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## SENATE BILL NO. 260

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources  
on January 21, 2002)

(Patron Prior to Substitute—Senator Watkins)

A *BILL to amend and reenact §§ 3.1-796.66, 3.1-796.67:2, 3.1-796.68, 3.1-796.73, 3.1-796.96, 3.1-796.96:2, and 3.1-796.126:7 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered, 3.1-796.96:3, 3.1-796.96:4 and 3.1-796.96:5, relating to animal shelters; penalties.*

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 3.1-796.66, 3.1-796.67:2, 3.1-796.68, 3.1-796.73, 3.1-796.96, 3.1-796.96:2, and 3.1-796.126:7 of the Code of Virginia are amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 3.1-796.96:3, 3.1-796.96:4 and 3.1-796.96:5 as follows:**

§ 3.1-796.66. Definitions.

The following words as used in this chapter shall have the following meanings:

"Abandon" means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in § 3.1-796.68 for a period of five consecutive days.

"Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

"Adequate exercise" or "exercise" means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

"Adequate feed" means access to and the provision of food ~~which~~*that* is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

"Adequate shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

"Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

"Adequate water" means provision of and access to clean, fresh, potable water of a drinkable temperature ~~which~~*that* is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve hours, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles ~~which~~*that* are accessible to each animal and are placed so as to minimize contamination of the water by

60 excrement and pests or an alternative source of hydration consistent with generally accepted husbandry  
61 practices.

62 "Adoption" means the transfer of ownership of a dog or cat from a releasing agency to an individual.

63 "Agricultural animals" means all livestock and poultry.

64 "Ambient temperature" means the temperature surrounding the animal.

65 "Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.1-796.98,  
66 animal means any species susceptible to rabies. For the purposes of § 3.1-796.122, animal means any  
67 nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a  
68 reasonable and customary manner.

69 "Animal control officer" means a person appointed as an animal control officer or deputy animal  
70 control officer as provided in § 3.1-796.104.

71 "Animal shelter" means a facility ~~which~~ *that* is used to house or contain animals and ~~which~~ *that* is  
72 owned, operated, or maintained by a *nongovernmental entity including, but not limited to, duly*  
73 ~~incorporated~~ *a humane society, animal welfare society organization, society for the prevention of cruelty*  
74 *to animals, animal rescue group, or any other organization devoted to the welfare, protection, and*  
75 ~~humane treatment of animals operating for the purpose of providing animals with sanctuary or for~~  
76 ~~finding permanent adoptive homes for animals.~~

77 "Board" means the Board of Agriculture and Consumer Services.

78 "Boarding establishment" means a place or establishment other than a pound or animal shelter where  
79 companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

80 "Collar" means a well-fitted device, appropriate to the age and size of the animal, attached to the  
81 animal's neck in such a way as to prevent trauma or injury to the animal.

82 "Companion animal" means any domestic or feral dog, domestic or feral cat, non-human primate,  
83 guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or  
84 native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any  
85 animal ~~which~~ *that* is bought, sold, traded, or bartered by any person. Agricultural animals, game species,  
86 or any animals regulated under federal law as research animals shall not be considered companion  
87 animals for the purposes of this chapter.

88 "*Companion animal rescue agency*" means any person or organization that accepts more than six  
89 companion animals, or three companion animals and three unweaned litters of companion animals  
90 during a calendar year for the purpose of providing sanctuary or finding permanent adoptive homes for  
91 companion animals and that does not maintain an animal shelter for keeping animals, but rather houses  
92 the animals in a residential dwelling or uses a system of housing animals in foster homes or boarding  
93 establishments.

94 "Consumer" means any natural person purchasing an animal from a dealer or pet shop or hiring the  
95 services of a boarding establishment. The term "consumer" shall not include a business or corporation  
96 engaged in sales or services.

97 "Dealer" means any person who in the regular course of business for compensation or profit buys,  
98 sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals  
99 in the regular course of business as a common carrier shall not be considered a dealer.

100 "Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or  
101 life.

102 "Emergency veterinary treatment" means veterinary treatment to stabilize a life-threatening condition,  
103 alleviate suffering, prevent further disease transmission, or prevent further disease progression.

104 "Enclosure" means a structure used to house or restrict animals from running at large.

105 "Euthanasia" means the humane destruction of an animal accomplished by a method that involves  
106 instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced  
107 by an agent ~~which~~ *that* causes painless loss of consciousness, and death during such loss of  
108 consciousness.

