

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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*An Act to amend and reenact §§ 3.2-6546, 54.1-3423, and 54.1-3801, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to animal shelters; administration of biological products.*

[S 996]

Approved

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

**1. That §§ 3.2-6546, 54.1-3423 and 54.1-3801, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:**

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

A. For purposes of this section:

"Animal" shall not include agricultural animals.

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

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

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

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

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

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

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

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

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

The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain whether the animal has a collar, tag, license, tattoo, or other form of identification. 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 shelter shall make a reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its confinement.

57 *During the time that an animal is confined pursuant to this subsection, the operator or custodian of*  
58 *the public animal shelter may vaccinate the animal to prevent the risk of communicable diseases,*  
59 *provided that (i) all vaccines are administered in accordance with a protocol approved by a licensed*  
60 *veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed veterinary*  
61 *technician under the immediate direction and supervision of a licensed veterinarian in accordance with*  
62 *§ 3.2-6521.*

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

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

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

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

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

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

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

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

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

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

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

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

118 animal may be immediately euthanized or disposed of in accordance with subdivisions 1 through 5 of  
119 subsection D.

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

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

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

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

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

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

153 **§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to**  
154 **conduct research; application and fees.**

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

- 159 1. Maintenance of effective controls against diversion of controlled substances into other than
- 160 legitimate medical, scientific, or industrial channels;
- 161 2. Compliance with applicable state and local law;
- 162 3. Any convictions of the applicant under any federal and state laws relating to any controlled
- 163 substance;
- 164 4. Past experience in the manufacture or distribution of controlled substances, and the existence in
- 165 the applicant's establishment of effective controls against diversion;
- 166 5. Furnishing by the applicant of false or fraudulent material in any application filed under this
- 167 chapter;
- 168 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or
- 169 dispense controlled substances as authorized by federal law; and
- 170 7. Any other factors relevant to and consistent with the public health and safety.

171 B. Registration under subsection A does not entitle a registrant to manufacture and distribute  
172 controlled substances in Schedule I or II other than those specified in the registration.

173 C. Practitioners must be registered to conduct research with controlled substances in Schedules II  
174 through VI. Practitioners registered under federal law to conduct research with Schedule I substances  
175 may conduct research with Schedule I substances within this Commonwealth upon furnishing the  
176 evidence of that federal registration.

177 D. The Board may register other persons or entities to possess controlled substances listed on  
178 Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of

179 the registration is consistent with the public interest, (iii) the possession and subsequent use of the  
180 controlled substances complies with applicable state and federal laws and regulations, and (iv) the  
181 subsequent storage, use, and recordkeeping of the controlled substances will be under the general  
182 supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or  
183 veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the  
184 factors listed in subsection A of this section in determining whether the registration shall be issued.  
185 Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances  
186 registration for sites maintaining certain types and quantities of Schedules II through VI controlled  
187 substances as it may specify in its regulations. The Board shall promulgate regulations related to  
188 requirements or criteria for the issuance of such controlled substances registration, storage, security,  
189 supervision, and recordkeeping.

190 E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase,  
191 possess, and administer certain Schedule ~~II-VI~~ *II through VI* controlled substances approved by the State  
192 Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and  
193 animals; and to purchase, possess, and administer certain Schedule VI ~~controlled substances~~ *drugs and*  
194 *biological products* for the purpose of preventing, controlling, and treating certain communicable  
195 diseases that failure to control would result in transmission to the animal population in the shelter. ~~The~~  
196 ~~drugs~~ *Controlled substances* used for euthanasia shall be administered only in accordance with protocols  
197 established by the State Veterinarian and only by persons trained in accordance with instructions by the  
198 State Veterinarian. The list of Schedule VI *drugs and biological products* used for treatment and  
199 prevention of communicable diseases within the shelter shall be determined by the supervising  
200 veterinarian of the shelter and the *drugs and biological products* shall be administered only pursuant to  
201 written protocols established or approved by the supervising veterinarian of the shelter and only by  
202 persons who have been trained in accordance with instructions established or approved by the  
203 supervising veterinarian. The shelter shall maintain a copy of the approved list of *drugs and biological*  
204 *products*, written protocols for administering, and training records of those persons administering *drugs*  
205 *and biological products* on the premises of the shelter.

206 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601  
207 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of  
208 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis  
209 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order  
210 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances  
211 shall only be maintained if so authorized by federal law and Board regulations.

212 G. The Board may register an entity at which a patient is treated by the use of instrumentation and  
213 diagnostic equipment through which images and medical records may be transmitted electronically for  
214 the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II  
215 through VI controlled substances when such prescribing is in compliance with federal requirements for  
216 the practice of telemedicine and the patient is not in the physical presence of a practitioner registered  
217 with the U.S. Drug Enforcement Administration. In determining whether the registration shall be issued,  
218 the Board shall consider (i) the factors listed in subsection A, (ii) whether there is a documented need  
219 for such registration, and (iii) whether the issuance of the registration is consistent with the public  
220 interest.

221 H. Applications for controlled substances registration certificates and renewals thereof shall be made  
222 on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to  
223 be determined by the Board.

224 I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the  
225 controlled substances stock, (iii) the termination of authority by or of the person named as the  
226 responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner,  
227 if applicable, the registrant or responsible party shall immediately surrender the registration. The  
228 registrant shall, within 14 days following surrender of a registration, file a new application and, if  
229 applicable, name the new responsible party or supervising practitioner.

230 **§ 54.1-3801. (Effective until July 1, 2018) Exceptions.**

231 This chapter shall not apply to:

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

235 2. Veterinarians licensed in other states called in actual consultation with veterinarians licensed in the  
236 Commonwealth who do not open an office or appoint a place to practice within the Commonwealth;

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

239 4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice

240 veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary  
 241 medicine in another state, territory, district or possession of the United States, (iii) volunteer to provide  
 242 free care in an underserved area of the Commonwealth under the auspices of a publicly supported all  
 243 volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved  
 244 people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board,  
 245 (v) notify the Board at least five business days prior to the voluntary provision of services of the dates  
 246 and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only  
 247 be valid, in compliance with the Board's regulations, during the limited period that such free health care  
 248 is made available through the volunteer, nonprofit organization on the dates and at the location filed  
 249 with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license  
 250 has been previously suspended or revoked, who has been convicted of a felony or who is otherwise  
 251 found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian  
 252 who meets the above criteria to provide volunteer services without prior notice for a period of up to  
 253 three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted  
 254 license in another state; or

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

258 **§ 54.1-3801. (Effective July 1, 2018) Exceptions.**

259 This chapter shall not apply to:

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

263 2. Veterinarians licensed in other states called in actual consultation with veterinarians licensed in the  
 264 Commonwealth who do not open an office or appoint a place to practice within the Commonwealth;

265 3. Veterinarians employed by the United States or by the Commonwealth while actually engaged in  
 266 the performance of their official duties, with the exception of those engaged in the practice of veterinary  
 267 medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the  
 268 American Veterinary Medical Association Council on Education and located in the Commonwealth;

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

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