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HOUSE BILL NO. 1067

House Amendments in [] — January 27, 2014

A BILL to amend and reenact §§ 3.2-6500, 3.2-6502, 3.2-6503, 3.2-6504, 3.2-6510, 3.2-6522, 3.2-6523, 3.2-6534, 3.2-6535, 3.2-6545, 3.2-6546, 3.2-6548, 3.2-6549, 3.2-6550, 3.2-6551, 3.2-6557, 18.2-144.2, 54.1-3423, and 54.1-3801 of the Code of Virginia, relating to animal shelters.

Patron Prior to Engrossment—Delegate Orrock

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6500, 3.2-6502, 3.2-6503, 3.2-6504, 3.2-6510, 3.2-6522, 3.2-6523, 3.2-6534, 3.2-6535, 3.2-6545, 3.2-6546, 3.2-6548, 3.2-6549, 3.2-6550, 3.2-6551, 3.2-6557, 18.2-144.2, 54.1-3423, and 54.1-3801 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6500. Definitions.

As used in this chapter unless the context requires a different meaning:

"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 § 3.2-6503 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 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, floor mat, 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 that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, 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,

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HB1067E

59 durable receptacles that are accessible to each animal and are placed so as to minimize contamination of
60 the water by excrement and pests or an alternative source of hydration consistent with generally
61 accepted husbandry practices.

62 "Adoption" means the transfer of ownership of a dog or a cat, or any other companion animal, from
63 a releasing agency to an individual.

64 "Agricultural animals" means all livestock and poultry.

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

66 "Animal" means any nonhuman vertebrate species except fish. For the purposes of § 3.2-6522, animal
67 means any species susceptible to rabies. For the purposes of § 3.2-6570, animal means any nonhuman
68 vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and
69 customary manner.

70 "Animal control officer" means a person appointed as an animal control officer or deputy animal
71 control officer as provided in § 3.2-6555.

72 "Animal shelter" means a facility, other than a private residential dwelling and its surrounding
73 grounds, that is used to house or contain animals and that is owned, operated, or maintained by a
74 nongovernmental entity including a humane society, animal welfare organization, society for the
75 prevention of cruelty to animals, or any other organization operating for the purpose of finding
76 permanent adoptive homes for animals.

77 "Boarding establishment" means a place or establishment other than a ~~pound or~~ public or private
78 animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in
79 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 "Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or
83 more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

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

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

93 "Dealer" means any person who in the regular course of business for compensation or profit buys,
94 sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers:
95 (i) any person who transports companion animals in the regular course of business as a common carrier;
96 or (ii) any person whose primary purpose is to find permanent adoptive homes for companion animals.

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

99 "Dump" means to knowingly desert, forsake, or absolutely give up without having secured another
100 owner or custodian any dog, cat, or other companion animal in any public place including the
101 right-of-way of any public highway, road or street or on the property of another.

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 that causes painless loss of consciousness, and death during such loss of consciousness.

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

110 "Facility" means a building or portion thereof as designated by the State Veterinarian, other than a
111 private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or
112 enclosures in which animals are housed or kept.

113 "Farming activity" means, consistent with standard animal husbandry practices, the raising,
114 management, and use of agricultural animals to provide food, fiber, or transportation and the breeding,
115 exhibition, lawful recreational use, marketing, transportation, and slaughter of agricultural animals
116 pursuant to such purposes.

117 "Foster care provider" means [~~an individual a person~~] who provides care or rehabilitation for
118 companion animals through an affiliation with a ~~pound, public or private~~ animal shelter, ~~or other~~
119 *home-based rescue, releasing agency, or other animal welfare organization.*

120 "Foster home" means a private residential dwelling and its surrounding grounds, *or any facility other*

than a public or private animal shelter, at which site through an affiliation with a ~~pound, public or private animal shelter, or other home-based rescue~~, releasing agency, or other animal welfare organization care or rehabilitation is provided for companion animals.

