**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 3, TITLE 47, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGULATION BY COUNTIES AND MUNICIPALITIES OF DOGS AND DOMESTIC PETS, SO AS TO REVISE THE DEFINITION OF CERTAIN TERMS CONTAINED IN THIS ARTICLE AND ADD ADDITIONAL TERMS THAT RELATE TO THESE MATTERS, TO PROVIDE THAT THE PROVISION THAT STATES NOTHING IN THIS ARTICLE MAY LIMIT THE POWER OF ANY MUNICIPALITY OR COUNTY TO ENACT ORDINANCES PROHIBITING CERTAIN ANIMALS FROM RUNNING AT LARGE AND TO ENFORCE ADDITIONAL MEASURES FOR THE CONTROL OF RABIES AND THE ADOPTION OF ANIMAL SHELTER POLICIES IS MOVED FROM ONE SECTION TO ANOTHER SECTION, TO PROVIDE THAT PET OWNERS MUST BE GIVEN THE OPTION TO DECIDE WHO SHALL PROVIDE VETERINARY SERVICES TO THEIR PETS, TO REQUIRE AN ANIMAL SHELTER TO COUNSEL PET OWNERS TO SEEK VETERINARY SERVICES AS SOON AS POSSIBLE UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE A LICENSED VETERINARIAN TO EXAMINE AN ADOPTED PET PRIOR TO RELEASE FROM AN ANIMAL SHELTER OR IN THE EVENT A LICENSED VETERINARIAN IS NOT AVAILABLE, TO REQUIRE A PET OWNER TO DOCUMENT WITH AN ANIMAL SHELTER WITHIN SEVENTY‑TWO HOURS THAT A LICENSED VETERINARIAN HAS EXAMINED HIS PET, TO PROVIDE THAT ANIMAL SHELTERS MAY NOT REQUIRE SERVICES TO BE PERFORMED NOR MAY THEY PRECHARGE FOR SERVICES OR CHARGE FOR SERVICES NOT RENDERED, TO REQUIRE ANIMAL SHELTERS RECEIVING GRANT FUNDS THAT INCLUDE PUBLIC MONEY TO ASSIST WITH STERILIZATION PROCEDURES ON ANIMALS THAT ARE OWNED OR IN POSSESSION, CUSTODY, OR CONTROL OF A MUNICIPAL ANIMAL SHELTER OR NONPROFIT ANIMAL RESCUE TO USE THOSE FUNDS SOLELY FOR STERILIZATION PROCEDURES AND NO OTHER PURPOSES AND TO PROVIDE THAT A PORTION OF THE GRANT FUNDS, NOT TO EXCEED FIFTEEN PERCENT, MAY BE USED FOR IMMEDIATE OR EMERGENCY MEDICAL NEEDS OF ANIMALS, TO PROVIDE THAT BEFORE AN ADOPTED PET IS RELEASED FROM AN ANIMAL SHELTER, IT MUST BE STERILIZED BY THE ANIMAL SHELTER OR THE HUMANE SOCIETY, OR THE PET OWNER MUST DOCUMENT THAT THE PET IS SCHEDULED FOR STERILIZATION BY A LICENSED VETERINARIAN, TO PROVIDE THAT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ALL ANIMAL SHELTERS AND ANIMAL SHELTER OWNERS ARE SUBJECT TO REGULATION BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND THE BOARD OF VETERINARY MEDICAL EXAMINERS, AND PROVIDE THAT VETERINARIANS WHO PROVIDE SERVICES TO ANIMALS IN ANIMAL SHELTERS ARE REQUIRED TO KEEP CLIENT‑PATIENT RECORDS, TO PROVIDE THAT ANY ANIMAL SHELTER OR RELATED CLINIC RECEIVING OR EXPENDING PUBLIC FUNDS IS SUBJECT TO THE FREEDOM OF INFORMATION ACT; TO DEFINE THE TERM “MOBILE VETERINARY PRACTICE”, TO REQUIRE A “MOBILE VETERINARY PRACTICE” TO HAVE AN AFFILIATION AGREEMENT WITH A LOCAL VETERINARY FACILITY WITHIN TWENTY MILES OF EACH LOCATION IN WHICH A “MOBILE VETERINARY PRACTICE” LOCATES, AND TO REQUIRE CONTACT INFORMATION OF THE AFFILIATED FACILITY BE POSTED AT THE MOBILE LOCATION AND BE GIVEN TO THE PET OWNER DOCUMENTING SERVICES RENDERED; AND TO AMEND ARTICLE 8, CHAPTER 3, TITLE 47, RELATING TO THE STERILIZATION OF DOGS AND CATS, SO AS TO DELETE THE PROVISION THAT CONTAINS CERTAIN TERMS AND THEIR DEFINITIONS, AND THE PROVISION THAT ALLOWS A POLITICAL SUBDIVISION TO ADOPT SHELTER POLICIES THAT ARE MORE STRINGENT THAN THE REQUIREMENTS CONTAINED IN THIS ARTICLE.

