**South Carolina General Assembly**

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**S. 640**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Peeler

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Currently residing in the Senate Committee on **Agriculture and Natural Resources**

Summary: Animal Rescue Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/23/2013 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2013\04-23-13.docx))

4/23/2013 Senate Referred to Committee on **Agriculture and Natural Resources** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2013\04-23-13.docx))

**VERSIONS OF THIS BILL**

[4/23/2013](file:///p:\pprever\2013-14\640_20130423.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “ANIMAL RESCUE ACT” BY ADDING ARTICLE 17 TO CHAPTER 3, TITLE 47, TO MAKE FINDINGS, TO AMONGST OTHER THINGS, PROVIDE THAT AN ANIMAL MAY NOT BE KILLED IF ANOTHER ANIMAL SHELTER REQUESTS THE ANIMAL, TO SET FORTH A HOLDING REQUIREMENT BEFORE AN ANIMAL MAY BE KILLED, TO PROVIDE THE MANNER IN WHICH AN ANIMAL MAY BE KILLED, AND TO MAKE PROVISIONS REGARDING FERAL CATS AND FERAL CAT CAREGIVERS; TO AMEND SECTION 47‑3‑440, AS AMENDED, RELATING TO THE PROCESS BY WHICH AN ANIMAL MAY BE KILLED, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 47‑3‑420 RELATING TO ALLOWABLE METHODS OF EUTHANASIA FOR AN ANIMAL.

Be it enacted by the General Assembly of the State of South Carolina:

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

“Article 17

Animal Rescue

Subarticle 1

General Provisions

Section 47‑3‑1000. This article may be cited as the ‘Animal Rescue Act’.

Section 47‑3‑1010. (A) The General Assembly finds:

(1) protecting animals is a legitimate and compelling public interest;

(2) the killing of savable animals in shelters is a needless tragedy that must be brought to an end;

(3) no animal should be killed if the animal can be placed in a suitable home, rescue group, or organization formed for the prevention of cruelty to animals is willing to take care and custody of the animal or, in the case of feral cats, if they can be sterilized and released to their habitats;

(4) animals held in shelters deserve proper care and humane treatment including prompt veterinary care, adequate nutrition, shelter, exercise, environmental enrichment, and water;

(5) shelters have a duty to make all savable animals available for adoption for a reasonable period of time;

(6) owners of lost animals should have a reasonable period of time within which to redeem their animals;

(7) shelters should not kill savable animals at the request of their owners;

(8) all efforts should be made to encourage the voluntary spaying and neutering of animals;

(9) when animals are killed, it should be done as humanely and compassionately as possible;

(10) taxpayers and community members deserve full and complete disclosure about how animal shelters operate;

(11) citizens have a right to ensure that animal shelters follow the law;

(12) saving the lives of animals, identifying and eliminating animal neglect and abuse, and protecting public safety are compatible interests; and

(13) policies that undermine the public’s trust in animal shelters should be eliminated.

(B) The General Assembly further finds that all animal shelters that operate in this State should:

(1) commit themselves to ending the killing of savable animals in their care and custody;

(2) work with other animal adoption and animal rescue groups to the fullest extent to promote the adoption of animals and to reduce the rate of killing;

(3) provide every animal in their custody with individual consideration and care, regardless of how many animals they take in, or whether such animals are healthy, unweaned, elderly, sick, injured, traumatized, feral, aggressive, or of a particular breed;

(4) not ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria, such as breed, age, color, or other criteria except as to the individual animal’s medical condition or aggression, or the adopter’s fitness to adopt;

(5) be open to the public for adoption at least five days per week;

(6) make an effort to be open weekends and evening hours if the appropriate funding is provided; and

(7) implement programs to save lives, including free and low cost spay and neuter services for animals, including feral cats; a foster care network for animals needing special care, including unweaned, traumatized, sick and injured animals; comprehensive adoption programs that operate that include adoption venues other than the shelter; medical and behavioral rehabilitation programs; pet retention programs to solve medical, environmental, and behavioral problems and keep animals with their caring and responsible owners; and, volunteer programs to help socialize animals, promote adoptions, and assist in the operations of the shelter.

(C) The General Assembly further finds that ending the killing of savable animals will occur when all animal shelters and rescue groups work together to achieve the goals set forth in this section.