109 "Exhibitor" means any person who has animals for or on public display, excluding an exhibitor  
110 licensed by the United States Department of Agriculture.

111 "*Foster home*" means a residential site at which, through registration with a companion animal  
112 rescue agency or animal shelter or pound, animal care or rehabilitation is provided.

113 "Groomer" means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats  
114 for external parasites any animal.

115 "Housing facility" means any room, building, or area used to contain a primary enclosure or  
116 enclosures.

117 "Humane" means any action taken in consideration of and with the intent to provide for the animal's  
118 health and well-being.

119 "Humane investigator" means a person who has been appointed by a circuit court as a humane  
120 investigator as provided in § 3.1-796.106.

121 "Humane society" means any chartered, nonprofit organization incorporated under the laws of this

Commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

"Kennel" means any establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

"Law-enforcement officer" means any person who is a full-time or part-time employee of a police department or sheriff's office ~~which~~ *that* is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

"Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.1-73.6; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

"Local ordinance" means any law, rule, regulation, or ordinance promulgated by the governing body of any county, city, or town.

"Locality" or "local government" means a county, city, or town, as the context may require.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.1-796.126:1, and who adopts or receives a dog or cat from a releasing agency.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any municipality, county, or incorporated town thereof, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

"Owner" means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

"Person" means any individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

"Poultry" includes all domestic fowl and game birds raised in captivity.

"Pound" means a facility operated by the Commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

"Primary enclosure" means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

"Properly cleaned" means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

"Properly lighted" means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the housing facility, and observation of the animal; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

"Releasing agency" means a pound, animal shelter, humane society, animal welfare organization ~~society~~, society for the prevention of cruelty to animals, *companion animal rescue agency*, or other similar entity that releases a dog or cat for adoption pursuant to Article 6.1 (§ 3.1-796.126:1 et seq.) of this chapter.

"Research facility" means any place, laboratory, or institution licensed by the U.S. Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

"Sanitize" means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

"State Veterinarian" means the veterinarian employed by the Commissioner of Agriculture and Consumer Services as provided in § 3.1-723.

"State Veterinarian's representative" means an employee of the Department of Agriculture and Consumer Services who is under the direction of the State Veterinarian.

183 "Sterilize" or "sterilization" means a surgical or chemical procedure performed by a licensed  
184 veterinarian that renders a dog or cat permanently incapable of reproducing.

185 "Treasurer" includes the treasurer and his assistants of each county or city or other officer designated  
186 by law to collect taxes in such county or city.

187 "Treatment" or "adequate treatment" means the responsible handling or transportation of animals in  
188 the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of  
189 the animal.

190 "Veterinary treatment" means treatment by or on the order of a duly licensed veterinarian.

191 "Weaned" means that an animal is capable of and physiologically accustomed to ingestion of solid  
192 food or food customary for the adult of the species, and has ingested such food, without nursing, for a  
193 period of at least five days.

194 § 3.1-796.67:2. State Veterinarian's power to inspect premises where animals are kept.

195 The State Veterinarian and each State Veterinarian's representative shall have the power to conduct  
196 inspections of animal shelters, *and companion animal rescue agencies*; and inspect any business  
197 premises where animals are housed or kept, including any boarding establishment, kennel, pet shop,  
198 pound, or the business premises of any dealer, exhibitor or groomer, at any reasonable time, for the  
199 purposes of determining if a violation of (i) this chapter; (ii) any other state law governing the care,  
200 control or protection of animals; or (iii) any other state law governing property rights in animals has  
201 occurred. *The State Veterinarian shall have the authority to conduct inspections of foster homes for the*  
202 *same purposes only with proper cause or specific request from a pound, animal shelter, companion*  
203 *animal rescue agency, animal control officer, humane investigator, or any other law enforcement officer,*  
204 *which shall include, but not be limited to, a violation of the provisions of this chapter.*

205 § 3.1-796.68. Care of animals by owner; penalty.

206 A. Each owner shall provide for each of his companion animals:

- 207 1. Adequate feed;
- 208 2. Adequate water;
- 209 3. Adequate shelter that is properly cleaned;
- 210 4. Adequate space in the primary enclosure for the particular type of animal depending upon its age,
- 211 size, species, and weight;
- 212 5. Adequate exercise;
- 213 6. Adequate care, treatment, and transportation; and
- 214 7. Veterinary care when needed or to prevent suffering or disease transmission.