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

SECTION 1. Article 1, Chapter 3, Title 47 of the 1976 Code is amended to read:

“Article 1

Regulation by Counties and Municipalities

Section 47‑3‑10. For the purpose of this ~~article~~ chapter:

(1) ‘Animal’ ~~is defined as provided for in Chapter 1;~~ means a living vertebrate creature except a homo sapien.

(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;~~ means:

(a) a facility operated by or under contract with the State or a county, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, and, for low income households, implanting a microchip pursuant to Section 47‑3‑55(C), providing sterilization pursuant to Section 47‑3‑480, and providing vaccinations;

(b) a 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;

(c) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals, and, for low‑income households, implanting a microchip pursuant to Section 47‑3‑55(C), providing sterilization pursuant to Section 47‑3‑480, and providing vaccinations.

(3) ‘Dog’ includes all members of the canine family, including foxes and other canines~~;~~.

(4) 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) 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) ‘Cat’ includes all members of the feline family~~;~~.

(7) ‘Humane society’ means an unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.

(8) ‘Low‑income household’ means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located. The potential pet‑owner/adoptor must sign an affidavit that they meet this definition. The animal shelter must keep a copy of the affidavit in their records.

(9) ‘Public or private animal refuge’ 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.

(10) ‘Sexually mature animal’ means a dog or cat that has reached the age of one hundred eighty days or six months or more.

(11) ‘Sterilization’ means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

~~(7)~~ (12) ‘Vicious dog’ means any dog evidencing an abnormal inclination to attack persons or animals without provocation.

Section 47‑3‑20. (A) The governing body of each county or municipality in this State may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations. Nothing in this article may be construed to limit the power of any municipality or county to:

(1) enact ordinances to prohibit animals from running at large, whether or not they have been inoculated as provided in this article;

(2) regulate and control further in the county or municipality to enforce other and additional measures for the restriction and control of rabies.

(B) This article does not prohibit the adoption by a political subdivision of this State of animal shelter policies which are more stringent than the requirements of this article.

Section 47‑3‑30. The governing body of the county or municipality is authorized to establish an animal shelter for the county or municipality for the purpose of impounding and quarantining dogs and quarantining cats and shall employ such personnel, including enforcement personnel, as may be necessary to administer the provisions of this article. If an animal shelter is established, funds to establish and operate the shelter and employ necessary personnel may be provided in the annual county or municipal appropriations.

Section 47‑3‑35. (A) Any animal shelter that refers adopted or other pets for services defined in Section 47‑3‑10(2) must allow the pet owner to decide who shall provide those services. The animal shelter must provide to the pet owner the names of the veterinarians and clinics in the immediate area who provide these services. A form clearly documenting that the choice was offered to the pet owner must be signed by the pet owner and a copy retained by the animal shelter. The adoption agreement must also include language referencing the ability to freely choose a veterinarian of their choice.

(B) The animal shelter must counsel the pet owner that the pet should be seen by a full service veterinarian as soon as possible.

(C) A licensed veterinarian must meet with the pet owner at the animal shelter and examine the pet before the owner takes possession of the pet from an animal shelter. If a licensed veterinarian is not available at the time the owner takes possession, then the pet owner must document with the animal shelter within seventy‑two hours that the pet owner has met with a licensed veterinarian and had the adopted pet examined.

(D) An animal shelter or other place who provides services may not require services to be performed nor may they pre‑charge for services or charge for services not rendered.

Section 47‑3‑37. (A) When animal shelters receive grant funds that in part or whole include public money to assist with sterilization procedures on animals that are owned or in possession, custody, or control of the municipal animal shelter or nonprofit animal rescue and are to be adopted by private owners, the grant funds may only be used for sterilization surgery. Grant funds may not be used for capital or administrative expenses or for procedures not directly related to sterilization surgery, including promotions, vaccinations, testing, licensing, food, medicine, and/or other medical procedures.

(B) Grant funds may not be used to operate spay and/or neuter clinics, but may only be used for animals that are owned or in possession, custody, or control of the licensed municipal animal shelter and/or licensed nonprofit animal rescue.

(C) A portion of the grant funds not to exceed fifteen percent may be used to address immediate or emergency medical needs of the animal.