Section 47‑3‑1020. For purposes of this article:

(1) ‘Animal Shelter’ means a:

(a) facility operated by or under contract for the State or a county, municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, homeless, abandoned, or unwanted dogs, cats, and other animals;

(b) veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose set forth in subitem (a) in addition to its customary purposes; or

(c) facility operated, owned, or maintained by an incorporated humane society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

(2) ‘Dangerous dog’ means a dog adjudicated to be vicious by a court of competent jurisdiction and when all appeals of that judicial determination have been unsuccessful.

(3) ‘Feral cat’ means a cat that has reverted to a wild state.

(4) ‘Feral cat caregiver’ means someone who cares for feral cats and has an interest in protecting the cats but who is not the owner of those cats.

(5) ‘Irremediable physical suffering’ means that the animal suffers from a medical condition that has a poor or grave prognosis and that the animal is unlikely to be able to live without prolonged, severe and unremitting pain, despite necessary veterinary care.

(6) ‘Rescue group’ means an organization designated as a nonprofit under Section 501(c)(3) of the Internal Revenue Code, whose primary stated purpose is animal adoption, animal rescue, or formed for the prevention of cruelty to animals.

(7) ‘Unweaned animal’ means any neonatal animal who, in the absence of its mother, requires supplemental bottle feeding by humans in order to survive. In the case of puppies and kittens, unweaned animals are animals who fit the above description and are from zero to four weeks of age.

(8) ‘Vicious dog’ means a dog who exhibits aggression to people even when the dog is not hungry, in pain, or frightened and whose prognosis for rehabilitation of that aggression is poor or grave as determined by a trained behaviorist who is an expert on canine behavior.

Subarticle 2

Animal Shelters and Rescue Groups

Section 47‑3‑1200. (A) Notwithstanding any other provision of law, no animal in the care or custody of an animal shelter may be killed if a rescue group requests possession of the animal. In addition to any required spay or neuter deposit, the shelter having possession of the animal may assess a fee not to exceed the standard adoption fee for animals released to rescue groups pursuant to this section.

(B) This section does not apply if:

(1) the animal is experiencing irremediable physical suffering; and

(2) prior to the killing of the animal, a veterinarian licensed to practice in this State certifies, in writing, that the prognosis for recovery is poor or grave even with comprehensive prompt and necessary veterinary care.

(C) This section applies regardless of where a rescue group is organized, incorporated, or situated.

Section 47‑3‑1210. (A) A rescue group interested in taking possession of one or more animals pursuant to Section 47‑3‑1200 shall notify the animal shelter with contact information for that group. A rescue group may file one notice with an animal shelter requesting that it be notified of all animals held by that facility that are scheduled for euthanasia.

(B) All animal shelters that kill animals must maintain a registry of rescue groups willing to accept animals for the purposes of adoption and who have applied with the shelters to be notified pursuant to subsection (A).

(C) At least two business days prior to the scheduled euthanasia of an animal, the shelter having possession of the animal shall provide notice to the rescue group of the scheduled euthanasia by:

(1) posting of the identification number of the animal on the website of the shelter having possession of the animal by direct link from the shelter’s website home page; and

(2) by contacting the rescue group directly by one or more of the following means:

(a) electronic mail to the address on file;

(b) telephone to the number on file;

(c) text message to the telephone number on file;

(d) fax to the number on file; or

(e) any other means of electronic, written communication as provided by the rescue group.

(D) The notice requirements of subsection (C)(1) do not apply if the shelter having possession of the animal does not maintain a website.

Section 47‑3‑1220. (A) A rescue group intending to take possession of an animal scheduled for euthanasia shall notify the shelter having possession of the animal of the rescue group’s intent to take possession of the animal at any time prior to the animal’s euthanasia by telephone, electronic mail, fax, text message, or other electronic, written request.

(B) A rescue group taking possession of an animal pursuant to Section 47‑3‑1200 must take possession of the animal within two business days of the time the rescue group notifies the animal shelter possessing the animal not including the day upon which the notice is given.

(C) Upon taking possession of the animal, the rescue group shall assume all liability for the animal provided that the rescue group is not responsible for harm caused to or by the animal that:

(1) occurred prior to the time the rescue group assumed possession of the animal; or

(2) is due to the acts or omissions of a person not associated with the rescue group.

