less than three years.

(d) All public and private sheltering agencies must make available for free public inspection the care protocol required under Section 8(b), the cleaning protocol required under Section 8(c), and the disease-prevention protocol required under Section 8 (e).

(e) All public and private sheltering agencies shall include on their websites and post, in a conspicuous place near the entrance of the shelter, a list of organizations included on the registry described in Section 9, as well as an invitation for all public or private sheltering agencies and rescue groups to inquire about being listed on the registry, so that they may be notified before any animal is killed. Such lists shall not include any contact information the registered organizations do not wish to make public.

SEC. 18(a) All public or private sheltering agencies shall provide to the Legislature and, upon request, for free public inspection, a monthly summary by the tenth day of the month that includes the following information by species-type:

- (1) the number of animals impounded during the previous month;
- (2) the number of impounded animals sterilized and/or sterilized by contract with participating outside private veterinarians during the previous month;
- (3) the number of animals who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency during the previous month;

- (4) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous month;

- (5) the number of animals who were returned to their owners during the previous month;

- (6) the number of animals who were adopted during the previous month;

- (7) the number of animals who were transferred to other organizations for adoption during the previous month; and

- (8) the number of animals impounded into the reporting agency from outside the State during the previous month.

(b) Every public or private sheltering agency shall provide an annual summary by January 31 to the Legislature and, upon request, for free public inspection, which includes the following information by species-type:

- (1) the number of animals impounded during the previous calendar year;

- (2) the number of impounded animals sterilized and/or sterilized by contract with participating outside private veterinarians during the previous calendar year;

- (3) the number of animals who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency during the previous calendar year;

- (4) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;

- (5) the number of animals who were returned to their owners during the previous calendar year;

- (6) the number of animals who were adopted during the previous calendar year;

- (7) the number of animals who were transferred to other organizations for adoption during the previous calendar year; and

- (8) the number of animals impounded into the reporting agency from outside the State during the previous calendar year.

SEC. 19(a) Revenues from dog licenses, as required under any existing state or local laws, shall

be deposited into an account for use by the public animal control agency as follows:

(1) 60 percent shall be used exclusively for free and low-cost spay/neuter of feral cats and owned animals under the provision of subsection (b);

(2) 40 percent shall be used exclusively for free and low-cost medical assistance, including vaccinations, of feral cats and owned animals under the provision of subsection (b).

(b) These funds shall be used to provide low-cost spay/neuter and medical care for animals if the owner or feral cat caretaker meets income guidelines set by the shelter or State except as follows:

(1) These funds shall be used to provide free spay/neuter for animals if the owner is on public assistance or is eligible for any type of city, county, state, or federal aid of the kind that is normally given to individuals based on lack of sufficient income;

(2) These funds shall be used to provide low-cost medical care, including vaccinations, for animals if the owner is on public assistance or is eligible for any type of city, county, state, or federal aid of the kind that is normally given to individuals based on lack of sufficient income;

(3) These funds shall be used to provide free spay/neuter and vaccinations against rabies for feral cats regardless of the feral cat caretaker's income.

(c) These services shall be performed under the direction of a licensed veterinarian.

(d) These funds shall not be deducted from the public animal control agency's overall taxpayer budget.

SEC. 20(a) Any resident of the State may compel a public or private sheltering agency or rescue group to follow the mandates of this Act through a lawsuit asking a court of competent jurisdiction to grant declaratory and injunctive relief including, but not limited to: restraining orders, preliminary injunctions, injunctions, writs of mandamus and prohibition, and other appropriate remedies at law

which will compel compliance with this Act.

(b) Any public or private sheltering agency or rescue group may compel a public or private sheltering agency to follow the mandates of this Act through a lawsuit asking a court of competent jurisdiction to grant declaratory and injunctive relief including, but not limited to: restraining orders, preliminary injunctions, injunctions, writs of mandamus and prohibition, and other appropriate remedies at law which will compel compliance with this Act.

SEC. 21(a) Any law, ordinance, or policy which requires the licensing of cats, the confinement of cats, limits the number of animals a household can own or care for, prohibits or requires permits for the feeding of stray domestic animals, or prohibits the adoption of specific breeds of dogs is hereby repealed as contrary to the public interest except as follows:

(1) Nothing in this section shall be construed to limit the enforcement of a statute having as its effect the prevention or punishment of animal neglect or cruelty, so long as such enforcement is based on the conditions of animals or the environment, and not based on the mere fact that a household has a certain number of animals, a person is feeding stray domestic animals, and/or a dog is of a particular breed.

SEC. 22(a) If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Act shall be adjudged invalid by a court or other tribunal of competent jurisdiction, such determination, order, or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Act. Any such invalidity shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such determination, order, or judgment shall have been rendered.



Rescue Five-O is a nationwide campaign to reform U.S. animal shelters through legislation. Rescue Five-O is a joint project of the No Kill Advocacy Center and the No Kill Nation.



For more information or to request assistance, visit

Rescue50.org