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

"Home-based rescue" means ~~any person that accepts: (i) more than 12 companion animals; or (ii) more than nine companion animals and more than three unweaned litters of companion animals in a calendar year an [incorporated, nonprofit] animal welfare organization that takes custody of companion animals for the purpose of finding permanent adoptive homes for the companion animals facilitating adoption and houses the such companion animals in a private residential dwelling or uses foster home or a system of housing companion animals in private residential foster homes.~~

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

"Humane investigator" means a person who has been appointed by a circuit court as a humane investigator as provided in § 3.2-6558.

"Humane society" means any incorporated, nonprofit organization that is organized for the purposes of preventing cruelty to animals and promoting humane care and treatment or adoptions of animals.

"Incorporated" means organized and maintained as a legal entity in the Commonwealth.

"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 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; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 3.2-2600; 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.

"New owner" means an individual who is legally competent to enter into a binding agreement pursuant to subdivision B 2 of § 3.2-6574, and who adopts or receives a dog or cat from a releasing agency.

"Ordinance" means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

"Other officer" includes all other persons employed or elected by the people of Virginia, or by any locality, 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.

"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 locality 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.

"Private animal shelter" means a facility that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

"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" when referring to a facility means sufficient illumination to permit routine

182 inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to
183 provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout
184 the facility; and to promote the well-being of the animals.

185 "Properly lighted" when referring to a private residential dwelling and its surrounding grounds means
186 sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the
187 companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to
188 promote the well-being of the animals.

189 "*Public animal shelter*" means a facility operated by the Commonwealth, or any locality, for the
190 purpose of impounding or sheltering seized, stray, homeless, abandoned, [unwanted,] or surrendered
191 animals or a facility operated for the same purpose under a contract with any locality.

192 "Releasing agency" means a ~~pound~~; (i) a public animal shelter or (ii) a private animal shelter,
193 humane society, animal welfare organization, society for the prevention of cruelty to animals, or other
194 similar entity or home-based rescue, that releases companion animals for adoption.

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

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

200 "Sore" means, when referring to an equine, that an irritating or blistering agent has been applied,
201 internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that
202 has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent
203 that has been injected by a person into or used by a person on any limb or foot of an equine; any other
204 substance or device that has been used by a person on any limb or foot of an equine; or a person has
205 engaged in a practice involving an equine, and as a result of such application, infliction, injection, use,
206 or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress,
207 inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not
208 include such an application, infliction, injection, use, or practice in connection with the therapeutic
209 treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything
210 contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action
211 devices as permitted by 9 C.F.R. Part 11.2.

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

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

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

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

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

223 **§ 3.2-6502. State Veterinarian's power to inspect premises where animals are kept;**
224 **investigations and search warrants.**

225 A. The State Veterinarian and each State Veterinarian's representative shall have the power to
226 conduct inspections of *public and private* animal shelters, and inspect any business premises where
227 animals are housed or kept, including any boarding establishment, kennel, pet shop, ~~pound~~, or the
228 business premises of any dealer, exhibitor or groomer, at any reasonable time, for the purposes of
229 determining if a violation of: (i) this chapter; (ii) any other state law governing the care, control or
230 protection of animals; or (iii) any other state law governing property rights in animals has occurred.

231 B. Provisions for investigation of suspected violations of this chapter and other laws pertaining to
232 animals are provided in § 3.2-6564. Provisions for obtaining a warrant and the power of search for
233 violations of animal cruelty laws are provided in § 3.2-6568.

234 **§ 3.2-6503. Care of companion animals by owner; penalty.**

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

- 236 1. Adequate feed;
- 237 2. Adequate water;
- 238 3. Adequate shelter that is properly cleaned;
- 239 4. Adequate space in the primary enclosure for the particular type of animal depending upon its age,
240 size, species, and weight;
- 241 5. Adequate exercise;
- 242 6. Adequate care, treatment, and transportation; and
- 243 7. Veterinary care when needed to prevent suffering or disease transmission.

The provisions of this section shall also apply to every ~~pound~~, *public or private* animal shelter, or other releasing agency, and every foster care provider, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized.

B. Violation of this section is a Class 4 misdemeanor. A second or subsequent violation of subdivision A 1, A 2, A 3, or A 7 is a Class 2 misdemeanor and a second or subsequent violation of subdivision A 4, A 5, or A 6 is a Class 3 misdemeanor.