(D) Any rescue group having an officer, board member, staff member or volunteer who has been convicted or charged with a criminal offense regarding cruelty to animals, animal neglect, or dog fighting may not take possession of an animal pursuant to Section 47‑3‑1200 until such time as that officer, board member, staff member or volunteer no longer associates with the rescue group, or until the charges are dismissed.

Section 47‑3‑1230. (A) The provisions of this subarticle do not apply to:

(1) an animal suspected of carrying and exhibiting signs of rabies, as determined in writing by a veterinarian licensed to practice medicine in this State;

(2) symptomatic dogs with confirmed cases of parvovirus if a veterinarian licensed to practice in this State certifies, in writing, that the prognosis for recovery is poor or grave even with comprehensive prompt and necessary veterinary care.

(3) symptomatic cats with confirmed cases of panleukopenia if a veterinarian licensed to practice in this State certifies, in writing, that the prognosis for recovery is poor or grave even with comprehensive prompt and necessary veterinary care;

(4) an animal that has been determined to be dangerous by a court of competent jurisdiction;

(5) a dog with a history of unprovoked biting that has resulted in severe injury to a human being and which was documented by the animal shelter prior to the current impound of the animal. Documentation must consist of medical reports made at the time the prior bite incident occurred or was reported as well as medical records documenting the circumstances of the bite and the severity of the injury.

(6) a vicious dog whose prognosis for rehabilitation of aggression is poor or grave as determined and documented by a trained behaviorist who is an expert in canine behavior.

Section 47‑3‑1240. (A) Unless otherwise provided in this section, the required holding period for a stray animal impounded by any animal shelter is five business days not including the day of impoundment.

(B) Stray animals without any form of identification and without a known owner must be held for owner redemption during the first two days of the holding period, not including the day of impoundment, and must be available for owner redemption, transfer, and adoption for the remainder of the holding period.

(C) Stray animals may be adopted into new homes or transferred to a rescue group or another animal shelter for the purpose of adoption after the first two days of the holding period, not including the day of impoundment, except as provided in subsections (D) through (H).

(D) If a stray animal is impounded with a license tag, microchip, or other form of identification, or belongs to a known owner, the animal must be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and must be available for owner redemption, transfer, and adoption for the remainder of the holding period.

(E) Litters of animals or individual members of a litter of animals, including the nursing mother, and unweaned animals may be made available for adoption or transferred to another animal shelter or rescue group for the purpose of adoption immediately after impoundment.

(F) Individual members of litters of animals who are at least six weeks of age, including the mother, may be available for adoption, transferred to another animal shelter or rescue group immediately upon impoundment.

(G) Irremediably suffering animals must be euthanized without delay, upon a determination made in writing and signed by a veterinarian licensed to practice medicine in this State. That certification must be made available for free public inspection for no less than three years.

(H) Unweaned animals impounded without their mother may be killed so long as the animal shelter has exhausted all efforts to place the animals in foster care, transfer them to another shelter or rescue group, and certify that it is unable to provide the needed care and feeding in its facility. The certification also must state in clear and definitive terms why the animal shelter is unable to place the animals in foster care, which animal shelters and rescue groups it made an appeal to, and what would be required in the future in order to provide the needed care and feeding in foster care or its facility, what steps are being taken to do so, and a reasonable time frame not to exceed one year from the date of the killing for doing so. The certification must be made in writing, signed by the director of the animal shelter or by a veterinarian, and be made available for free public inspection for no less than three years.

Section 47‑3‑1250. (A) The required holding period for an owner relinquished animal impounded by an animal shelter must be the same as that for stray animals and applies to all owner relinquished animals, except as follows:

(1) any owner‑relinquished animal that is impounded must be held for adoption or for transfer to another animal shelter or rescue group for the purpose of adoption for the entirety of the holding period; and

(2) owner‑relinquished animals may be adopted into new homes or transferred to another animal shelter or rescue group for the purpose of adoption at any time after impoundment.

(B) When an animal is surrendered or brought to a shelter to be killed at the owner’s request, the animal is subject to the same holding periods and the same requirements of all owner relinquished animals notwithstanding the request.

