

Pet Care and Humane Treatment Study Committee



Report to the
General
Assembly

The Pet Care & Humane Treatment Study Committee was established by Act 274 of 2016. The enabling text of the Act that created and defined the duties of the study committee is as follows:

SECTION 5. (A) There is established the Pet Care and Humane Treatment Study Committee to review, study, and make recommendations concerning the need for improved oversight and regulation in the State.

(B) The study committee shall:

- (1) identify issues relating to pets including, but not limited to, breeding, adoption, purchase, veterinary care, transportation, and sale of pets out of this State;*
- (2) identify and categorize a statewide estimate of the historical and current private nonprofit animal shelters in this State, rescue shelters, county animal shelters, and municipal animal shelters;*
- (3) identify and categorize the range of services offered in an animal shelter including kenneling, grooming, and veterinary services;*
- (4) identify and categorize any limitations on services based on income status or other poverty measures;*
- (5) identify any underserved areas of the State for basic veterinary services;*
- (6) identify concerns related to unhealthy breeding practices;*
- (7) identify and quantify the sale of pets by animal shelters to out of state individuals or organizations;*
- (8) identify how animals are transported to other states and any regulation that might apply;*
- (9) review the animal cruelty laws and determine if the enforcement and penalties are working;*
- (10) review appointments to the Board of Veterinary Medical Examiners to determine if it needs any updating or structural change; and*
- (11) recommend changes to public policy, regulations, or statutes that would improve the overall health and safety of animal shelters, breeding practices, sale, and transportation of pets.*

(C) The study committee must be composed of eleven members.

(1) The Chairman of the Senate Agriculture and Natural Resources Committee shall appoint the following five members:

- (a) a member of the Senate;*
- (b) a licensed doctor of veterinary medicine residing in South Carolina;*
- (c) a representative from an animal shelter located in this State;*
- (d) a representative from the American Kennel Club; and*
- (e) a representative of the Municipal Association of South Carolina.*

(2) The Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee shall appoint the following four members:

- (a) a member of the House of Representatives;*
- (b) a licensed doctor of veterinary medicine residing in South Carolina;*
- (c) a representative from the National Humane Society; and*
- (d) a representative of the South Carolina Association of Counties.*

(3) The Governor shall appoint one member to represent the South Carolina Department of Labor, Licensing, and Regulation.

(4) The Commissioner of Agriculture shall appoint one member.

(D) The appointed Senator shall serve as the study committee chairman. The members of the study committee shall serve without compensation and may not receive mileage or per diem. Staff from the Senate Agriculture and Natural Resources Committee and staff from the House Agriculture, Natural Resources, and Environmental Affairs Committee shall provide support for the study committee.

(E) The study committee shall make a report of its findings and recommendations to the General Assembly during the 2017 legislative session, at which time the study committee shall cease to exist.

Members of the study committee, appointed pursuant to Act 274:

Senator Vincent Sheheen, Chairman
Representative Steve Moss
Marli Drum, City of Cola. Animal Services, Superintendent
Patricia Hill, DVM, SC Assn. of Veterinarians, Past President
Kim Kelly, Humane Society US, SC Director
Tim Loonam, DVM, Grace Animal Hospital, Clinical Director
Barbara Nelson, SPCA Albrecht Center, President
Josh Rhodes, SC Assoc. of Counties, Staff Attorney
Patty Van Sicklen, Am. Kennel Club, Legislative Analyst
Clint Leach, SC Dept. Of Agriculture, Asst. Commissioner
Rebecca Leach, SC Dept. of LLR, Dir. Of Bus. And Govt. Affairs

Staff members from the Senate Agriculture & Natural Resources Committee and the House Agriculture, Natural Resources & Environmental Affairs Committee provided administrative support to the study committee. They were also assisted in this endeavor by Senate Legal staff.