§ 3.2-6504. Abandonment of animal; penalty.

No person shall abandon or dump any animal. Violation of this section is a Class 3 misdemeanor. Nothing in this section shall be construed to prohibit the release of an animal by its owner to a ~~pound~~, *public or private* animal shelter, or other releasing agency.

§ 3.2-6510. Sale of unweaned or certain immature animals prohibited, vaccinations required for dogs and cats; penalty.

A. No person shall sell, raffle, give away, or offer for sale as pets or novelties, or offer or give as a prize, premium, or advertising device any living chicks, ducklings, or other fowl under two months old in quantities of less than six or any unweaned mammalian companion animal or any dog or cat under the age of seven weeks without its dam or queen. Dealers may offer immature fowl, unweaned mammalian companion animals, dogs or cats under the age of seven weeks for sale as pets or novelties with the requirement that prospective owners take possession of the animals only after fowl have reached two months of age, mammalian companion animals have been weaned, and dogs and cats are at least seven weeks of age. Nothing in this section shall prohibit the sale, gift, or transfer of an unweaned animal: (i) as food for other animals; (ii) with the lactating dam or queen or a lactating surrogate dam or queen that has accepted the animal; (iii) due to a concern for the health or safety of the unweaned animal; or (iv) to animal control, ~~an~~ *a public or private* animal shelter, or a veterinarian.

B. Dealers shall provide all dogs and cats with current vaccinations against contagious and infectious diseases, as recommended in writing and considered appropriate for the animal's age and breed by a licensed veterinarian, or pursuant to written recommendations provided by the manufacturer of such vaccines at least five days before any new owner takes possession of the animal. For dogs, the vaccinations required by this subsection shall include at a minimum canine distemper, adenovirus type II parainfluenza, and parvovirus. For cats, the vaccinations required by this subsection shall include at a minimum rhinotracheitis, calicivirus, and panleukopenia. Dealers shall provide the new owner with the dog's or cat's immunization history.

C. A violation of this section is a Class 3 misdemeanor.

§ 3.2-6522. Rabid animals.

A. When there is sufficient reason to believe that the risk of exposure to rabies is elevated, the governing body of any locality may enact, and the local health director may recommend, an emergency ordinance that shall become effective immediately upon passage, requiring owners of all dogs and cats therein to keep the same confined on their premises unless leashed under restraint of the owner in such a manner that persons or animals will not be subject to the danger of being bitten by a rabid animal. Any such emergency ordinance enacted pursuant to the provisions of this section shall be operative for a period not to exceed 30 days unless renewed by the governing body of such locality in consultation with the local health director. The governing body of any locality shall also have the power and authority to pass ordinances restricting the running at large in their respective jurisdiction of dogs and cats that have not been inoculated or vaccinated against rabies and to provide penalties for the violation thereof.

B. Any dog or cat showing active signs of rabies or suspected of having rabies that is not known to have exposed a person, companion animal, or livestock to rabies shall be confined under competent observation for such a time as may be necessary to determine a diagnosis. If, in the discretion of the local health director, confinement is impossible or impracticable, such dog or cat shall be euthanized by one of the methods approved by the State Veterinarian as provided in § 3.2-6546. The disposition of other animals showing active signs of rabies shall be determined by the local health director and may include euthanasia and testing.

C. Every person having knowledge of the existence of an animal that is suspected to be rabid and that may have exposed a person, companion animal, or livestock to rabies shall report immediately to the local health department the existence of such animal, the place where seen, the owner's name, if known, and the signs suggesting rabies.

D. Any dog or cat, for which no proof of current rabies vaccination is available, and that may have been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, by an animal suspected to be rabid, shall be isolated in a ~~pound~~ *public animal shelter*, kennel, or enclosure approved by the local health department for a period not to exceed six months at the expense of the owner or custodian in a manner and by a date certain as determined by the local health director. A rabies vaccination shall be administered by a licensed veterinarian prior to

305 release. Inactivated rabies vaccine may be administered at the beginning of isolation. Any dog or cat so
306 bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or
307 mucous membrane with proof of current vaccination, shall be revaccinated by a licensed veterinarian
308 immediately following the exposure and shall be confined to the premises of the owner or custodian, or
309 other site as may be approved by the local health department at the expense of the owner or custodian,
310 for a period of 45 days. If the local health director determines that isolation is not feasible or
311 maintained, such dog or cat shall be euthanized by one of the methods approved by the State
312 Veterinarian as provided in § 3.2-6546. The disposition of such dogs or cats not so confined shall be at
313 the discretion of the local health director.