215 The provisions of this section shall also apply to every animal shelter, pound, *companion animal*  
216 *rescue agency, foster home*, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment.  
217 This section shall not require that animals used as food for other animals be euthanized.

218 B. Game and wildlife species shall be cared for in accordance with regulations promulgated by the  
219 Board of Game and Inland Fisheries by January 1, 1994.

220 C. Violation of this section is a Class 4 misdemeanor.

221 § 3.1-796.73. Abandonment of animal; penalty.

222 No person shall abandon any animal. Violation of this section is a Class 3 misdemeanor. Nothing in  
223 this section shall be construed to prohibit the release of an animal by its owner to an animal shelter,  
224 pound, ~~or humane society, establishment or companion animal rescue agency.~~

225 § 3.1-796.96. County or city pounds; confinement and disposition of stray animals; penalties.

226 A. The governing body of each county or city shall maintain or cause to be maintained a pound and  
227 shall require dogs running at large without the tag required by § 3.1-796.92 or in violation of an  
228 ordinance passed pursuant to § 3.1-796.93 to be confined therein. The governing body of any county or  
229 city need not own the facility required by this section but may contract for its establishment with a  
230 private group or in conjunction with one or more other local governing bodies. The governing body  
231 shall require that the pound (i) be accessible to the public at reasonable hours during the week; (ii) *post*  
232 *in full view of the public and pursuant to §§ 3.1-796.96:2 and 3.1-796.96:3, contact information for all*  
233 *animal shelters and companion animal rescue agencies that are located in the same city or county as*  
234 *the pound or that have received animals that were found in the same city or county as the pound;* (iii)  
235 *when contacted by a person seeking a lost animal, shall advise the person that the animal may be at an*  
236 *animal shelter or companion animal rescue agency and shall provide the person with the contact*  
237 *information for the animal shelters and companion animal rescue agencies that service the locality*  
238 *where the pound is located;* (iv) *post the descriptions of each animal submitted to the pound by an*  
239 *animal shelter or companion animal rescue agency, in full view of the public for a period of not less*  
240 *than fourteen days from the time the description is received; and (v) maintain the description of each*  
241 *animal for a period of one year and make it available to the public for inspection upon request.*  
242 Nothing in this section shall be construed to prohibit confinement of other companion animals in such a  
243 pound.

244 B. An animal confined pursuant to this section shall be kept for a period of not less than five days,

such 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 pound shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification is found on the animal, the animal shall be held for an additional five days, unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the operator or custodian of the pound shall make a reasonable effort to notify the owner of the animal's confinement within the next forty-eight hours following its confinement.

If any animal confined pursuant to this section is claimed by its rightful owner, such owner ~~shall~~ *may* be charged with the actual expenses incurred in keeping the animal impounded.

C. If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection B, it shall be deemed abandoned and become the property of the pound or shelter. If such abandoned animal did not, when delivered to the pound, bear a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by:

1. Sale or gift to a federal agency, state-supported institution, agency of the Commonwealth, agency of another state, or a licensed federal dealer having its principal place of business located within the Commonwealth, provided that such agency, institution or dealer agrees to confine the animal for an additional period of not less than five days;

2. Delivery to any humane society, ~~or~~ animal shelter, *or companion animal rescue agency* within the Commonwealth, *provided no member of its board of directors, operators, or employees has ever been convicted of animal cruelty, neglect, or abandonment;*

3. Adoption by any person who is a resident of the county or city for which the pound is operated and who will pay the required license fee, if any, on such animal, *provided that no person may adopt an animal if the person has ever been convicted of animal cruelty, neglect, or abandonment;*

4. Adoption by a resident of an adjacent political subdivision of the Commonwealth, *provided that no person may adopt an animal if the person has ever been convicted of animal cruelty, neglect, or abandonment;*

5. Adoption by any other person, provided that *no person may adopt an animal if the person has ever been convicted of animal cruelty, neglect, or abandonment, and provided that no* animal may be adopted by any person who is not a resident of the county or city for which the pound or animal shelter is operated, or of an adjacent political subdivision, unless the animal is first sterilized; or

6. Delivery, for the purposes of adoption or euthanasia only, to a humane society, ~~or~~ an animal shelter, *or a companion animal rescue agency* located in and lawfully operating under the laws of another state, provided that such humane society, ~~or~~ animal shelter, *or companion animal rescue agency:* (i) maintains records ~~which~~ *that* would comply with § 3.1-796.105; (ii) requires that adopted dogs and cats be sterilized; and (iii) has been approved by the State Veterinarian or his designee as a facility *or agency which* ~~that~~ maintains such records, requires adopted dogs and cats to be sterilized, and provides adequate care and euthanasia.

