

960004468

HOUSE BILL NO. 92

House Amendments in [] — January 23, 1996

A *BILL to amend and reenact §§ 3.1-796.68, 3.1-796.83:1, and 18.2-403.1 of the Code of Virginia, relating to care of animals by groomers; penalty.*

Patrons—Shuler, Behm, Griffith, Reynolds, Thomas and Woodrum; Senator: Edwards

Referred to Committee on Agriculture

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.1-796.68, 3.1-796.83:1, and 18.2-403.1 of the Code of Virginia are amended and reenacted as follows:

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

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

1. Adequate feed;

2. Adequate water;

3. Adequate shelter that is properly cleaned;

4. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size, species, and weight;

5. Adequate exercise;

6. Adequate care, treatment, and transportation; and

7. Veterinary care when needed or to prevent suffering or disease transmission.

The provisions of this section shall also apply to every animal shelter, pound, dealer, pet shop, exhibitor, kennel, groomer, and boarding establishment. This section shall not require that animals used as food for other animals be euthanized. *For the purposes of this section and § 3.1-796.83:1, "groomer" means a person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites an animal.*

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

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

§ 3.1-796.83:1. Boarding establishments and groomers; veterinary care requirements; consumer notification; penalty.

A. When an animal is boarded at a boarding establishment, *or under the care, custody or subject to the actions of a groomer*, the boarding establishment *or groomer* shall be responsible for providing the animal care requirements for each animal as specified in § 3.1-796.68.

B. If an animal becomes ill or injured while in the custody of the boarding establishment *or groomer*, the boarding establishment *or groomer* shall provide the animal with emergency veterinary treatment for the illness or injury. The consumer shall bear the reasonable and necessary costs of emergency veterinary treatment for any illness or injury occurring while the animal is in the custody of the boarding establishment *or groomer*. The boarding establishment *or groomer* shall pay for veterinary treatment of any injury that the animal sustains while at the establishment *or under the care or custody of a groomer* if the injury resulted from the establishment's *or groomer's* failure, whether accidental or intentional, to provide the care required by § 3.1-796.68, *or if the injury is a result of the actions of the boarding establishment or groomer*; however, boarding establishments and groomers shall not be required to bear the cost of veterinary treatment for injuries resulting from the animal's self-mutilation.

C. If an animal is seized from a boarding establishment *or groomer* because of the establishment's *or groomer's* failure to provide adequate food, water, shelter, exercise, and care as defined in § 3.1-796.66 and required by § 3.1-796.68 or because of any other violation of this chapter, the animal shall be returned to the rightful owner as soon as possible or, if the owner refuses to reclaim the animal, be impounded and disposition made pursuant to § 3.1-796.115.

~~[D. Prior to tranquilizing animals, boarding establishments and groomers shall obtain written consent of the owner. Such tranquilizers shall be administered as recommended in writing and considered appropriate for the animal's age, weight and breed by a licensed veterinarian.]~~

D. Violation of this section by a boarding establishment *or groomer* is a Class 1 misdemeanor.

§ 18.2-403.1. Offenses involving animals - Class 1 misdemeanors.

The following unlawful acts and offenses against animals shall constitute and be punished as a Class 1 misdemeanor:

1. Violation of subsection A of § 3.1-796.122 pertaining to cruelty to animals.

2. Violation of § 3.1-796.69 pertaining to transporting animals under certain conditions.

ENGROSSED

HB92E

- 60** 3. Making a false claim or receiving money on a false claim under § 3.1-796.118 pertaining to
61 compensation for livestock and poultry killed by dogs.
62 4. Violation of § 3.1-796.83:1 pertaining to boarding establishments *and groomers as defined in*
63 § 3.1-796.68.