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SENATE BILL NO. 1390

Offered January 13, 2021

Prefiled January 13, 2021

A BILL to amend and reenact §§ 3.2-6500, 3.2-6524, 3.2-6546, and 3.2-6551 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-6579.1, relating to cats; trap, neuter, and return programs; civil penalty.

Patron—Lewis

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6500, 3.2-6524, 3.2-6546, and 3.2-6551 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-6579.1 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 four consecutive days. "Abandon" shall not include the return of a community cat by a TNR program volunteer.

"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; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings, (ii) sag under the animals' weight, or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. The outdoor tethering of an animal shall not constitute the provision of adequate shelter (a) unless the animal is safe from predators and well suited and well equipped to tolerate its environment; (b) during the effective period for a hurricane warning or tropical storm warning issued for the area by the National Weather Service; or (c)(1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower, or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe thunderstorm warning, unless an animal control officer, having inspected an animal's individual circumstances in clause (c)(1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment.

"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

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SB1390

59 that the tether to which the animal is attached permits the above actions and is appropriate to the age
60 and size of the animal; is attached to the animal by a properly applied collar, halter, or harness that is
61 configured so as to protect the animal from injury and prevent the animal or tether from becoming
62 entangled with other objects or animals, or from extending over an object or edge that could result in
63 the strangulation or injury of the animal; is at least 15 feet in length or four times the length of the
64 animal, as measured from the tip of its nose to the base of its tail, whichever is greater, except when the
65 animal is being walked on a leash or is attached by a tether to a lead line or when an animal control
66 officer, having inspected an animal's individual circumstances, has determined that in such an individual
67 case, a tether of at least 10 feet or three times the length of the animal, but shorter than 15 feet or four
68 times the length of the animal, makes the animal more safe, more suited, and better equipped to tolerate
69 its environment than a longer tether; does not, by its material, size, or weight or any other characteristic,
70 cause injury or pain to the animal; does not weigh more than one-tenth of the animal's body weight; and
71 does not have weights or other heavy objects attached to it. The walking of an animal on a leash by its
72 owner shall not constitute the tethering of the animal for the purpose of this definition. When freedom
73 of movement would endanger the animal, temporarily and appropriately restricting movement of the
74 animal according to professionally accepted standards for the species is considered provision of adequate
75 space. The provisions of this definition that relate to tethering shall not apply to agricultural animals.

76 "Adequate water" means provision of and access to clean, fresh, potable water of a drinkable
77 temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals
78 appropriate for the weather and temperature, to maintain normal hydration for the age, species,
79 condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by
80 naturally occurring states of hibernation or fasting normal for the species; and is provided in clean,
81 durable receptacles that are accessible to each animal and are placed so as to minimize contamination of
82 the water by excrement and pests or an alternative source of hydration consistent with generally
83 accepted husbandry practices.

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

86 "Agricultural animals" means all livestock and poultry.

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

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

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

94 "Boarding establishment" means a place or establishment other than a public or private animal shelter
95 where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a
96 fee. "Boarding establishment" shall not include any private residential dwelling that shelters, feeds, and
97 waters fewer than five companion animals not owned by the proprietor.

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

100 "Commercial dog breeder" means any person who, during any 12-month period, maintains 30 or
101 more adult female dogs for the primary purpose of the sale of their offspring provided that a person
102 who breeds an animal regulated under federal law as a research animal shall not be deemed to be a
103 commercial dog breeder.

104 "*Community cat*" means a domestic or feral, outdoor, free-roaming cat that is (i) unowned or (ii)
105 lost or abandoned and whose owner cannot be ascertained from a microchip, tag, license, collar, tattoo,
106 or other visible form of identification.

107 "Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate,
108 guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or
109 native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any
110 animal that is bought, sold, traded, or bartered by any person. No agricultural animal, game species, or
111 animal regulated under federal law as a research animal shall be considered a companion animal for the
112 purposes of this chapter.

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

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

120 "Direct and immediate threat" means any clear and imminent danger to an animal's health, safety or

121 life.

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

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

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

128 "Euthanasia" means the humane destruction of an animal accomplished by a method that involves
129 instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced
130 by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

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

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

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

140 "Foster care provider" means a person who provides care or rehabilitation for companion animals
141 through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or
142 other animal welfare organization.

143 "Foster home" means a private residential dwelling and its surrounding grounds, or any facility other
144 than a public or private animal shelter, at which site through an affiliation with a public or private
145 animal shelter, home-based rescue, releasing agency, or other animal welfare organization care or
146 rehabilitation is provided for companion animals.

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

149 "Home-based rescue" means an animal welfare organization that takes custody of companion animals
150 for the purpose of facilitating adoption and houses such companion animals in a foster home or a
151 system of foster homes.

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

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

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

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

159 "Inspector" means a State Animal Welfare Inspector employed pursuant to § 3.2-5901.1 or his
160 representative.

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

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

169 "Livestock" includes all domestic or domesticated: bovine animals; equine animals; ovine animals;
170 porcine animals; cervidae animals; capradae animals; animals of the genus Lama or Vicugna; ratites; fish
171 or shellfish in aquaculture facilities, as defined in § 3.2-2600; enclosed domesticated rabbits or hares
172 raised for human food or fiber; or any other individual animal specifically raised for food or fiber,
173 except companion animals.

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

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

179 "Other officer" includes all other persons employed or elected by the people of Virginia, or by any
180 locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

181 "Owner" means any person who: (i) has a right of property in an animal; (ii) keeps or harbors an

182 animal; (iii) has an animal in his care; or (iv) acts as a custodian of an animal.

