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SENATE BILL NO. 535

Offered January 12, 2022

Prefiled January 12, 2022

A *BILL to amend the Code of Virginia by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2, relating to oversight of research breeders; Animal Welfare Oversight Officer; Advisory Committee; civil penalty.*

Patrons—Marsden, Ebbin, Lewis and Morrissey; Delegate: Kory

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 13 of Chapter 65 of Title 3.2 a section numbered 3.2-6593.2 as follows:

§ 3.2-6593.2. *Animal Welfare Oversight Officer; Animal Welfare Oversight Advisory Committee; civil penalty.*

A. As used in this section, "research breeder" means any person or entity that breeds dogs or cats for sale or transfer for use in testing or research within or outside the Commonwealth.

B. The State Veterinarian shall employ an Animal Welfare Oversight Officer (the Oversight Officer) to oversee and inspect research breeder facilities. Any research breeder that breeds dogs or cats in the Commonwealth shall be required to register with the Oversight Officer and pay an annual registration fee to be determined by the Commissioner but that shall not be less than \$100,000. Such fee shall be established by the Commissioner to cover the costs associated with employing the Oversight Officer. Any research breeder that breeds dogs or cats in the Commonwealth shall allow the Oversight Officer continuous access to its facilities in the Commonwealth, seven days a week and 24 hours a day. The Oversight Officer shall immediately report any suspected violations of state or federal law by a research breeder to the State Veterinarian, the U.S. Department of Agriculture Animal and Plant Health Inspection Service, and the Animal Law Unit at the Virginia Office of the Attorney General. Failure of a research breeder to register with the Oversight Officer, pay the annual registration fee established by the Commissioner, or allow access to its facilities by the Oversight Officer shall be assessed a civil penalty of \$1,000 per day for each day of noncompliance to be assessed and collected by the Commissioner and deposited into the general fund.

C. The Department, in consultation with the State Veterinarian, shall develop guidelines setting forth the compliance requirements for any research breeder. Such guidelines shall include any requirements of federal law as well as standards consistent with the provisions of this chapter, including adequate care as required by § 3.2-6503, VDACS Directive 79-1, and 2VAC5-111.

D. On a quarterly basis, the Animal Welfare Oversight Officer shall provide a written report of his findings to the State Veterinarian, the Animal Welfare Oversight Advisory Committee, the Commissioner, and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

E. The Animal Welfare Oversight Advisory Committee (the Advisory Committee) is established as an advisory committee in the executive branch of state government. The purpose of the Advisory Committee is to advise the State Veterinarian on issues related to oversight of research breeders. The Advisory Committee shall have a total membership of four members with two nonlegislative citizen members appointed by the Secretary of Agriculture and Forestry and the President of the Virginia Federation of Humane Societies, or his designee, and the director of the Virginia Veterinary Medical Association, or his designee, serving *ex officio* with voting privileges. *Ex officio* members shall serve terms coincident with their terms of office. Appointees shall serve terms of four years and may be reappointed. The State Veterinarian shall serve as chairman of the Advisory Committee. Meetings shall be held at the call of the chairman. Members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided by the Department.

INTRODUCED

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