314 E. At the discretion of the local health director, any animal that may have exposed a person shall be
315 confined under competent observation for 10 days at the expense of the owner or custodian, unless the
316 animal develops active signs of rabies, expires, or is euthanized before that time. A seriously injured or
317 sick animal may be euthanized as provided in § 3.2-6546.

318 F. When any suspected rabid animal, other than a dog or cat, exposes or may have exposed a person
319 to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open wound or
320 mucous membrane, decisions regarding the disposition of that animal shall be at the discretion of a local
321 health director and may include euthanasia as provided in § 3.2-6546, or as directed by the state agency
322 with jurisdiction over that species. When any animal, other than a dog or cat, is exposed or may have
323 been exposed to rabies through a bite, or through saliva or central nervous system tissue, in a fresh open
324 wound or mucous membrane, by an animal suspected to be rabid, decisions regarding the disposition of
325 that newly exposed animal shall be at the discretion of a local health director.

326 G. When any animal may have exposed a person to rabies and subsequently expires due to illness or
327 euthanasia, either within an observation period, where applicable, or as part of a public health
328 investigation, its head or brain shall be sent to the Division of Consolidated Laboratory Services of the
329 Department of General Services or be tested as directed by the local health department.

330 **§ 3.2-6523. Inoculation for rabies at public or private animal shelters.**

331 Dogs and cats being adopted from ~~a~~ a public or private animal shelter during the period an
332 emergency ordinance is in force, as provided for in § 3.2-6522, may be inoculated for rabies by a
333 certified animal technician at such shelter if the certified animal technician is under the immediate and
334 direct supervision of a licensed veterinarian.

335 **§ 3.2-6534. Disposition of funds.**

336 Unless otherwise provided by ordinance of the local governing body, the treasurer of each locality
337 shall keep all moneys collected by him for dog and cat license taxes in a separate account from all other
338 funds collected by him. The locality shall use the funds for the following purposes:

- 339 1. The salary and expenses of the animal control officer and necessary staff;
340 2. The care and maintenance of a ~~pound~~ public animal shelter;
341 3. The maintenance of a rabies control program;
342 4. Payments as a bounty to any person neutering or spaying a dog up to the amount of one year of
343 the license tax as provided by ordinance;
344 5. Payments for compensation as provided in § 3.2-6553; and
345 6. Efforts to promote sterilization of dogs and cats.

346 Any part or all of any surplus remaining in such account on December 31 of any year may be
347 transferred by the governing body of such locality into the general fund of such locality.

348 **§ 3.2-6535. Supplemental funds.**

349 Localities may supplement the dog and cat license tax fund with other funds as they consider
350 appropriate. Localities shall supplement the dog and cat license tax fund to the extent necessary to
351 provide for the salary and expenses of the animal control officer and staff and the care and maintenance
352 of a ~~pound~~ public animal shelter as provided in subdivisions 1 and 2 of § 3.2-6534.

353 **§ 3.2-6545. Regulation of sale of animals procured from animal shelters.**

354 Any locality that maintains or supports, in whole or in part, a ~~pound or~~ public or private animal
355 shelter may by ordinance provide that no person who acquires an animal from such ~~pound or~~ shelter
356 shall be able to sell the animal within a period of six months from the time the animal is acquired from
357 the shelter. Violation of the ordinance is a Class 1 misdemeanor.

358 **§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals;
359 affiliation with foster care providers; penalties; injunctive relief.**

360 A. For purposes of this section:

361 "Animal" shall not include agricultural animals.