If such abandoned animal, when delivered to the pound, bore a collar, tag, license, tattoo, or other form of identification, it may be humanely destroyed or disposed of by the methods described in subdivision 2, 3, 4, or 5 of this subsection.

No pound or shelter shall deliver more than two animals or a family of animals during any thirty-day period to any one person under subdivision 3, 4 or 5 of this subsection.

If an animal is required to be sterilized prior to adoption pursuant to subdivision 5 of this subsection, the pound or animal shelter may require that the sterilization be done at the expense of the person adopting the animal.

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

E. Nothing in this section shall prohibit the immediate destruction or disposal by the methods listed in subdivisions 2 through 6 of subsection C of an animal that has been delivered voluntarily or released to a pound, animal shelter, animal control officer, or humane society by the animal's rightful owner after the rightful owner has, in writing, surrendered all property rights in such animal and has read and signed a statement (i) certifying that no other person has a right of property in the animal and (ii) acknowledging that the animal may be immediately euthanized or disposed of by the methods listed in subdivisions 2 through 6 of subsection C.

F. Nothing in this section shall prohibit any feral dog or feral cat not bearing a collar, tag, tattoo, or other form of identification which, based on the written certification 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 certification of the disinterested person shall be kept with the animal as required by § 3.1-796.105. For purposes of this subsection, a disinterested person shall not include a person releasing or reporting the animal to the facility.

G. For purposes of this section:

"Animal" shall not include agricultural animals.

"Humane society," when referring to an organization without the Commonwealth, means any nonprofit organization organized for the purpose of preventing cruelty to animals and promoting humane care and treatment or adoption of animals.

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

H. The governing body shall require that the pound 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 in an amount that does not exceed \$1,000 per violation. Each day of the violation shall constitute a separate offense. In determining the amount of any civil penalty, the Board shall consider (i) the history of previous violations at the pound; (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.

§ 3.1-796.96:2. Animal shelters; confinement and disposition of animals; penalties.

A. An animal shelter may ~~in accordance with the provisions of § 3.1-796.96~~ confine and dispose of ~~animals in accordance with the provisions of subsections B through G of § 3.1-796.96~~ (i) ~~dogs running at large without the tag required by § 3.1-796.92 or in violation of an ordinance adopted pursuant to § 3.1-796.93 or § 3.1-796.94:1,~~ (ii) ~~dogs four months old or older not licensed in violation of § 3.1-796.85, or~~ (iii) ~~eats in violation of an ordinance adopted pursuant to § 3.1-796.85 or § 3.1-796.94:1.~~

B. The State Veterinarian or his designee shall inspect an animal shelter prior to the shelter confining or disposing of animals pursuant to this section. ~~The animal shelter shall meet the requirements of all laws with regard to confinement and disposition of animals before the shelter is approved to receive animals and provide a reasonable and comfortable climate appropriate for the age, species, condition, size, and type of animal.~~

C. An animal shelter that confines and disposes of animals pursuant to this section shall be ~~accessible open~~ to the public ~~during at reasonable business hours,~~ and shall have its telephone number and address listed in a telephone directory, ~~and shall post its contact information, including at least its name, address, and telephone number, in pounds in the localities it serves and update the contact information as changes occur.~~ No animal shelter that confines or disposes of an animal pursuant to this section shall be operated in a residential dwelling or in violation of any local zoning ordinance.

D. The operator of an animal shelter that confines an animal ~~that has not been received from its owner or from an authorized releasing agency shall,~~ pursuant to this section shall, ~~within twenty-four hours of the shelter receiving the animal,~~ transmit a description of the animal including at least color, breed, size, sex, and other identifications or markings and where the animal was found, ~~the records required by § 3.1-796.120 and a photograph of the animal to the pound maintained by the county or city where the animal shelter is located and to the pound in the county or city where the animal was found within twenty-four hours of the shelter receiving the animal. No animal shelter shall be operated in violation of any local zoning ordinance.~~

E. An animal shelter that confines and disposes of animals pursuant to this section shall be operated in accordance with regulations issued by the Board. If this chapter or such regulations are violated, the animal shelter may be assessed a civil penalty by the ~~Board~~ Department or its designee in an amount that does not exceed \$1,000 per violation. Each day of the violation shall constitute 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 animal shelter; (ii) whether the violation has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the animal shelter 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.