On Thursday, September 22, 2016, the study committee convened and, held seven subsequent meetings. While mindful of the totality of the requirements upon them, the study committee established a consensus of core concerns:

- *Mitigating the population of animals entering the shelter system through pet retention initiatives, as well as spay-neuter programs. Also of concern in this area is the plight of the animal separated from his owner and making sure he gets back home.*
- *Understanding the existing cruelty and neglect laws, as well as the enforcement thereof and recommending necessary changes.*
- *A shelter oversight platform utilizing standard operational procedures / best demonstrated practices.*
- *The wide spectrum of SC counties and their resources available for housing stray and lost animals. Consideration should be given to more efficient use of funds (benefitting animals and taxpayers), as well as minimizing the discrepancy between “have” and “have-not” counties.*
- *Quantifying the animal trafficking problem in terms of numbers and destination states, as well as developing regulations to curb substandard transports that relocate sick animals or cause death during transport.*

Public comment was invited, both for individuals wishing to address the study committee in person, as well as those desiring to submit electronic communication. Staff received over 60 e-mails related to the work of the study committee.

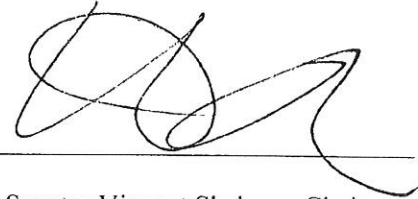
Additionally, invitations were extended to a dozen groups or individuals whose expertise was believed to be a good resource for the study committee. A total of 37 documents were transmitted to staff and have been posted to the study committee web page:

<http://www.scstatehouse.gov/CommitteeInfo/Joint%20Pet%20Care%20And%20Humane%20Treatment%20Study%20Committee/JointPetCareAndHumaneTreatmentStudyCommittee.php>

The web page referenced above also contains the full proceedings of the study committee, including a streaming video archive of all meetings. This includes the Interim Report that was presented to the General Assembly prior to the close of the 2017 Session.

The study of pet care and humane treatment must cover a wide scope and, accordingly, deserves thoroughness in deliberation. The energy and conscientiousness of the study committee, along with the excellent resources of invited guests and the concerns of public participants gave us much to consider.

The following pages represent the work of the study committee. This includes both draft legislation, as well as a recommendation to the General Assembly for their consideration of a specific issue that was discussed in the broader scope of pet care issues. The diligence and enthusiasm of the study committee encourages me to say that I truly believe I speak for them when I say that it was a privilege to serve in this capacity and that we are hopeful that our investment of time will yield the dividends of better treatment for pets and their owners in South Carolina.

A handwritten signature in black ink, consisting of several loops and a long tail, positioned above a horizontal line.

Senator Vincent Sheheen, Chairman

SECTION 1. Section 22-1-17(A) of the 1976 Code is amended to read:

“Section 22-1-17. (A) The South Carolina Court Administration is authorized to establish and determine the number of contact hours to be completed in a continuing education program of two years available to a magistrate who has successfully completed the certification examination. The program must provide extensive instruction in civil and criminal procedures and must encourage magistrates to develop contacts and resources of information in conjunction with their instructors and fellow magistrates. The program must also require two hours of continuing education in the area of animal cruelty.”

SECTION 2. Section 47-1-10 of the 1976 Code is amended to read:

“Section 47-1-10. As used in this chapter:

- (1) ‘Animal’ means a living vertebrate creature except a homo sapien.
- (2) ‘Sustenance’ means adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.
- (3) ‘Shelter’ means ~~shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather~~ a covered structure that reasonably may be expected to protect an animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.”

SECTION 3. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“ARTICLE 2

Tethering of Dogs

Section 47-1-300. As used in this article:

- (1) ‘Adequate feed’ means the provision at suitable intervals, not to exceed twenty-four hours unless otherwise directed in writing by a veterinarian, of a quantity of wholesome foodstuff suitable for species and age, sufficient to maintain a reasonable level of nutrition in each dog. The foodstuff must be served in a sanitized receptacle, dish, or container.
- (2) ‘Adequate water’ means access to a supply of clean, fresh, potable water provided in a sanitary manner at suitable intervals for the species and not to exceed twenty-four hours at any interval unless otherwise directed in writing by a veterinarian.
- (3) ‘Cruel tethering’ means to tether a dog in a manner that:
 - (a) causes injury or illness to the dog as determined by a veterinarian;
 - (b) utilizes a tether that exceeds one-eighth of the body weight of the dog;
 - (c) utilizes a tether that is too short for an unattended dog to move around or for the dog to urinate or defecate in a separate area from the area where it must eat, drink, or lie down; or
 - (d) does not permit the dog access to adequate food, adequate water, shade, or shelter.
- (4) ‘Unattended’ means beyond the visual sight of the owner, handler or caretaker.