(C) An animal seized by an officer of an animal shelter under the provisions of a state statute having as its effect the prevention or punishment of animal neglect or cruelty, or seized under the provision of state dangerous dog laws or under state quarantine or disease control regulations, must be impounded and held as consistent with the requirements of those laws. However, when any statute under the provisions of those laws permits a holding period, care, or disposition which affords an animal less protection than the mandates of this subarticle, this subarticle supersedes those specific provisions regarding holding, care, and disposition.

Section 47‑3‑1260. (A) Except as otherwise provided in this section, animal shelters must provide all animals during the entirety of their shelter stay with fresh food, fresh water, environmental enrichment to promote their psychological well‑being such as socialization, toys and treats, and exercise as needed, but no less than once a day. However, vicious or dangerous dogs may, but are not required, to be exercised during the holding period.

(B) Notwithstanding subsection (A), animal shelters must work with a veterinarian licensed to practice medicine in this State to develop and follow a care protocol, which is consistent with the goals of this article, for animals with special needs including, but not limited to, nursing mothers, unweaned animals, sick or injured animals, geriatric animals, or animals needing therapeutic exercise. This care protocol shall specify any deviation from the standard requirements of subsection (A) and the reasons for the deviation.

(C) During the entirety of their shelter stay, animals must be provided prompt and necessary cleaning of their cages, kennels, or other living environments no less than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. The cleaning must be conducted in accordance with a protocol developed in coordination with a veterinarian licensed to practice medicine in this State. Animals must be temporarily removed from their cages, kennels, or other living environments during the process of cleaning to prevent them from being exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and chemicals.

(D) During the entirety of their shelter stay, all animals must be provided with prompt and necessary veterinary care including, but not limited to, preventative vaccinations, cage rest, fluid therapy, pain management, and antibiotics, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition even if the animals are not candidates for redemption, transfer, or adoption.

(E) Animal shelters must work with a veterinarian licensed to practice medicine in this State to develop and follow a protocol to prevent the spread of disease including, but not limited to, appropriate evaluation and testing of newly impounded animals, administration of vaccines, proper isolation and handling of sick animals, and measures to protect those animals most vulnerable to infection.

Section 47‑3‑1270. (A) All animal shelters must take appropriate action to ensure that all animals are checked for all currently acceptable methods of identification, including microchips, identification tags, and licenses. All animal shelters must maintain continuously updated lists of animals reported lost and match these lost reports with animals reported found and animals in the shelter and also must post all stray animals on the website maintained by the shelter with sufficient detail to allow them to be recognized and claimed by their owners. If a possible owner is identified, the shelters shall undertake reasonable efforts to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts shall include, but are not limited to, notifying the possible owner by telephone, mail, and personal service to the last known address. Upon the owner’s or caretaker’s initiation of recovery procedures, the shelters shall retain custody of the animal for a reasonable period of time to allow for completion of the recovery process. Efforts to locate or contact an owner or caretaker, and communications with persons claiming to be owners or caretakers, must be recorded and be made available for free public inspection for no less than three years.

(B) The provisions of this section requiring the posting of stray animals on a shelter’s website does not apply to an animal shelter that does not maintain a website.

Section 47‑3‑1280. (A) Every animal shelter must have adoption programs which include:

(1) adoption programs to place animals into homes and to transfer animals to other animal shelters or rescue groups for adoption;

(2) promotion of animals to the community through means such as the local media or the Internet; and

(3) community‑based adoption events or venues at locations other than the shelter.

(B) In addition to the requirements of subsection (A), all animal shelters must be open for public adoption for at least five days a week for a minimum of six hours per day. Nothing in this section shall prohibit an animal shelter from being open on the weekends, weeknights, or holidays in order to provide adoption services.

Section 47‑3‑1290. No animal shelter may ban, bar, limit or otherwise obstruct the adoption or rescue of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria except as to the individual animal’s medical condition and aggression, or the adopter’s fitness to adopt.

Section 47‑3‑1300. (A) Every animal shelter must provide the following public services:

(1) low‑cost spaying and neutering services for animals;

(2) volunteer opportunities for people to assist the shelter, including fostering animals, socializing animals, assisting with adoptions, and otherwise helping in the operations of the shelter; and

(3) programs to assist people in overcoming situations that may cause them to relinquish or abandon their animals including, but not limited to, programs that address animal behavior problems, medical conditions, and environmental conditions.