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

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

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

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

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

199 "Properly lighted" when referring to a facility means sufficient illumination to permit routine
200 inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to
201 provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout
202 the facility; and to promote the well-being of the animals.

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

207 "Public animal shelter" means a facility operated by the Commonwealth, or any locality, for the
208 purpose of impounding or sheltering seized, stray, homeless, abandoned, unwanted, or surrendered
209 animals or a facility operated for the same purpose under a contract with any locality.

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

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

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

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

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

232 "TNR program" means a program, otherwise known as trap, neuter, and return (TNR), for the
233 temporary capture, provision of treatment, and return to the same approximate location as captured of
234 any community cat. In addition to procedures for sterilization and vaccination against rabies, such
235 program may include provision of urgent veterinary treatment. Such program shall ensure that (i) all
236 vaccines are administered in accordance with a protocol approved by a licensed veterinarian and (ii)
237 rabies vaccines are administered by a licensed veterinarian or licensed veterinary technician under the
238 immediate direction and supervision of a licensed veterinarian in accordance with § 3.2-6521.

239 "TNR program volunteer" means any person who temporarily captures and returns to the same
240 approximate location a community cat in accordance with a TNR program.

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

243 "Treatment" or "adequate treatment" means the responsible handling or transportation of animals in

244 the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of
245 the animal.

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

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

250 **§ 3.2-6524. Unlicensed dogs prohibited; ordinances for licensing cats.**

251 A. It shall be unlawful for any person other than a releasing agency that has registered as such
252 annually with local animal control to own a dog four months old or older in the Commonwealth unless
253 such dog is licensed, as required by the provisions of this article.

254 B. The governing body of any locality may, by ordinance, prohibit any person other than a releasing
255 agency that has registered as such annually with local animal control from owning a cat four months old
256 or older within such locality unless such cat is licensed as provided by this article.

257 C. *The provisions of this section shall not apply to the temporary capture and return of a community*
258 *cat by a TNR program volunteer.*

259 **§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals;**
260 **affiliation with foster care providers; penalties; injunctive relief.**

261 A. For purposes of this section:

262 "Animal" shall not include agricultural animals.

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

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

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

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

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

278 4. The public animal shelter shall maintain a written record of the information on each companion
279 animal submitted to the shelter by a private animal shelter in accordance with subsection D of
280 § 3.2-6548 for a period of 30 days from the date the information is received by the shelter. If a person
281 contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and
282 make available to such person any information submitted by a private animal shelter or allow such
283 person inquiring about a lost animal to view the written records;

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

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

297 C. An animal confined pursuant to this section, *other than a community cat brought to a public*
298 *animal shelter pursuant to a TNR program*, shall be kept for a period of not less than five days, such
299 stray hold period to commence on the day immediately following the day the animal is initially confined
300 in the facility, unless sooner claimed by the rightful owner thereof.

301 The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain
302 whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification
303 is found on the animal, the animal shall be held for an additional five-day stray hold period, unless
304 sooner claimed by the rightful owner. If the rightful owner of the animal can be readily identified, the

305 operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal's
306 confinement within the next 48 hours following its confinement.

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

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

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

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

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

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

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

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

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

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

366 For purposes of recordkeeping, release of an animal by a public animal shelter to a public or private

367 animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal
368 is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

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

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

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

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

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

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

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

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

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

417 **§ 3.2-6551. Notification by individuals finding companion animals; penalty.**

418 A. Any individual who finds a companion animal and (i) provides care or safekeeping or (ii) retains
419 the companion animal in such a manner as to control its activities shall within 48 hours:

420 1. Make a reasonable attempt to notify the owner of the companion animal if the owner can be
421 ascertained from any tag, license, collar, tattoo, or other form of identification or markings or if the
422 owner of the animal is otherwise known to the individual; and

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

427 B. If an individual finds a companion animal and (i) provides care or safekeeping or (ii) retains the

428 companion animal in such a manner as to control its activities, the individual shall comply with the
429 provisions of § 3.2-6503.

430 *C. The provisions of this section shall not apply to the temporary capture and return of a community*
431 *cat by a TNR program volunteer.*

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

434 **§ 3.2-6579.1. Trap, neuter, and return programs.**

435 *A. Notwithstanding the provisions of §§ 3.2-6546, 3.2-6548, and 3.2-6549, any public or private*
436 *animal shelter, releasing agency, or hospital or clinic that is operated under the immediate supervision*
437 *of a duly licensed veterinarian may operate a TNR program.*

438 *B. A TNR program authorized pursuant to subsection A shall comply with the following provisions:*

439 *1. Any trap used for the TNR program shall be identified with the name and contact information of*
440 *the TNR program volunteer or the organization with which the TNR program volunteer is working;*

441 *2. Any TNR program trap set shall be checked at a minimum every 60 minutes;*

442 *3. Any animal that is not a community cat and is unintentionally caught in a trap set for a TNR*
443 *program shall be immediately released from the trap;*

444 *4. The following records shall be kept for each community cat in a TNR program: (i) the general*
445 *location of capture and a general description of the cat, (ii) the veterinarian-issued rabies certificate,*
446 *and (iii) a written confirmation of sterilization by the veterinarian who performed the sterilization; and*

447 *5. In the event of a rabies outbreak involving community cats in a TNR program, rabies vaccination*
448 *records for the community cats in the TNR program shall be disclosed upon request by animal control*
449 *or public health officials.*

450 *C. The civil penalties that apply to this section pursuant to § 3.2-6580 shall not exceed \$150.*