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HOUSE BILL NO. 929

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture)

(Patron Prior to Substitute—Delegate Grayson)

House Amendments in [] — February 13, 1996

A BILL to amend the Code of Virginia by adding a section numbered 3.1-796.95:1, relating to local regulation of hybrid canines; penalties.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.1-796.95:1 as follows:

§ 3.1-796.95:1. Hybrid canine ordinance; permit required; penalties.

A. No person shall possess, breed, offer for sale, trade, give away, purchase, offer to purchase, acquire, import, release or cause to be released a hybrid canine, except as provided for in this section. The governing body of every county, city and town may, by ordinance, establish a permit system for the regulation of hybrid canines. After October 1, 1996, no person shall own a hybrid canine without obtaining a permit. Only persons who owned hybrid canines on or before October 1, 1996, shall be eligible to receive such a permit.

B. Any ordinance enacted pursuant to this section shall prescribe the following provisions:

1. The owner of a hybrid canine shall care for each hybrid canine in accordance with the provisions §§ 3.1-796.68 and 3.1-796.122, except that the owner shall provide adequate confinement as defined in subsection E [of this section] instead of adequate space.

2. If the owner cannot keep the hybrid canine, he shall transfer it only to another hybrid canine permittee in Virginia, who shall obtain a permit for the animal in accordance with this section, or to a person in another state in which ownership of hybrid canines is legal. The owner shall notify the locality prior to the transfer of ownership.

3. The owner of a hybrid canine shall immediately notify the animal warden if the hybrid canine (i) is loose or not confined, (ii) bites or attacks a person or attacks another animal, (iii) dies; or (iv) has been moved to a different location.

4. Hybrid canines shall be sterilized prior to the owner receiving a permit.

5. All hybrid canines shall be permanently identified by means of a tattoo on the inside thigh which bears the owner's social security number preceded by "HC."

6. Hybrid canines shall be subject to § 3.1-796.93:1.

7. Hybrid canines, when not on the owner's property, shall be (i) kept on a leash, (ii) properly identified with a tag stating that the animal is a hybrid canine and giving the owner's social security number, and (iii) under the control of the owner.

8. The owner of a hybrid canine shall be eighteen years of age or older.

9. Any person possessing hybrid canines under the age of six months as of October 1, 1996, shall be issued a temporary permit for each such hybrid canine or litter. The permit shall be in effect until thirty days after the animal reaches six months of age and shall include the age and sex of each hybrid canine puppy. Each such puppy shall be sterilized within thirty days of reaching six months of age at which time an annual permit shall be issued for each one in accordance with this section.

10. A temporary permit shall be issued for a canine hybrid upon certification by a licensed veterinarian that the canine hybrid is pregnant and cannot be sterilized as of October 1, 1996. Such canine hybrid shall be sterilized within three months of whelping and an annual permit shall be issued for the canine hybrid. The resulting litter shall be issued a permit in accordance with subdivision 9 of this subsection.

C. Localities may set a fee to cover the cost of the permitting system. A separate permit shall be obtained for each hybrid canine. A permit may be obtained only for an animal owned by the permittee on or before October 1, 1996, except as provided in subdivision 2 of subsection B of this section. Permits shall be granted for a period of twelve months and shall be renewed annually. The hybrid canine permit shall include, but not be limited to:

1. Date of the permit and date of expiration;

2. Name, address, age, phone number, and social security number of the owner of the hybrid canine;

3. Location where the hybrid canine will be kept;

4. Signature of the owner and signature of the party authorized by the locality to issue the permit;

5. Proof of sterilization, tattooing and adequate confinement of the hybrid canine; and

6. Sex, age, color, height, and length and any identifying marks or numbers unique to the hybrid canine.

D. The locality may deny, suspend, or revoke a permit if the applicant or permittee violates, or is not in compliance with this section, the ordinance [adopted pursuant to this section] or his permit. If an

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owner is found in violation of this section, the ordinance, or his permit, he shall be given a maximum of thirty days to comply.

E. For the purposes of this section:

"Adequate confinement" means while on the property of its owner and not under the direct supervision and control of the owner or custodian, a hybrid canine shall be confined in a humane manner in a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape or direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine and (ii) provide a minimum of 100 square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

"Hybrid canine" means the offspring resulting from the mating of a domesticated dog and a wolf or coyote or their subsequent offspring or any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine by its owner or former owner.

F. A violation of this section, an ordinance adopted pursuant to this section, or a permit shall be punished as a Class 1 misdemeanor. In addition, anyone found guilty of such violation shall surrender the hybrid canine to the locality, and the animal shall be disposed of in accordance with § 3.1-796.96.