(B) Nothing in this section shall prohibit a shelter from enacting reasonable rules to facilitate the orderly operation of these programs so long as the rules are designed to meet the goals of this article.

Section 47‑3‑1310. (A) No person shall procure or use any living animal from an animal shelter or rescue group for medical or biological teaching, research, or study. No hospital, educational or commercial institution, laboratory, or animal dealer, regardless of whether the dealer is licensed by the United States Department of Agriculture, shall purchase or accept any living animal from an animal shelter, animal rescue group, commercial kennel, kennel, peace officer, or animal control officer.

(B) No animal shelter, animal rescue group, commercial kennel, kennel, peace officer, or animal control officer shall sell, adopt, transfer, or give away any living animal to a person, hospital, educational or commercial institution, laboratory, or dealer in animals, regardless of whether the dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research or study.

Section 47‑3‑1320. (A) No savable animal in an animal shelter may be killed simply because the holding period has expired. Before an animal is killed, all of the following conditions must be met:

(1) there are no empty cages, kennels, or other living environments in the shelter;

(2) the animal cannot share a cage or kennel with

another animal;

(3) a foster home is not available;

(4) animal rescue groups are not able to accept the animal;

(5) the animal is not a feral cat subject to sterilization and release as provided in 47‑3‑1500(C);

(6) all mandates, programs and services of this subarticle have been met; and

(7) the director of the animal shelter certifies he or she has no other alternative.

(B) The determination that all conditions of subsection (A) have been met must be made in writing, signed by the director of the animal shelter, and be made available for free public inspection for no less than three years.

Section 47‑3‑1330. (A) All animals impounded by an animal shelter or animal rescue group may be killed, only when necessary and consistent with the requirements of this subarticle, by lethal intravenous injection of sodium pentobarbital, except as follows:

(1) intraperitoneal injections may be used only under the direction of a licensed veterinarian, and only when intravenous injection is not possible for infant animals, companion animals other than cats and dogs, feral cats, or in comatose animals with depressed vascular function; and

(2) intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose and then only under the direction of a veterinarian.

(B) No animal may be allowed to witness any other animal being killed or being tranquilized or sedated for the purpose of being killed or see the bodies of animals which have already been killed.

(C) Animals must be sedated or tranquilized as necessary to minimize their stress or discomfort, or in the case of vicious animals, to ensure staff safety, except that neuromuscular blocking agents must not be used.

(D) Following their injection, animals must be lowered to the surface on which they are being held and may not be permitted to drop or otherwise collapse without support.

(E) An animal may not be left unattended between the time procedures to kill the animal are commenced and the time death occurs nor may the body be disposed of until death is verified.

(F) Verification of death must be confirmed for each animal in all of the following ways, by:

(1) lack of heartbeat, verified by a stethoscope;

(2) lack of respiration, verified by observation;

(3) pale, bluish gums and tongue, verified by observation; and

(4) lack of eye response, verified if lid does not blink when eye is touched and pupil remains dilated when a light is shined on it.

(G) The room in which animals are killed must be cleaned and regularly disinfected as necessary, but no less than once per day on days the room is used, except that the area where the procedure is performed must be cleaned and disinfected between each procedure.

(H) The room in which animals are killed must have adequate ventilation that prevents the accumulation of odors.

(I) A veterinarian licensed to practice medicine in this State or a euthanasia technician certified by the state euthanasia certification program shall perform these procedures. However, if a state certification program does not exist, the procedure may be performed by a trained euthanasia technician working under the direction of a veterinarian.

Section 47‑3‑1340. (A) All animal shelters must post, in a conspicuous place where animals are being relinquished by owners, a sign which is clearly visible and readable from any vantage point in the area, and at least seventeen inches by twenty‑two inches, which has all of the following information identified by species type, the:

(1) number of animals impounded for the prior calendar year;

(2) number of animals impounded for the prior calendar year who were adopted;

(3) number of animals impounded for the prior calendar year who were transferred to other shelters or rescue groups for adoption;

(4) number of animals impounded for the prior calendar year who were reclaimed by their owners;

(5) number of animals impounded for the prior calendar year who died, were lost, or were stolen while under the direct or constructive care of the shelter; and

(6) number of animals impounded for the prior calendar year who were killed by the shelter, at the shelter’s direction, with the shelter’s permission, or by a representative of the shelter.