(5) 'Tether' means to confine a dog by attaching it to a stationary object by means of a chain, rope, cable, trolley, running line, or similar device.

Section 47-1-310. (A) A dog tethered unattended for more than sixty minutes shall be provided continuous access to shelter, and the chain, rope, cable, trolley or running line to which the dog is attached shall be of sufficient length to provide the dog access to an area of no less than one hundred square feet of usable space.

(B) It is unlawful to tether a dog by means of a choke collar or prong collar.

(C) It is unlawful to tether a dog younger than six months of age.

(D) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense, except it shall not be a violation to tether a dog if:

(1) the owner, handler, or caretaker has been mandated by an animal control or law enforcement authority of the State to keep a dangerous dog restrained by use of a tether;

(2) the owner, handler, or caretaker has tethered a dog pursuant to the requirements of a park, camping or recreational area;

(3) the owner, handler, or caretaker has tethered a dog while actively engaged in the activity of shepherding or herding cattle, sheep, or other livestock or in conduct that is directly related to the business of cultivating agricultural products;

(4) the owner, handler, or caretaker has tethered a dog while engaged in lawful hunting;

(5) the owner, handler, or caretaker has tethered a dog while engaged in training for or participation in recognized exhibitions, events, tests, and trials; or

(6) the dog is tethered while being groomed, receiving veterinary care, or participating in other accepted dog husbandry purposes.

Section 47-1-320. A person who cruelly tethers a dog is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense."

SECTION 4. Section 47-3-10 of the 1976 Code is amended to read:

"Section 47-3-10. For the purpose of this article:

(1) 'Animal' is defined as provided for in Chapter 1;

(2) 'Animal shelter' includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article;

(3) 'Dog' includes all members of the canine family, including foxes and other canines;

(4)(a) A dog is deemed to be 'running at large' if off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device;

(5)(b) A dog is deemed to be 'under restraint' if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device;

(6)(4) 'Cat' includes all members of the feline family;

(5) 'Community cat' means a feral or friendly, free-roaming cat that is without discernable owner identification of any kind and that has been sterilized, vaccinated, and ear-tipped.

(6) 'Ear-tipping' is the removal of approximately one quarter-inch from the tip of a community cat's left ear while the cat is anesthetized for sterilization.

(7) 'Litter' means multiple offspring from one birth of an animal.

(8) 'Trap-neuter-return' means the method by which community cats are humanely trapped, spayed or neutered, vaccinated, ear-tipped, and returned to the location where they were living.

(7)(9) 'Vicious dog' means any dog evidencing an abnormal inclination to attack persons or animals without provocation."

SECTION 5. Section 47-3-60 of the 1976 Code is amended to read:

"Section 47-3-60. (A) After any animal has been quarantined pursuant to South Carolina Rabies Control Act and is unclaimed by its owner, after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(B) Notwithstanding subsection (C), a litter of unidentifiable dogs or cats four months of age or younger may be turned over to any organization established for the purpose of caring for animals immediately so long as the litter is turned over for life-saving purposes.

~~(B)~~(C) After any animal has been impounded for five days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47 3 540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(D) All healthy, unidentifiable cats found or picked up from an outside area and considered stray may be sterilized within twenty-four hours and then returned to the area in which they were found twenty-four hours after surgery if sufficiently recovered. Community cats are eligible for trap-neuter-return or a community cat program.

~~(C)~~(E) Complete records must be kept by shelter officials as to the disposition of all animals impounded."

SECTION 6. Chapter 1, Title 47 of the 1976 Code is amended by adding:

"Section 47-1-145. (A) Any person, organization, or other entity that is awarded custody of an animal under the provisions of Section 47-1-150 because of the arrest of a defendant for a violation of any provision of Chapter 1, Title 47 or Chapter 24, Title 16 and that provides services to the animal without compensation may file a petition with the court requesting that the defendant, if found guilty, be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal pending the disposition of the litigation. In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, 'court' refers to municipal or magistrate's court and 'reasonable expenses' includes the cost of providing food, water, shelter, and care, including medical care, but does not include extraordinary medical procedures.

(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal that the custodian incurred pursuant to subsection (A). Either party may demand that the trial be given priority over other cases.

