

22105828D

HOUSE BILL NO. 1330

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on February 9, 2022)

(Patron Prior to Substitute—Delegate Edmunds)

A BILL to amend and reenact §§ 3.2-6546 and 3.2-6549 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6585.1, relating to duty to identify submitted animal; microchip.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6546 and 3.2-6549 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6585.1 as follows:

§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. For purposes of this section:

"Animal" shall not include agricultural animals.

"Rightful owner" means a person with a right of property in the animal.

B. The governing body of each county or city shall maintain or cause to be maintained a public animal shelter and shall require dogs running at large without the tag required by § 3.2-6531 or in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section shall be construed to prohibit confinement of other companion animals in such a shelter. The governing body of any county or city need not own the facility required by this section but may contract for its establishment with a private group or in conjunction with one or more other local governing bodies. The governing body shall require that:

1. The public animal shelter shall be accessible to the public at reasonable hours during the week;

2. The public animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur;

3. If a person contacts the public animal shelter inquiring about a lost companion animal, the shelter shall advise the person if the companion animal is confined at the shelter or if a companion animal of similar description is confined at the shelter;

4. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a private animal shelter in accordance with subsection D of § 3.2-6548 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by a private animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by a releasing agency other than a public or private animal shelter in accordance with subdivision F 2 of § 3.2-6549 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records; and

6. The public animal shelter shall maintain a written record of the information on each companion animal submitted to the shelter by an individual in accordance with subdivision A 2 of § 3.2-6551 for a period of 30 days from the date the information is received by the shelter. If a person contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.

C. An animal confined pursuant to this section shall be kept for a period of not less than five days, such stray hold period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner thereof.

The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification, *including by complying with the provisions of § 3.2-6585.1*. If such identification is found on the animal, the animal shall be held for an additional five-day stray hold period, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

60 During the stray hold period that an animal is confined pursuant to this subsection, the operator or
61 custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable
62 diseases, provided that (i) all vaccines are administered in accordance with a protocol approved by a
63 licensed veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed
64 veterinary technician under the immediate direction and supervision of a licensed veterinarian in
65 accordance with § 3.2-6521. Indoor enclosures used to confine the animal during the applicable stray
66 hold period shall be constructed of materials that are durable, nonporous, impervious to moisture, and
67 able to be thoroughly cleaned and disinfected. During the applicable stray hold period, the operator or
68 custodian shall provide the animal with adequate care, including reasonable access to outdoor areas to
69 ensure that the animal has adequate exercise and adequate space.

70 If any animal confined pursuant to this section is claimed by its rightful owner, such owner may be
71 charged with the actual expenses incurred in keeping the animal impounded. In addition to this and any
72 other fees that might be levied, the locality may, after a public hearing, adopt an ordinance to charge the
73 owner of an animal a fee for impoundment and increased fees for subsequent impoundments of the same
74 animal.

75 D. If an animal confined pursuant to this section has not been claimed upon expiration of the
76 applicable stray hold period as provided by subsection C, it shall be deemed abandoned and become the
77 property of the public animal shelter.

78 For any animal not subject to a stray hold period, including an animal for whom the stray hold
79 period has ended, the operator or custodian of the public animal shelter shall confine the animal in an
80 enclosure that can safely house and allow for adequate separation of animals of different species, sexes,
81 ages, and temperaments. Such enclosure may have both an outdoor area and an indoor area. If the
82 facility has an outdoor area, the facility shall ensure that the outdoor areas do not present conditions that
83 would be detrimental to the health of the animal. Indoor areas shall have a solid floor. Each operator or
84 custodian shall ensure adequate access to water, food, and a resting platform, bedding, or perch as
85 appropriate to the animal's species, age, and condition. Any regulation by the Board that applies to an
86 animal not subject to a stray hold period shall not be so restrictive as to fail to allow for adequate care,
87 adequate exercise, and adequate space, including meaningful indoor and outdoor recreation for the
88 animal.

89 Such animal may be euthanized in accordance with the methods approved by the State Veterinarian
90 or disposed of by the methods set forth in subdivisions 1 through 5. No shelter shall release more than
91 two animals or a family of animals during any 30-day period to any one person under subdivision 2, 3,
92 or 4.