(B) All animal shelters must provide all owners who are relinquishing an animal with accurate information, in writing, about the likely disposition of their animal which includes, but is not limited to:

(1) if the animal is the breed or type that is normally killed;

(2) if the animal is likely to be killed because of some current, usual, or unusual circumstances; and

(3) the information provided in subsection (A).

(C) Any owner surrendering an animal to an animal shelter must sign a statement on a form provided by the shelter which includes the specific language: ‘I understand that the shelter may kill my pet’. If the statement is provided on a form which has additional information, the owner must initial the statement where these words appear. If the person refuses to sign the statement, the shelter, or its agents, must recite the statement aloud to the owner and then write: ‘Refused to sign’. The statement must be kept on file for a period of no less than three years.

Section 47‑3‑1350. All animal shelters must provide, upon request, for free public inspection, a monthly summary by the tenth day of the month that includes the following information by species, the:

(1) number of animals impounded during the previous month;

(2) number of impounded animals sterilized or sterilized by contract with participating outside private veterinarians during the previous month;

(3) number of animals who were killed by the shelter, at the shelter’s direction, with the shelter’s permission, or by a representative of the shelter during the previous month;

(4) number of animals who died, were lost, or were stolen while in the direct or constructive care of such shelter during the previous month;

(5) number of animals who were returned to their owners during the previous month;

(6) number of animals who were adopted during the previous month;

(7) number of animals who were transferred to other animal shelters or rescue groups for adoption during the previous month; and

(8) number of animals impounded into the reporting shelter from outside the city or county, whichever is applicable, during the previous month.

Subarticle 3

Feral Cats

Section 47‑3‑1500. (A) Caretakers of feral cats are exempt from any provision of law regarding the feeding of stray animals, requiring permits for the feeding of animals, requiring the confinement of cats, or limiting the number of animals a person can own, harbor, or have in their custody. This exemption only applies so long as the public health is preserved. Additionally, nothing in this section may be construed to limit the enforcement of a statute having as its effect the prevention or punishment of animal neglect or cruelty so long as the enforcement is based on the conditions of animals and not based on the mere fact that a person is feeding feral cats in a public or private location.

(B) A feral cat caregiver has the same right of redemption as provided in 47‑3‑1240(D) for feral cats as an owner of a pet cat, without conferring ownership of the cat on the caregiver.

(C) In order to encourage the spaying and neutering of feral cats and to protect cats, rescue groups and animal shelters may not lend, rent, or otherwise provide traps to the public to capture cats, except to a person for the purpose of catching and reclaiming that person’s wayward cat, to capture injured or sick cats or cats otherwise in danger, to capture feral kittens for purposes of taming and adoption or, in the case of feral cats, for purposes of spaying or neutering and subsequent rerelease.

(1) For purposes of this subsection, the location of the cats, without more, does not constitute ‘otherwise in danger’.

(2) A person is subject to a civil fine of not less than two hundred dollars nor more than five hundred dollars if the person uses a trap from a rescue group or animal shelter for purposes other than those set forth in this section.

(D) An action for a penalty proposed under this section may be commenced in a court of competent jurisdiction by the administrator of the rescue group or animal shelter from which the recipient obtained the trap that is the subject of the violation.

(E) All penalties collected under this section must be retained by the entity bringing the action pursuant to subsection (C) to be used solely for programs to spay or neuter animals.”

SECTION 2. A. Section 47‑3‑440 of the 1976 Code, as last amended by Act 293 of 2000, is further amended to read:

“Section 47‑3‑440. No person may kill any animal impounded or quarantined in an animal shelter by any means except as provided by this article and Article 17. Any person who violates the provisions of this article or Article 17 is guilty of a misdemeanor and, upon conviction, is subject to the penalty provisions in Chapter 1, Title 47 for each animal killed. The Attorney General of South Carolina may bring an action to enjoin a violation of this article or Article 17.”

B. Section 47‑3‑420 of the 1976 Code is repealed.

C. Article 7, Chapter 3, Title 47 which is entitled “Animal Euthanasia and Tranquilization” is redesignated “Animal Shelters”.

SECTION 3. This act takes effect upon approval by the Governor.

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