(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty, the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture, or the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

(D) Within thirty days of an animal's impoundment, the animal's custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:

- (1) an estimate of the daily custodial costs required to care for the animal;
- (2) a statement that the defendant, if found guilty, shall be required to pay for the animal's care during impoundment; and
- (3) a statement that the defendant, at any time prior to final adjudication, has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care, but not costs already accrued.

(E) The remedy provided for in this section is in addition to any other remedy provided by law."

SECTION 7. Section 56-3-9600(B) of the 1976 Code is amended to read:

~~“(B)(1)Notwithstanding another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's caseload in the preceding calendar year was of the total caseload of all applicants in that year.~~

(2) An agency may apply for up to two thousand dollars per grant application at the beginning of each fiscal year and may apply for multiple grants during a fiscal year. Total available grant funds shall be based on the amount of funds collected each previous fiscal year. Grants must specify how many surgeries will be performed and the species and gender of the animals undergoing surgery. Agencies may only apply for one grant at a time. Once a grant is fulfilled, an agency may apply for another grant provided that funds are available. Grants must be fulfilled within six months of receiving funds. Once grants are completed, agencies must submit to No More Homeless Pets / SCACCA a report identifying each person participating; the basis of eligibility for the program; spaying or neutering; dates of spaying or neutering, and rabies vaccines if applicable; descriptions of animals, including gender; and the appropriate amount charged

toward the grant. Any unused funds must be returned. If a co-pay was charged to participating individuals, then that amount must also be included. The Department of Agriculture shall encourage participation from Tier 3 and Tier 4 counties.

(3) The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.”

SECTION 8. Section 40-69-30 of the 1976 Code is amended to read:

“Section 40-69-30. (A) A person may not practice veterinary medicine without a license issued in accordance with this chapter, except as provided in subsection (B). A person who uses in connection with his name the words or letters ‘D.V.M.’, ‘V.M.D.’, ‘Doctor of Veterinary Medicine’, ‘Veterinary Medical Doctor’, or other letters, words, or insignia indicating or implying that one is engaged in the practice of veterinary medicine or who in any other way, orally or in writing or in print or by sign directly or by implication, represents oneself as engaged in the practice of a veterinary medicine without being licensed by the board is subject to the penalties provided for in this chapter.

(B) During an emergency or natural disaster, a veterinarian or veterinary technician who is not licensed in accordance with this chapter, but is licensed and in good standing in another jurisdiction, may practice veterinary medicine related to the response efforts within the scope of assigned veterinary medical duties in locations in this State if:

(1) an official declaration of a state of emergency has been made by the Governor of this State or his delegated state official; and

(2) an official invitation has been extended to the veterinarian or veterinary technician for a specified time by the Governor during emergencies either within or outside the Emergency Management Assistance Compact.

(C) A veterinarian or veterinary technician who practices veterinary medicine pursuant to subsection (B) is subject to the jurisdiction of the South Carolina Board of Veterinary Medical Examiners.”

SECTION 9. Section 47-3-470(3) of the 1976 Code is amended to read:

“(3) ‘Public or private ~~animal refuge~~ rescue organization’ means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.”

SECTION 10. Section 47-3-480 of the 1976 Code is amended to read:

“Section 47-3-480. (A) A public or private animal shelter, animal control agency operated by a political subdivision of this State, humane society, or public or private ~~animal refuge~~ rescue organization shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or ~~refuge~~ rescue organization by:

(1) providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or
(2) entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.

(B) This section does not apply to a privately owned animal which the shelter, agency, society, or refuge rescue organization may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.

(C) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the shelter, agency, society, or refuge rescue organization for the animal.

(D) A person acquiring an animal from a shelter, an agency, a society, or a refuge rescue organization which is not sterile at the time of acquisition shall submit to the shelter, agency, society, or refuge rescue organization a signed statement from the licensed veterinarian performing the sterilization required by subsection (A) within seven days after sterilization attesting that the sterilization has been performed.”