93 1. Release to any humane society, public or private animal shelter, or other releasing agency within
94 the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains
95 a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each
96 individual has never been convicted of animal cruelty, neglect, or abandonment and updates such
97 statements as changes occur;

98 2. Adoption by a resident of the county or city where the shelter is operated and who will pay the
99 required license fee, if any, on such animal, provided that such resident has read and signed a statement
100 specifying that he has never been convicted of animal cruelty, neglect, or abandonment;

101 3. Adoption by a resident of an adjacent political subdivision of the Commonwealth, if the resident
102 has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect,
103 or abandonment;

104 4. Adoption by any other person, provided that such person has read and signed a statement
105 specifying that he has never been convicted of animal cruelty, neglect, or abandonment and provided
106 that no dog or cat may be adopted by any person who is not a resident of the county or city where the
107 shelter is operated, or of an adjacent political subdivision, unless the dog or cat is first sterilized, and the
108 shelter may require that the sterilization be done at the expense of the person adopting the dog or cat; or

109 5. Release for the purposes of adoption or euthanasia only, to an animal shelter, or any other
110 releasing agency located in and lawfully operating under the laws of another state, provided that such
111 animal shelter, or other releasing agency: (i) maintains records that would comply with § 3.2-6557; (ii)
112 requires that adopted dogs and cats be sterilized; (iii) obtains a signed statement from each of its
113 directors, operators, staff, and animal caregivers specifying that each individual has never been convicted
114 of animal cruelty, neglect, or abandonment, and updates such statement as changes occur; and (iv) has
115 provided to the public or private animal shelter or other releasing agency within the Commonwealth a
116 statement signed by an authorized representative specifying the entity's compliance with clauses (i)
117 through (iii), and the provisions of adequate care and performance of humane euthanasia, as necessary in
118 accordance with the provisions of this chapter.

119 For purposes of recordkeeping, release of an animal by a public animal shelter to a public or private
120 animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal
121 is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the treasurer of the locality. Any proceeds deriving from the gift, sale, or delivery of such animals by a public or private animal shelter or other releasing agency shall be paid directly to the clerk or treasurer of the animal shelter or other releasing agency for the expenses of the society and expenses incident to any agreement concerning the disposing of such animal. No part of the proceeds shall accrue to any individual except for the aforementioned purposes.

E. Nothing in this section shall prohibit the immediate euthanasia of a critically injured, critically ill, or unweaned animal for humane purposes. Any animal euthanized pursuant to the provisions of this chapter shall be euthanized by one of the methods prescribed or approved by the State Veterinarian.

F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed in subdivisions D 1 through 5 of an animal that has been released to a public or private animal shelter, other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no other person has a right of property in the animal; and (iii) acknowledging that the animal may be immediately euthanized or disposed of in accordance with subdivisions D 1 through 5.

G. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification that, based on the written statement of a disinterested person, exhibits behavior that poses a risk of physical injury to any person confining the animal, from being euthanized after being kept for a period of not less than three days, at least one of which shall be a full business day, such period to commence on the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. The statement of the disinterested person shall be kept with the animal as required by § 3.2-6557. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal.

H. No public animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that he has never been convicted of animal cruelty, neglect, or abandonment, and each shelter shall update such statement as changes occur. The shelter shall maintain the original statement and any updates to such statement in accordance with this chapter and for at least so long as the shelter has an affiliation with the foster care provider.

I. A public animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

J. If a public animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the locality where the foster care provider is located.

K. The governing body shall require that the public animal shelter be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the locality may be assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation is a separate offense. In determining the amount of any civil penalty, the Board or its designee shall consider (i) the history of previous violations at the shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality to achieve compliance after notification of the violation. All civil penalties assessed under this section shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this chapter.

L. If this chapter or any laws governing public animal shelters are violated, the Commissioner may bring an action to enjoin the violation or threatened violation of this chapter or the regulations pursuant thereto regarding public animal shelters, in the circuit court where the shelter is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

§ 3.2-6549. Releasing agencies other than public or private animal shelters; confinement and disposition of companion animals; recordkeeping; affiliation with foster care providers; penalties.