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

363 B. The governing body of each county or city shall maintain or cause to be maintained a ~~pound~~
364 public animal shelter and shall require dogs running at large without the tag required by § 3.2-6531 or
365 in violation of an ordinance passed pursuant to § 3.2-6538 to be confined therein. Nothing in this section
366 shall be construed to prohibit confinement of other companion animals in such a ~~pound~~ 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 ~~pound~~ *public animal shelter* shall be accessible to the public at reasonable hours during the week;

2. The ~~pound~~ *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 ~~pound~~ *shelter* shall update such statement as changes occur;

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

4. The ~~pound~~ *public animal shelter* shall maintain a written record of the information on each companion animal submitted to the ~~pound~~ *shelter* by ~~an~~ *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 ~~pound~~ *shelter*. If a person contacts the ~~pound~~ *shelter* inquiring about a lost companion animal, the ~~pound~~ *shelter* shall check its records and make available to such person any information submitted by ~~an~~ *a private* animal shelter or allow such person inquiring about a lost animal to view the written records;

5. The ~~pound~~ *public animal shelter* shall maintain a written record of the information on each companion animal submitted to the ~~pound~~ *shelter* by a releasing agency other than a ~~pound~~ *or 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 ~~pound~~ *shelter*. If a person contacts the ~~pound~~ *shelter* inquiring about a lost companion animal, the ~~pound~~ *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 ~~pound~~ *public animal shelter* shall maintain a written record of the information on each companion animal submitted to the ~~pound~~ *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 ~~pound~~ *shelter*. If a person contacts the ~~pound~~ *shelter* inquiring about a lost companion animal, the ~~pound~~ *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 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~~ *public animal shelter* 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~~ *shelter* shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

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

D. If an animal confined pursuant to this section has not been claimed upon expiration of the appropriate holding period as provided by subsection C, it shall be deemed abandoned and become the property of the ~~pound~~ *public animal shelter*.

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

1. Release to any humane society, *public or private* animal shelter, or other releasing agency within the Commonwealth, provided that each humane society, animal shelter, or other releasing agency obtains 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 updates such statements as changes occur;

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

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

428 or abandonment;

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

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

445 For purposes of recordkeeping, release of an animal by a ~~pound~~ to a ~~pound~~, *public animal shelter* to
446 a *public or private* animal shelter or other releasing agency shall be considered a transfer and not an
447 adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the
448 receiving entity.

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

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

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

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

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

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

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

484 K. The governing body shall require that the ~~pound~~ *public animal shelter* be operated in accordance
485 with regulations issued by the Board. If this chapter or such regulations are violated, the locality may be
486 assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per
487 violation. Each day of the violation is a separate offense. In determining the amount of any civil
488 penalty, the Board or its designee shall consider: (i) the history of previous violations at the ~~pound~~
489 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 ~~pounds~~ *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 ~~pounds~~ *public animal shelters*, in the circuit court where the ~~pound~~ *shelter* is located. The Commissioner may request the Attorney General to bring such an action, when appropriate.

§ 3.2-6548. Private animal shelters; confinement and disposition of animals; affiliation with foster care providers; penalties; injunctive relief.

A. ~~An~~ A *private* animal shelter may confine and dispose of animals in accordance with the provisions of subsections B through G of § 3.2-6546.

B. Each *private* animal shelter shall obtain a signed statement from each of its directors, operators, staff, and animal caregivers specifying that the individual has never been convicted of animal cruelty, neglect, or abandonment, and each ~~animal~~ shelter shall update such statement as changes occur.

C. The State Veterinarian or his representative shall inspect ~~an~~ a *private* animal shelter prior to the ~~animal~~ 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 ~~animal~~ shelter is approved to receive animals and provide a reasonable and comfortable climate appropriate for the age, species, condition, size, and type of animal.

D. ~~An~~ A *private* animal shelter that confines an animal that has not been received from its owner shall, pursuant to this section, transmit a description of the animal including at least species, color, breed, size, sex, and other identification or markings and where the animal was found, and its contact information, including its name, address, and telephone number, to the ~~pound~~ *public animal shelter* in the county or city where the animal was found within 48 hours of the ~~animal~~ shelter receiving the animal. ~~An animal~~ A shelter that confines and disposes of animals pursuant to this subsection 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 the ~~pound~~ *public animal shelter* in the locality where the ~~animal~~ shelter is located.

