

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 3.2-6546 of the Code of Virginia, relating to animal shelters; housing*
 3 *conditions.*

[S 786]

Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 3.2-6546 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals;**
 9 **affiliation with foster care providers; penalties; injunctive relief.**

10 A. For purposes of this section:

11 "Animal" shall not include agricultural animals.

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

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

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

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

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

27 4. The public animal shelter shall maintain a written record of the information on each companion
 28 animal submitted to the shelter by a private animal shelter in accordance with subsection D of
 29 § 3.2-6548 for a period of 30 days from the date the information is received by the shelter. If a person
 30 contacts the shelter inquiring about a lost companion animal, the shelter shall check its records and
 31 make available to such person any information submitted by a private animal shelter or allow such
 32 person inquiring about a lost animal to view the written records;

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

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

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

49 The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain
 50 whether the animal has a collar, tag, license, tattoo, or other form of identification. If such identification
 51 is found on the animal, the animal shall be held for an additional ~~five days~~ *five-day stray hold period*,
 52 unless sooner claimed by the rightful owner. If the rightful owner of the animal can be readily
 53 identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of
 54 the animal's confinement within the next 48 hours following its confinement.

55 During the ~~time~~ *stray hold period* that an animal is confined pursuant to this subsection, the operator
 56 or custodian of the public animal shelter may vaccinate the animal to prevent the risk of communicable

57 diseases, provided that (i) all vaccines are administered in accordance with a protocol approved by a
58 licensed veterinarian and (ii) rabies vaccines are administered by a licensed veterinarian or licensed
59 veterinary technician under the immediate direction and supervision of a licensed veterinarian in
60 accordance with § 3.2-6521. *Indoor enclosures used to confine the animal during the applicable stray
61 hold period shall be constructed of materials that are durable, nonporous, impervious to moisture, and
62 able to be thoroughly cleaned and disinfected. During the applicable stray hold period, the operator or
63 custodian shall provide the animal with adequate care, including reasonable access to outdoor areas to
64 ensure that the animal has adequate exercise and adequate space.*

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

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

73 *For any animal not subject to a stray hold period, including an animal for whom the stray hold
74 period has ended, the operator or custodian of the public animal shelter shall confine the animal in an
75 enclosure that can safely house and allow for adequate separation of animals of different species, sexes,
76 ages, and temperaments. Such enclosure may have both an outdoor area and an indoor area. If the
77 facility has an outdoor area, the facility shall ensure that the outdoor areas do not present conditions
78 that would be detrimental to the health of the animal. Indoor areas shall have a solid floor. Each
79 operator or custodian shall ensure adequate access to water, food, and a resting platform, bedding, or
80 perch as appropriate to the animal's species, age, and condition. Any regulation by the Board that
81 applies to an animal not subject to a stray hold period shall not be so restrictive as to fail to allow for
82 adequate care, adequate exercise, and adequate space, including meaningful indoor and outdoor
83 recreation for the animal.*

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

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

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

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

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

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

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

117 Any proceeds deriving from the gift, sale, or delivery of such animals shall be paid directly to the

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

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

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

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

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

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

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

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

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