§ 3.1-796.96:3. Companion animal rescue agencies; confinement and disposition of companion animals; penalties.

A. A companion animal rescue agency may in accordance with the provisions of this section and subsections B through G of § 3.1-796.96 confine and dispose of companion animals. If a companion animal rescue agency utilizes foster homes, it shall inspect each foster home it uses prior to the foster

home accepting companion animals and verify that each foster home meets the requirements set forth in subsection E. The information shall be reported in a format prescribed by the State Veterinarian. The companion animal rescue agency shall maintain a copy of the inspection report and file a copy of the report with the State Veterinarian upon approving a foster home. Nothing in this section shall prohibit a companion animal rescue agency from placing an animal in a residential home that is not approved as a foster home as long as that home is used no more than twice a year, and provided that no person residing in that home has ever been convicted of animal cruelty, neglect or abandonment.

B. A companion animal rescue agency that confines and disposes of animals pursuant to this section shall be accessible to the public at reasonable hours, shall have its telephone number and address listed in a telephone directory, and shall post its contact information, including at least its name, address, and telephone number, in pounds in the localities it serves and update the information as changes occur.

C. A companion animal rescue agency that confines an animal that has not been received from its owner nor from an authorized releasing agency shall, pursuant to this section, submit a description of the animal, including at least color, breed, size, sex, and other identification or markings and where the animal was found, to the pound maintained by the county or city where the companion animal rescue agency is located and to the pound in the county or city where the animal was found within twenty-four hours of the rescue agency receiving the animal.

D. A companion animal rescue agency shall keep records of all companion animals received for five years from the date of disposition, and the records shall be kept at the address specified in the application pursuant to § 3.1-796.96:4.

1. Each record shall contain a description of the animal as required by subsection B of § 3.1-796.120 and the name, address, and phone number of the adopting party.

2. All records shall be made available to the Department, animal control officer, law-enforcement officers, and the general public at reasonable times during business hours, or at other mutually agreeable times. Identifying information of prior owner, finder, and adopter may be deleted when sharing records with the public.

3. Companion animal rescue agencies shall maintain records of the current street address of foster homes or boarding establishments used by the agency.

4. The companion animal rescue agency shall provide annually to the State Veterinarian a summary of the records required in this subsection in a format prescribed by him.

E. A companion animal rescue agency must comply with the requirements of § 3.1-796.68. A companion animal rescue agency must also provide a reasonable and comfortable climate appropriate for the age, species, condition, size, and type of animal. The companion animal rescue agency shall not use dog houses with tethers as primary enclosures.

F. The companion animal rescue agency shall ensure that it and its foster homes maintain the standards of care prescribed in this section. The companion animal rescue agency and its foster homes shall complete a self-assessment at least twice a year in a format prescribed by the State Veterinarian. A copy of the self-assessment shall be maintained by the companion animal rescue agency and the foster homes.

G. If a companion animal rescue agency finds a direct and immediate threat to a companion animal in a foster home, the companion animal rescue agency shall remove the companion animal from the foster home and report their findings to the animal control agency in the locality where the foster home is located.

H. Any companion animal rescue agency or foster home that violates any provision of this section shall be subject to a Class 4 misdemeanor.

I. If a companion animal rescue agency violates any provision of this chapter, the Department may suspend the companion animal rescue agency's registration.

§ 3.1-796.96:4. Companion animal rescue agencies; registration requirements; application; conditions for registration; inspections.

A. No person or organization shall operate a companion animal rescue agency unless that person or organization is registered with the Department. The twelve-month registration period shall commence the first day of January and must be renewed on or before the first day of January of the following calendar year.

B. Any person or organization seeking a companion animal rescue agency registration shall apply on a form furnished by the Department. The applicant shall provide all information requested on the form, including, but not limited to, a valid mailing address through which the applicant can be reached, and a valid premises address where records are located. All premises, facilities, or sites where an applicant operates or keeps companion animals shall be shown on the application form. The application shall be filed with the Department and shall be accompanied by any appropriate fee required by the Department.