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

F. No *private* 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 the ~~animal~~ shelter shall update the statement as changes occur. The ~~animal~~ 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 ~~animal~~ shelter has an affiliation with the foster care provider.

G. ~~An~~ A *private* 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.

H. If ~~an~~ a *private* 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.

I. No *private* animal shelter shall be operated in violation of any local zoning ordinance.

J. ~~An~~ A *private* animal shelter that confines and disposes of animals pursuant to this section shall be operated in accordance with this chapter. If this chapter is violated, the ~~animal~~ shelter 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 ~~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.

K. If this chapter or any laws governing *private* 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 *private* animal shelters, in the circuit court where the ~~animal~~ 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

551 disposition of companion animals; recordkeeping; affiliation with foster care providers; penalties.**552** A. A releasing agency other than a ~~pound or~~ *public or private* animal shelter:**553** 1. May confine and dispose of companion animals in accordance with subsections B through G of
554 § 3.2-6546 [*if incorporated and not operated for profit*] ; and**555** 2. Shall keep accurate records of each companion animal received for two years from the date of
556 disposition of the companion animal. Records shall: (i) include a description of the companion animal
557 including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's
558 name, address and telephone number, license number or other identifying tags or markings, as well as
559 disposition of the companion animal; and (ii) be made available upon request to the Department, animal
560 control officers, and law-enforcement officers at mutually agreeable times. A releasing agency other than
561 a ~~pound or~~ *public or private* animal shelter shall submit a summary of such records to the State
562 Veterinarian annually in a format prescribed by him, wherein a post office box may be substituted for a
563 home address.**564** 3. For purposes of recordkeeping, release of a companion animal by a releasing agency to a ~~pound,~~
565 *public or private* animal shelter or other releasing agency shall be considered a transfer and not an
566 adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the
567 receiving entity.**568** B. Each releasing agency other than a ~~pound or~~ *public or private* animal shelter shall obtain a signed
569 statement from each of its directors, operators, staff, or animal caregivers specifying that each individual
570 has never been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency
571 shall update such statement as changes occur.**572** C. No releasing agency other than a ~~pound or~~ *public or private* animal shelter shall place a
573 companion animal in a foster home with a foster care provider unless the foster care provider has read
574 and signed a statement specifying that the foster care provider has never been convicted of animal
575 cruelty, neglect, or abandonment, and such releasing agency shall update the statement as changes occur.
576 A releasing agency other than a ~~pound or~~ *public or private* animal shelter shall maintain the original
577 statement and any updates to such statement for so long as the releasing agency has an affiliation with
578 the foster care provider.**579** D. A releasing agency other than a ~~pound or~~ *public or private* animal shelter that places a companion
580 animal in a foster home with a foster care provider shall ensure that the foster care provider complies
581 with § 3.2-6503.**582** E. If a releasing agency other than a ~~pound or~~ *public or private* animal shelter finds a direct and
583 immediate threat to a companion animal placed with a foster care provider, it shall report its findings to
584 the animal control agency in the area where the foster care provider is located.**585** F. Any releasing agency other than a ~~pound or~~ *public or private* animal shelter that finds a
586 companion animal or receives a companion animal that has not been released by its owner and: (i)
587 provides care or safekeeping; or (ii) takes possession of such companion animal shall, within 48 hours:**588** 1. Make a reasonable attempt to notify the owner of the companion animal, if the owner can be
589 ascertained from any tag, license, collar, tattoo, or other identification or markings, or if the owner of
590 the companion animal is otherwise known to the releasing agency; and**591** 2. Notify the ~~pound~~ *public animal shelter* that serves the locality where the companion animal was
592 found and provide to the ~~pound~~ *shelter* contact information including at least a name and a contact
593 telephone number, a description of the companion animal including at least species, breed, sex, size,
594 color, information from any tag, license, collar, tattoo, or other identification or markings, and the
595 location where the companion animal was found.**596** G. A releasing agency other than a ~~pound or~~ *public or private* animal shelter shall comply with the
597 provisions of § 3.2-6503.**598** H. No releasing agency other than a ~~pound or~~ *public or private* animal shelter shall be operated in
599 violation of any local zoning ordinance.**600** I. A releasing agency other than a ~~pound or~~ *public or private* animal shelter that violates any
601 provision of this section, other than subsection G, may be subject to a civil penalty not to exceed \$250.**602 § 3.2-6550. Requirements for foster homes; penalty.****603** In addition to any other requirements of this chapter, foster homes shall be subject to the following:**604** 1. No foster home shall be operated in violation of any local zoning ordinance; and**605** 2. No *private residential dwelling and its surrounding grounds that serves as a* foster home shall
606 keep more than 50 companion animals ~~on-site~~ *on site* at one time.**607** Any foster home found in violation of this section may be subject to a civil penalty not to exceed
608 \$250.**609 § 3.2-6551. Notification by individuals finding companion animals; penalty.****610** A. Any individual who finds a companion animal and: (i) provides care or safekeeping; or (ii) retains
611 ~~a~~ *the* companion animal in such a manner as to control its activities shall, within 48 hours:**612** 1. Make a reasonable attempt to notify the owner of the companion animal; if the owner can be