A. A releasing agency other than a public or private animal shelter:

1. May confine and dispose of companion animals in accordance with subsections B through G of § 3.2-6546 if incorporated and not operated for profit;

2. Shall keep accurate records of each companion animal received for two years from the date of disposition of the companion animal. Records shall (i) include a description of the companion animal, including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's name, address, and telephone number, and license number or other identifying tags or markings, as well as disposition of the companion animal, and (ii) be made available upon request to the Department, animal control officers, and law-enforcement officers at mutually agreeable times. A releasing agency other than a public or private animal shelter shall annually submit a summary of such records to the State Veterinarian in a format prescribed by him, wherein a post office box may be substituted for a

183 home address; and

184 3. Shall annually file with the State Veterinarian a copy of its intake policy.

185 For purposes of recordkeeping, release of a companion animal by a releasing agency to a public or
186 private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the
187 animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

188 B. Each releasing agency other than a public or private animal shelter shall obtain a signed statement
189 from each of its directors, operators, staff, or animal caregivers specifying that each individual has never
190 been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency shall update
191 such statement as changes occur.

192 C. No releasing agency other than a public or private animal shelter shall place a companion animal
193 in a foster home with a foster care provider unless the foster care provider has read and signed a
194 statement specifying that the foster care provider has never been convicted of animal cruelty, neglect, or
195 abandonment, and such releasing agency shall update the statement as changes occur. A releasing
196 agency other than a public or private animal shelter shall maintain the original statement and any
197 updates to such statement for so long as the releasing agency has an affiliation with the foster care
198 provider.

199 D. A releasing agency other than a public or private animal shelter that places a companion animal
200 in a foster home with a foster care provider shall ensure that the foster care provider complies with
201 § 3.2-6503.

202 E. If a releasing agency other than a public or private animal shelter finds a direct and immediate
203 threat to a companion animal placed with a foster care provider, it shall report its findings to the animal
204 control agency in the area where the foster care provider is located.

205 F. Any releasing agency other than a public or private animal shelter that finds a companion animal
206 or receives a companion animal that has not been released by its owner and (i) provides care or
207 safekeeping or (ii) takes possession of such companion animal shall within 48 hours:

208 1. ~~Make~~ *In compliance with the provisions of § 3.2-6585.1, make* a reasonable attempt to notify the
209 owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo, or
210 other identification or markings, or if the owner of the companion animal is otherwise known to the
211 releasing agency; and

212 2. Notify the public animal shelter that serves the locality where the companion animal was found
213 and provide to the shelter contact information including at least a name and a contact telephone number,
214 a description of the companion animal including at least species, breed, sex, size, color, information
215 from any tag, license, collar, tattoo, or other identification or markings, and the location where the
216 companion animal was found.

217 G. A releasing agency other than a public or private animal shelter shall comply with the provisions
218 of § 3.2-6503.

219 H. No releasing agency other than a public or private animal shelter shall be operated in violation of
220 any local zoning ordinance.

221 I. A releasing agency other than a public or private animal shelter that violates any provision of this
222 section, other than subsection G, may be subject to a civil penalty not to exceed \$250.

223 **§ 3.2-6585.1. Duty to identify; scanning for microchip.**

224 *Any veterinarian, public or private animal shelter, or releasing agency that releases or receives*
225 *companion animals for adoption or is authorized to euthanize companion animals shall seek to identify*
226 *the lawful owner of each unidentified companion animal submitted to it, including, for any weaned*
227 *companion animal that may be safely handled, making a reasonable attempt to scan the animal for an*
228 *embedded microchip at the time of intake, at the time of assessment, and prior to disposition. If a chip*
229 *is detected, the veterinarian, shelter, or agency shall make every reasonable effort to contact the owner*
230 *by the most expedient method available. Such veterinarian, shelter, or agency shall maintain*
231 *documentation for at least 30 days from the date of the final disposition of the animal that includes the*
232 *reason an animal could not be scanned, any scanning that located or failed to locate a microchip,*
233 *whether a located microchip was registered to an owner, and any attempt to contact any owner.*
234 *Veterinarians shall notify the local public shelter, in compliance with § 3.2-6551, when taking*
235 *possession of a stray animal.*