C. Registrations issued pursuant to this section shall not be transferable.

D. The registration shall be valid for up to one year and expire on December 31st, unless the

429 companion animal rescue agency violates any provision of this chapter. The Department may refuse to  
430 renew a registration if a companion animal rescue agency or foster home violates any provision of this  
431 chapter.

432 E. No companion animal rescue agency shall be registered if any of its directors, operators or  
433 employees, or operators of foster homes have ever been convicted of animal cruelty, neglect, or  
434 abandonment.

435 F. A companion animal rescue agency shall notify the Department by mail of any change in the  
436 name, address, substantial control or ownership in the operation of the companion animal rescue  
437 agency, within fifteen days of the change. No companion animal rescue agency or foster home shall be  
438 operated in violation of any local zoning ordinance.

439 § 3.1-796.96:5. Pounds and animal shelters; foster home registration requirements; applications;  
440 conditions for registration; inspections.

441 A. A pound or animal shelter may place an animal in a foster home provided that:

442 1. The pound or animal shelter has registered the foster home with the Department. Any pound or  
443 animal shelter seeking to register a foster home shall apply on a form furnished by the Department. The  
444 applicant shall provide all information requested on the form, including, but not limited to, a valid  
445 mailing address through which the applicant can be reached, and a valid premises address where  
446 records are located. All premises, facilities, or sites where an applicant operates or keeps companion  
447 animals shall be shown on the application form. The application shall be filed with the Department and  
448 shall be accompanied by any appropriate fee required by the Department.

449 2. Registrations issued pursuant to this section shall not be transferable.

450 3. The registration shall be valid for up to one year and expire on December 31st, unless the  
451 companion animal rescue agency violates any provision of this chapter. The Department may refuse to  
452 renew a registration if a companion animal rescue agency or foster home violates any provision of this  
453 chapter.

454 4. The pound or animal shelter shall inspect the foster home to be used prior to the foster home  
455 accepting any companion animal, and shall verify in a report that the foster home meets the  
456 requirements set forth in subsection E of § 3.1-796.96:3. The pound or animal shelter shall maintain a  
457 copy of this inspection report and file a copy of the inspection report with the State Veterinarian upon  
458 approving a foster home.

459 5. No pound or animal shelter shall place an animal in a foster home if any operator of the foster  
460 home has ever been convicted of animal cruelty, neglect, or abandonment.

461 6. A pound or animal shelter shall notify the Department by mail of any change in the name,  
462 address, substantial control or ownership in the operation of the foster home, within fifteen days of the  
463 change.

464 B. A pound or animal shelter that places an animal in a foster home shall ensure that the foster  
465 home maintains the standards of care pursuant to subsection E of § 3.1-796.96:3. Each foster home  
466 shall complete a self-assessment at least twice a year in a format prescribed by the State Veterinarian.  
467 A copy of the self-assessment shall be maintained by the pound or animal shelter and the foster home.

468 C. If a pound or animal shelter finds a direct and immediate threat to a companion animal in a  
469 foster home, the pound or animal shelter shall remove the companion animal from the foster home. The  
470 pound shall report its findings to the animal control officer in the area where the foster home is located  
471 and the animal control officer shall investigate the allegations. The animal shelter shall report its  
472 findings to the animal control agency in the locality where the foster home is located. If a pound  
473 violates any provision of this section, it may be subject to a civil penalty as defined in subsection H of  
474 § 3.1-796.96. If an animal shelter violates any provision of this section, it may be subject to a civil  
475 penalty as defined in subsection C of § 3.1-796.120.

476 D. Nothing in this section shall prohibit a pound or animal shelter from placing an animal in a  
477 residential home that is not approved as a foster home as long as that home is used no more than twice  
478 a year and provided that no person residing in that home has ever been convicted of animal cruelty,  
479 neglect or abandonment.

480 § 3.1-796.126:7. Civil penalties.

481 Any animal control officer, humane investigator, releasing agency, the State Veterinarian or State  
482 Veterinarian's representative shall be entitled to bring a civil action for any violation of this article  
483 which that is subject to a civil penalty. Any civil penalty assessed pursuant to this article shall be paid  
484 into the treasury of the city or county in which such civil action is brought and used for the purpose of  
485 defraying the costs of local animal control, including efforts to promote sterilization of cats and dogs.