ascertained from any tag, license, collar, tattoo, or other form of identification or markings; or if the owner of the animal is otherwise known to the individual; and

2. Notify the ~~pound~~ *public animal shelter* that serves the locality where the companion animal was found and provide to the ~~pound~~ *shelter* contact information, including at least a name and a contact telephone number, a description of the animal, including information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.

B. If an individual finds a companion animal and: (i) provides care or safekeeping; or (ii) retains a the companion animal in such a manner as to control its activities, the individual shall comply with the provisions of § 3.2-6503.

C. Any individual who violates this section may be subject to a civil penalty not to exceed \$50 per companion animal.

§ 3.2-6557. Animal control officers and humane investigators; limitations; records; penalties.

A. No animal control officer, humane investigator, humane society or custodian of any ~~pound or~~ *public or private* animal shelter shall: (i) obtain the release or transfer of an animal by the animal's owner to such animal control officer, humane investigator, humane society or custodian for personal gain; or (ii) give or sell or negotiate for the gift or sale to any individual, pet shop, dealer, or research facility of any animal that may come into his custody in the course of carrying out his official assignments. No animal control officer, humane investigator or custodian of any ~~pound or~~ *public or private* animal shelter shall be granted a dealer's license. Violation of this subsection is a Class 1 misdemeanor. Nothing in this section shall preclude any animal control officer or humane investigator from lawfully impounding any animal pursuant to § 3.2-6569.

B. An animal control officer, law-enforcement officer, humane investigator or custodian of any ~~pound or~~ *public or private* animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, shall immediately make a record of the matter. Such record shall include:

1. The date on which the animal was taken into custody;
2. The date of the making of the record;
3. A description of the animal including the animal's species, color, breed, sex, approximate age and approximate weight;
4. The reason for taking custody of the animal and the location where custody was taken;
5. The name and address of the animal's owner, if known;
6. Any license or rabies tag, tattoo, collar or other identification number carried by or appearing on the animal; and
7. The disposition of the animal.

Records required by this subsection shall be maintained for at least five years, and shall be available for public inspection upon request. A summary of such records shall be submitted annually to the State Veterinarian in a format prescribed by him.

C. Any animal control officer or custodian of any ~~pound~~ *public animal shelter* who violates any provision of this chapter that relates to the seizure, impoundment and custody of animals by an animal control officer may be subject to suspension or dismissal from his position.

D. Custodians and animal control officers engaged in the operation of a ~~pound~~ *public animal shelter* shall be required to have knowledge of the laws of the Commonwealth governing animals, including this chapter, as well as basic animal care.

§ 18.2-144.2. Prohibition against making a false representation of ownership of an animal to a public or private animal shelter; penalty.

A. It shall be unlawful for any person to deliver or release any animal not owned by that person to a ~~pound,~~ *public or private* animal shelter or humane society, as these terms are defined in § 3.2-6500, or to any other similar facility for animals, or any agent thereof, and to falsely represent to such facility or agent that such person is the owner of the animal.

B. A violation of subsection A shall be punished as is a Class 1 misdemeanor.

C. No ~~pound,~~ *public or private* animal shelter, humane society or other similar facility for animals, or the directors or employees of any such business or facility, shall, in the absence of gross negligence, be civilly liable for accepting and disposing of any animal in good faith from a person who falsely claims to be the owner of the animal.

