

1 HOUSE BILL NO. 1330  
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE  
 3 (Proposed by the House Committee on  
 4 on \_\_\_\_\_)  
 5 (Patron Prior to Substitute--Delegate Edmunds)

6 A BILL to amend and reenact §§ 3.2-6546 and 3.2-6549 of the Code of Virginia and to amend the Code  
 7 of Virginia by adding a section numbered 3.2-6585.1, relating to duty to identify submitted animal;  
 8 microchip.

9 **Be it enacted by the General Assembly of Virginia:**

10 **1. That §§ 3.2-6546 and 3.2-6549 of the Code of Virginia are amended and reenacted and that the**  
 11 **Code of Virginia is amended by adding a section numbered 3.2-6585.1 as follows:**

12 **§ 3.2-6546. County or city public animal shelters; confinement and disposition of animals;**  
 13 **affiliation with foster care providers; penalties; injunctive relief.**

14 A. For purposes of this section:

15 "Animal" shall not include agricultural animals.

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

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

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

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

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

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

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

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

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

52           The operator or custodian of the public animal shelter shall make a reasonable effort to ascertain  
53 whether the animal has a collar, tag, license, tattoo, or other form of identification, including by complying  
54 with the provisions of § 3.2-6585.1. If such identification is found on the animal, the animal shall be held  
55 for an additional five-day stray hold period, unless sooner claimed by the rightful owner. If the rightful  
56 owner of the animal can be readily identified, the operator or custodian of the shelter shall make a  
57 reasonable effort to notify the owner of the animal's confinement within the next 48 hours following its  
58 confinement.

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

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

74           D. If an animal confined pursuant to this section has not been claimed upon expiration of the  
75 applicable stray hold period as provided by subsection C, it shall be deemed abandoned and become the  
76 property of the public animal shelter.

77           For any animal not subject to a stray hold period, including an animal for whom the stray hold  
78 period has ended, the operator or custodian of the public animal shelter shall confine the animal in an

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

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

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

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

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

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

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

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

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

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

128           F. Nothing in this section shall prohibit the immediate euthanasia or disposal by the methods listed  
129 in subdivisions D 1 through 5 of an animal that has been released to a public or private animal shelter,  
130 other releasing agency, or animal control officer by the animal's rightful owner after the rightful owner  
131 has read and signed a statement: (i) surrendering all property rights in such animal; (ii) stating that no

132 other person has a right of property in the animal; and (iii) acknowledging that the animal may be  
133 immediately euthanized or disposed of in accordance with subdivisions D 1 through 5.

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

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

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

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

153 K. The governing body shall require that the public animal shelter be operated in accordance with  
154 regulations issued by the Board. If this chapter or such regulations are violated, the locality may be  
155 assessed a civil penalty by the Board or its designee in an amount that does not exceed \$1,000 per violation.  
156 Each day of the violation is a separate offense. In determining the amount of any civil penalty, the Board  
157 or its designee shall consider (i) the history of previous violations at the shelter; (ii) whether the violation  
158 has caused injury to, death or suffering of, an animal; and (iii) the demonstrated good faith of the locality

159 to achieve compliance after notification of the violation. All civil penalties assessed under this section  
160 shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth.  
161 Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department  
162 to be used in carrying out the purposes of this chapter.

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

167 **§ 3.2-6549. Releasing agencies other than public or private animal shelters; confinement and**  
168 **disposition of companion animals; recordkeeping; affiliation with foster care providers; penalties.**

169 A. A releasing agency other than a public or private animal shelter:

170 1. May confine and dispose of companion animals in accordance with subsections B through G of  
171 § 3.2-6546 if incorporated and not operated for profit;

172 2. Shall keep accurate records of each companion animal received for two years from the date of  
173 disposition of the companion animal. Records shall (i) include a description of the companion animal,  
174 including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's name,  
175 address, and telephone number, and license number or other identifying tags or markings, as well as  
176 disposition of the companion animal, and (ii) be made available upon request to the Department, animal  
177 control officers, and law-enforcement officers at mutually agreeable times. A releasing agency other than  
178 a public or private animal shelter shall annually submit a summary of such records to the State Veterinarian  
179 in a format prescribed by him, wherein a post office box may be substituted for a home address; and

180 3. Shall annually file with the State Veterinarian a copy of its intake policy.

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

184 B. Each releasing agency other than a public or private animal shelter shall obtain a signed  
185 statement from each of its directors, operators, staff, or animal caregivers specifying that each individual

186 has never been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency shall  
187 update such statement as changes occur.

188 C. No releasing agency other than a public or private animal shelter shall place a companion animal  
189 in a foster home with a foster care provider unless the foster care provider has read and signed a statement  
190 specifying that the foster care provider has never been convicted of animal cruelty, neglect, or  
191 abandonment, and such releasing agency shall update the statement as changes occur. A releasing agency  
192 other than a public or private animal shelter shall maintain the original statement and any updates to such  
193 statement for so long as the releasing agency has an affiliation with the foster care provider.

194 D. A releasing agency other than a public or private animal shelter that places a companion animal  
195 in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-  
196 6503.

197 E. If a releasing agency other than a public or private animal shelter finds a direct and immediate  
198 threat to a companion animal placed with a foster care provider, it shall report its findings to the animal  
199 control agency in the area where the foster care provider is located.

200 F. Any releasing agency other than a public or private animal shelter that finds a companion animal  
201 or receives a companion animal that has not been released by its owner and (i) provides care or safekeeping  
202 or (ii) takes possession of such companion animal shall within 48 hours:

203 1. ~~Make~~ In compliance with the provisions of § 3.2-6585.1, make a reasonable attempt to notify  
204 the owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo,  
205 or other identification or markings, or if the owner of the companion animal is otherwise known to the  
206 releasing agency; and

207 2. Notify the public animal shelter that serves the locality where the companion animal was found  
208 and provide to the shelter contact information including at least a name and a contact telephone number,  
209 a description of the companion animal including at least species, breed, sex, size, color, information from  
210 any tag, license, collar, tattoo, or other identification or markings, and the location where the companion  
211 animal was found.



212 G. A releasing agency other than a public or private animal shelter shall comply with the provisions  
213 of § 3.2-6503.

214 H. No releasing agency other than a public or private animal shelter shall be operated in violation  
215 of any local zoning ordinance.

216 I. A releasing agency other than a public or private animal shelter that violates any provision of  
217 this section, other than subsection G, may be subject to a civil penalty not to exceed \$250.

218 **§ 3.2-6585.1. Duty to identify; scanning for microchip.**

219 Any veterinarian, public or private animal shelter, or releasing agency that releases or receives  
220 companion animals for adoption or is authorized to euthanize companion animals shall seek to identify  
221 the lawful owner of each unidentified companion animal submitted to it, including, for any weaned  
222 companion animal that may be safely handled, making a reasonable attempt to scan the animal for an  
223 embedded microchip at the time of intake, at the time of assessment, and prior to disposition. If a chip is  
224 detected, the veterinarian, shelter, or agency shall make every reasonable effort to contact the owner by  
225 the most expedient method available. Such veterinarian, shelter, or agency shall maintain documentation  
226 for at least 30 days from the date of the final disposition of the animal that includes the reason an animal  
227 could not be scanned, any scanning that located or failed to locate a microchip, whether a located  
228 microchip was registered to an owner, and any attempt to contact any owner. Veterinarians shall notify  
229 the local public shelter, in compliance with § 3.2-6551, when taking possession of a stray animal.

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