

1 HB202  
2 180598-1  
3 By Representative Patterson  
4 RFD: Public Safety and Homeland Security  
5 First Read: 14-FEB-17

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8 SYNOPSIS: Under existing law, there are no  
9 requirements relating to the humane tethering of  
10 dogs.

11 This bill would establish definitions and  
12 guidelines for the humane tethering of a dog as a  
13 means of containment. This bill would establish  
14 penalties for violations.

15 Amendment 621 of the Constitution of Alabama  
16 of 1901, now appearing as Section 111.05 of the  
17 Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, prohibits a general  
19 law whose purpose or effect would be to require a  
20 new or increased expenditure of local funds from  
21 becoming effective with regard to a local  
22 governmental entity without enactment by a 2/3 vote  
23 unless: it comes within one of a number of  
24 specified exceptions; it is approved by the  
25 affected entity; or the Legislature appropriates  
26 funds, or provides a local source of revenue, to  
27 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

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13                  Relating to animals; to create the Humane Tethering  
14                  Act; to provide guidelines for tethering dogs; to provide  
15                  limited immunity; to provide for enforcement; and in  
16                  connection therewith would have as its purpose or effect the  
17                  requirement of a new or increased expenditure of local funds  
18                  within the meaning of Amendment 621 of the Constitution of  
19                  Alabama of 1901, now appearing as Section 111.05 of the  
20                  Official Recompilation of the Constitution of Alabama of 1901,  
21                  as amended.

22                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                  Section 1. This act shall be known and may be cited  
24                  as the Humane Tethering Act.

25                  Section 2. For the purposes of this act, the  
26                  following terms shall have the following meanings:

1           (1) DOG. Any domesticated member of the canine  
2 species.

3           (2) HUMANE TETHERING DEVICE. A method of containing  
4 a dog on the owner's property by means of a cable, running  
5 line, or cord that allows the dog to be safely attached to a  
6 stationary object.

7           (3) SHELTER. A structure for sheltering a dog which  
8 is commercially manufactured or is constructed with a  
9 structurally sound roof, three sides, and a floor, enabling an  
10 animal to remain dry and clean and providing sufficient space  
11 to allow the animal adequate freedom of movement; and is  
12 properly ventilated and cleaned to minimize health hazards.

13           Section 3. (a) Except as provided by this act, no  
14 person may tie or chain a dog, other than with a humane  
15 tethering device, as a primary means of containment or  
16 restraint.

17           (b) A humane tethering device shall provide for  
18 unrestrained range of movement for the animal and prevent  
19 entanglement. The dog shall be attached to an overhead running  
20 line or cable with a trolley by means of a properly fitting  
21 collar or harness attached to a cord with a swivel on both  
22 ends to prevent entanglement. The cable or running line shall  
23 be at least 10 feet in length. The humane tethering device  
24 shall not present a hazard to the dog or to the general  
25 public.

26           (c) Only one dog may be restrained per humane  
27 tethering device.

1 (d) A humane tethering device shall be placed in  
2 such a manner as to allow the tethered dog access to shelter  
3 and unencumbered access to food and water.

4 (e) Tethering a dog outdoors during the course of a  
5 severe weather event in which a warning has been issued shall  
6 be illegal.

7 Section 4. This act does not apply to the following:

8 (1) A veterinary practice that tethers a dog in the  
9 course of routine veterinary care.

10 (2) A dog temporarily contained at a camping or  
11 recreational area.

12 (3) A dog used in the course of legal hunting  
13 activities.

14 (4) A dog temporarily restrained by a licensed  
15 grooming facility in the course of grooming the dog.

16 (5) An exhibition, trial show, or contest in which  
17 the skill, breeding, or stamina of the dog is judged or  
18 examined.

19 (6) An emergency, such as a natural disaster, in  
20 which the owner of the dog has sustained property damage and  
21 the restraint of the dog is temporary.

22 Section 5. (a) A responding law enforcement officer  
23 or agent may instruct a dog owner of the necessary measures to  
24 take to be in compliance with this act or may remove the dog  
25 from the control of the owner in egregious circumstances in  
26 which the dog is injured or suffering.

1                   (b) Any person found in violation of this act is  
2 guilty of inhumane tethering of a dog.

3                   (c) Inhumane tethering of a dog is a Class B  
4 misdemeanor.

5                   Section 6. Although this bill would have as its  
6 purpose or effect the requirement of a new or increased  
7 expenditure of local funds, the bill is excluded from further  
8 requirements and application under Amendment 621, now  
9 appearing as Section 111.05 of the Official Recompilation of  
10 the Constitution of Alabama of 1901, as amended, because the  
11 bill defines a new crime or amends the definition of an  
12 existing crime.

13                   Section 7. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.