§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to conduct research; application and fees.

A. The Board shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

1. Maintenance of effective controls against diversion of controlled substances into other than

674 legitimate medical, scientific, or industrial channels;
675 2. Compliance with applicable state and local law;
676 3. Any convictions of the applicant under any federal and state laws relating to any controlled
677 substance;
678 4. Past experience in the manufacture or distribution of controlled substances, and the existence in
679 the applicant's establishment of effective controls against diversion;
680 5. Furnishing by the applicant of false or fraudulent material in any application filed under this
681 chapter;
682 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or
683 dispense controlled substances as authorized by federal law; and
684 7. Any other factors relevant to and consistent with the public health and safety.
685 B. Registration under subsection A does not entitle a registrant to manufacture and distribute
686 controlled substances in Schedule I or II other than those specified in the registration.
687 C. Practitioners must be registered to conduct research with controlled substances in Schedules II
688 through VI. Practitioners registered under federal law to conduct research with Schedule I substances
689 may conduct research with Schedule I substances within this Commonwealth upon furnishing the
690 evidence of that federal registration.
691 D. The Board may register other persons or entities to possess controlled substances listed on
692 Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of
693 the registration is consistent with the public interest, (iii) the possession and subsequent use of the
694 controlled substances complies with applicable state and federal laws and regulations, and (iv) the
695 subsequent storage, use, and recordkeeping of the controlled substances will be under the general
696 supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry or
697 veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the
698 factors listed in subsection A of this section in determining whether the registration shall be issued.
699 Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances
700 registration for sites maintaining certain types and quantities of Schedules II through VI controlled
701 substances as it may specify in its regulations. The Board shall promulgate regulations related to
702 requirements or criteria for the issuance of such controlled substances registration, storage, security,
703 supervision, and recordkeeping.
704 E. The Board may register ~~an~~ a *public or private* animal shelter ~~or pound~~ as defined in § 3.2-6500 to
705 purchase, possess, and administer certain Schedule II-VI controlled substances approved by the State
706 Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and
707 animals; and to purchase, possess, and administer certain Schedule VI controlled substances for the
708 purpose of preventing, controlling, and treating certain communicable diseases that failure to control
709 would result in transmission to the animal population in the shelter ~~or pound~~. The drugs used for
710 euthanasia shall be administered only in accordance with protocols established by the State Veterinarian
711 and only by persons trained in accordance with instructions by the State Veterinarian. The list of
712 Schedule VI drugs used for treatment and prevention of communicable diseases within the ~~animal~~ shelter
713 ~~or pound~~ shall be determined by the supervising veterinarian of the shelter ~~or pound~~ and the drugs shall
714 be administered only pursuant to written protocols established or approved by the supervising
715 veterinarian of the shelter ~~or pound~~ and only by persons who have been trained in accordance with
716 instructions established or approved by the supervising veterinarian. The shelter ~~or pound~~ shall maintain
717 a copy of the approved list of drugs, written protocols for administering, and training records of those
718 persons administering drugs on the premises of the shelter ~~or pound~~.
719 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601
720 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of
721 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis
722 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order
723 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances
724 shall only be maintained if so authorized by federal law and Board regulations.
725 G. Applications for controlled substances registration certificates and renewals thereof shall be made
726 on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to
727 be determined by the Board.
728 H. Upon (i) any change in ownership or control of a business, (ii) any change of location of the
729 controlled substances stock, (iii) the termination of authority by or of the person named as the
730 responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner,
731 if applicable, the registrant or responsible party shall immediately surrender the registration. The
732 registrant shall, within ~~fourteen~~ 14 days following surrender of a registration, file a new application and,
733 if applicable, name the new responsible party or supervising practitioner.
734 **§ 54.1-3801. Exceptions.**
735 This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;

2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within this Commonwealth;

3. Veterinarians employed by the United States or by this Commonwealth while actually engaged in the performance of their official duties;

4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district or possession of the United States, (iii) volunteer to provide free care in an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs in ~~an animal~~ *a public or private shelter or pound* as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

ENGROSSED

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