

2018 Regular Session

SENATE BILL NO. 160

BY SENATOR CARTER

ANIMALS. Prohibits the restraint of a dog or cat in extreme weather conditions. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 3:2361 and 2362, relative to cruelty to animals; to prohibit tying,
3 tethering, or restraining a dog or cat in extreme weather conditions; to provide for
4 penalties; to provide for technical corrections; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:2361 and 2362 are hereby amended and reenacted to read as
7 follows:

8 §2361. Horses and mules which may not be sold

9 A. No person shall sell either at private sale or public auction, or offer or
10 receive for sale any horse or mule which by reason of debility, disease, or lameness,
11 or for any other cause could not be worked in the city in which it is offered for sale
12 without violating the laws against cruelty to animals. This section shall apply only
13 in cities in this state having a population of ten thousand or more.

14 **B. Whoever violates the provisions of this Section shall be fined not less**
15 **than twenty-five dollars nor more than one hundred dollars, or imprisoned for**
16 **not more than six months.**

17 §2362. ~~Penalty for illegal sale~~ **Restraint of a dog or cat in extreme weather**

conditions; penalties

~~Whoever violates this Part shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisoned for not more than six months.~~

A. Except as otherwise provided by law, including R.S. 14:102.26, it shall be prohibited to tie, tether, or restrain a dog or cat in a manner that exposes the dog or cat to extreme weather conditions, including any of the following:

(a) The actual or effective outdoor temperature is below thirty-two degrees Fahrenheit or above ninety-five degrees Fahrenheit.

(b) A heat advisory has been issued by a local or state authority or jurisdiction for the area in which the dog or cat is tied, tethered, or restrained.

(c) A hurricane, tropical storm, severe weather, or tornado warning has been issued by the National Weather Service for the area in which the dog or cat is tied, tethered, or restrained.

B. Whoever violates the provisions of this Section shall be subject to a penalty of not less than one hundred dollars nor more than three hundred dollars per violation.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 160 Original

2018 Regular Session

Carter

Proposed law (R.S. 14:102.26) prohibits the tying, tethering, or restraining of any animal in a manner that is inhumane, cruel, or detrimental to its welfare and provides that whoever violates these provisions shall be fined not more than \$300.

Present law further provides for certain exceptions to the offense including the following:

- (1) Accepted veterinary practices.
- (2) Activities carried on for scientific or medical research governed by accepted standards.
- (3) A dog restrained to a running line, pulley, or trolley system and is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.
- (4) A dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction.

- (5) A dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog.
- (6) A dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock.
- (7) A dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products if the restraint is reasonably necessary for the safety of the dog.
- (8) A dog being restrained and walked with a hand-held leash regardless of the type of collar being used.

Proposed law retains present law.

Proposed law (R.S. 3:2362) prohibits tying, tethering, or restraining a dog or cat in a manner that exposes the dog or cat to extreme weather conditions, including any of the following:

- (a) The actual or effective outdoor temperature is below 32°F or above 95°F.
- (b) A heat advisory has been issued by a local or state authority or jurisdiction for the area in which the dog or cat is tied, tethered, or restrained.
- (c) A hurricane, tropical storm, severe weather, or tornado warning has been issued by the National Weather Service for the area in which the dog or cat is tied, tethered, or restrained.

Proposed law provides for a penalty of not less than \$100 nor more than \$300 per violation.

Proposed law makes technical corrections to present law.

Effective August 1, 2018.

(Amends R.S. 3:2361 and 2362)