SECTION 11. Section 47-3-490 of the 1976 Code is amended to read:

“Section 47-3-490. A person who fails to comply with Section 47-3-480(A)(2) or 47-3-480(D) must forfeit ownership of the dog(s) or cat(s) acquired from the shelter, agency, society, or refuge rescue organization which adopted the animal to the owner. In addition to forfeiting ownership, the person who acquired the animal must pay to the shelter, agency, society, or refuge rescue organization the sum of ~~\$200.00~~ two hundred dollars as liquidated damages. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the shelter, agency, society, or refuge rescue organization for breach of the written agreement as provided for in Section 47-3-480(A)(2) or failure to comply with Section 47-3-480(D).”

SECTION 12. Chapter 3, Title 47 is amended by adding:

“ARTICLE 16

Shelter Standards

Section 47-3-1010. For the purpose of this article:

(1) ‘Animal control officer’ means a person who is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control.

(2)(a) ‘Animal sheltering facility’ means:

(i) a county or municipal animal control facility;

(ii) a private or non-profit facility that contracts with a county or municipality for animal control;

or

(iii) a private or non-profit facility that shelters at least eight unwanted dogs or cats at one time and has solicited donations from the public.

(b) Two or more animal care facilities that have the same or a similar purpose and operate from one place or premises shall be considered a single facility.

(3) 'Primary enclosure' means a structure or device used to restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch where an animal will sleep, eat, and spend the majority of its time.

(4) 'Temporary enclosure' means a cage or crate designed for short-term, temporary confinement or travel, including, but not limited to, airline crates and transport carriers. Dogs and cats may be housed in temporary enclosures for no longer than seventy-two hours after being taken into custody by an animal shelter.

Section 47-3-1020. Animal control officers shall have the duty to enforce the provisions of this article, including the investigation of complaints against, and the inspection of, animal sheltering facilities.

Section 47-3-1030. (A) An animal control officer may inspect all animal sheltering facilities within the county in which he has jurisdiction and shall investigate all complaints about the care and welfare of animals in such facilities. Inspections shall be unannounced and shall occur within the normal business hours of the facility. Inspections shall be performed at least annually, and up to two routine inspections may be conducted per year. Additional inspections may be performed based on probable cause to believe a shelter might be or is in violation of these and other applicable standards, pursuant to Section 17-13-140. The animal control officer shall document the inspection or investigation, or both, and present copies of the report to the facility and to the county chief administrative officer.

(B) If the animal control officer operates, is employed by, or is otherwise affiliated with an animal sheltering facility in the county, then any inspection or investigation of that facility shall be done by a staff member of the South Carolina Department of Health and Environmental Control, accompanied by the sheriff or a deputy not appointed as an animal control officer. The Department of Health and Environmental Control shall document the inspection or investigation, or both, and present copies of the report to the facility and to the county chief administrative officer.

Section 47-3-1040. All animal sheltering facilities shall:

(1) separate animals by species in primary enclosures, separate unaltered male and female animals of the same species of reproductive age at all times, and ensure that all animals in the same enclosure at the same time are compatible;

(2) provide adequate housing, including:

(a) isolation of sick or injured animals sufficient to protect the health or safety of other animals. Animals diagnosed with or suspected of communicable illness must be physically isolated from healthy animals either by permanent or temporary barriers sufficient to prevent the transmission of airborne and physical contaminants, and all appropriate steps must be taken to minimize transmission of disease;

(b) indoor housing facilities with protection from extreme temperatures and weather conditions that may be hazardous to the animals, including heated quarters during cold weather. Whenever possible, animals' primary housing should be indoors;

(c) indoor housing facilities that are: sanitary and in good repair; free of standing water; constructed of solid flooring (no mesh, wire, or slatted floors); sufficiently ventilated to provide for the animals' health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation; and ideally constructed of nonporous and easily disinfected surfaces. Ambient temperature must not fall below fifty degrees Fahrenheit or rise above eighty-five degrees Fahrenheit when animals are present, unless expressly authorized by a veterinarian;

(d) outdoor housing facilities, if outdoor structures are used to house animals that are large enough to accommodate all animals in the enclosure simultaneously and allow the animals to remain dry and protected from extreme temperature or weather conditions that may be hazardous to the animals. Outdoor

housing should not be considered suitable primary enclosures for cats and dogs unless no reasonable indoor option is available;

(e) primary enclosures for dogs that are at least six inches higher than the head of the tallest dog in the enclosure when the dog is in a normal standing position; that allow sufficient space for sleeping, eating, and elimination; and that ensure each animal has sufficient room to engage in normal behaviors;

(f) primary enclosures for cats that allow each animal to fully extend its limbs, including its tail, and that allow for sleeping, eating, and elimination areas. Enclosures ideally should provide two feet of triangulated distance between bedding, litterbox, and food and water bowls;

(g) primary enclosures for all animals that are large enough for each animal to turn about freely, stand erect, lie down in a natural position, and fully extend its limbs;

(3) clean primary enclosures and housing facilities to remove feces, hair, dirt, debris, and food waste at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors. While animals need not necessarily be removed from housing areas during cleaning, they may not be permitted to come into direct contact with disinfectants, cleaning solutions, or other potentially harmful products, nor may they be permitted to become wet during the cleaning process, either directly or indirectly; in no case may high pressure water systems be used to clean kennels with animals still inside them;

(4) provide adequate veterinary care for sick or injured animals, such that animals suspected of illness or injury receive veterinary care within twenty-four hours, or forty-eight hours for an animal received by a county facility on a weekend or holiday, and are provided prescribed medication necessary to alleviate pain;

(5) provide continuous access to potable, uncontaminated water that is not frozen and is readily accessible to all animals in the enclosure, unless otherwise directed by a veterinarian for the health of the animal;

(6) provide palatable, uncontaminated food at least once daily, unless otherwise directed by a veterinarian for the health of the animal;

(7) ensure each animal is individually observed at least once in every twenty-four hour period by an animal shelter employee tasked with overseeing the welfare and care of the animals;

(8) provide all animals with daily enrichment to ensure adequate mental and physical stimulation, either outside or inside the animals' primary enclosure. Dogs should be removed from their primary enclosures for exercise for the purposes of walking and playing at least three times per week, unless inclement weather, isolation/quarantine/health restrictions or staffing limitations prevent their removal; in such cases, shelters must document daily in-kennel enrichment provided to maintain the physical and psychological well-being of dogs not afforded outdoor exercise; and

(9) keep written records of the care of each animal, including, but not limited to, individual observation of each animal and veterinary treatment, and provide these records to an animal control officer or other inspector authorized by Section 47-3-1030, upon request.

Section 47-3-1050. (A) Animal control officers or other inspectors authorized to conduct inspections pursuant to Section 47-3-1030 shall have the authority to issue orders to address violations of this section, including, but not limited to, ordering the suspension of intake of animals until violations are corrected and the permanent closure of a facility.

(B) If the animal control officer or other inspector authorized by Section 47-3-1030 finds that the animal sheltering facility is not in compliance with the standards established in this section, then the animal control officer or other authorized inspector shall issue orders as follows:

(1) For the first non-compliant inspection, the animal sheltering facility shall be issued a warning and shall be re-inspected thirty days after the date of the first inspection.

(2) If, after the second inspection, the animal sheltering facility remains non-compliant, then the facility shall be subject to a fine of not less than \$100 nor more than \$500, or the animal control officer or other authorized inspector shall issue an order requiring the facility to suspend intake of animals for a period

of fifteen to thirty days, as needed to address the non-compliance. After such a period, the animal sheltering facility shall be re-inspected.

(3) If, after the third inspection, the animal sheltering facility remains non-compliant, then the animal control officer or other authorized inspector may issue an order permanently closing the facility. Such an order shall grant the animal sheltering facility a period of ninety days, as needed, to transfer all animals in the facility to other facilities, organizations, or individuals within the State. Animals from facilities subject to a closure order may be transferred out of the State as long as the transfer does not violate the laws of this State or of the importing state.

(C) If a facility is closed pursuant to this section, then arrangements shall be made by facility and inspecting authorities to transport the animals to another animal sheltering facility.

(D) Nothing in this section prevents any local, state, or federal law enforcement agency from investigating animal cruelty in an animal sheltering facility.

Section 47-3-1060. Nothing in this article shall be construed as requiring the purchase of equipment, the hire of additional personnel, or the construction of additional buildings or other structures.”

SECTION 13. This act takes effect upon approval by the Governor.

The Pet Care & Humane Treatment Study Committee also makes the following recommendation to the General Assembly:

“Investigate the strategy of registration systems to encourage spaying, neutering and identification of dogs.”