Section 47‑3‑40. The county or municipal animal shelter personnel or governmental animal control officers shall pick up and impound or quarantine any dog running at large or quarantining any cat. To obtain release of his dog or cat, an owner or keeper must satisfy the animal shelter personnel that the dog or cat is currently inoculated against rabies and also pay an impound or quarantine fee determined by the governing body of the county or municipality. Payment of this fee bars prosecution under Section 47‑3‑50. All fees collected must be delivered to the county or municipal treasurer for deposit in the general fund of the county or municipality.

Section 47‑3‑50. (A) It is unlawful in any county or municipality adopting penalty provisions pursuant to the provisions of this article for any dog or cat owner or other keeper of a dog or cat to:

(1) allow his dog to run at large off of property owned, rented, or controlled by him;

(2) keep a vicious or unruly dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him;

(3) release or take out of impoundment or quarantine without proper authority any dog or cat or resist county or municipal shelter personnel engaging in the capture and impoundment or quarantine of a dog or quarantining of a cat.

(B) Any 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.

Section 47‑3‑55. (A) If an animal shelter accepts or comes into possession of a dog or cat, the shelter immediately and thoroughly must scan the dog or cat for a ~~tatoo~~ tattoo, any implanted microchip, or similar device, which provides evidence of ownership and, upon finding it, immediately must make a good faith effort to contact the identified owner as required by Section 47‑3‑540.

(B) If an animal shelter or its officers, directors, or staff have made a good faith effort to comply with the provisions of subsection (A), they must be held harmless, as well as the manufacturer, against any action at law or otherwise, civil or criminal, for failure to detect a microchip or similar device and undertake the action specified in subsection (A).

(C) If a dog or cat is adopted or redeemed from an animal shelter, a licensed veterinarian or an animal shelter employee under the direction of a licensed veterinarian may implant a microchip in the dog or cat adopted or redeemed. The animal shelter shall record the date the microchip was implanted, the name, address, and telephone number of the person adopting or redeeming the dog or cat, an identification number unique to the dog or cat adopted or redeemed, the name, address, and telephone number of the animal shelter that sheltered the dog or cat before adoption or redemption, and the date the dog or cat was adopted or redeemed. The animal shelter must keep a record of all microchips implanted pursuant to this subsection.

(D) The animal shelter is not required to adhere to subsection (A), if the necessary scanner is not provided free of charge or at a reasonable cost as determined by the county or municipality.

(E) The owner redeeming his dog or cat must elect to have a microchip implanted.

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) 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.

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

(D) Before an adopted pet is released to the pet owner, the pet must be sterilized by the animal shelter or the humane society, or the owner must document for the animal shelter or humane society that the pet is scheduled for sterilization by a licensed veterinarian.

~~Section 47‑3‑70.~~ ~~Nothing in this article may be construed to limit the power of any municipality or county to prohibit animals from running at large, whether or not they have been inoculated as provided in this article; and nothing in this article may be construed as to limit the power of any municipality or county to regulate and control further in the county or municipality to enforce other and additional measures for the restriction and control of rabies.~~

Section 47‑3‑75. (A) An animal delivered to a veterinarian, a dog kennel, a cat kennel, an animal hospital, another animal care facility, or to a person who boards domestic animals on the person’s premises for a fee may be transferred to an appropriate animal shelter ten days after the date the owner failed to pick up the animal as agreed to pursuant to a written contract or agreement. The animal may be transferred only if the written contract or agreement provides for the transfer and if an attempt is made to notify the owner by regular mail and by certified mail at the owner’s last known address on the date the owner failed to pick up the animal as agreed.

(B) A person who boards animals of others pursuant to subsection (A) shall post written notice of the provisions of this section at the person’s place of business.

(C) A person who fails to pick up an animal as provided for in subsection (A), who fails to pay his boarding fees in a timely manner, or who abandons an animal at an animal hospital, a dog kennel, a cat kennel, another animal care facility, or boarding facility is guilty of a misdemeanor and, upon conviction, may be imprisoned not more than thirty days or fined not more than two hundred dollars.

Section 47‑3‑80. Notwithstanding any other provision of law to the contrary, all animal shelters and animal shelter owners are subject to the supervision and regulation of the Department of Labor, Licensing and Regulation and the Board of Veterinary Medical Examiners. Veterinarians who provide services to animals in animal shelters are required to keep client‑patient records.

Section 47‑3‑85. Pursuant to Section 30‑4‑20 of the Freedom of Information Act, any animal shelter or related clinic receiving or expending public funds is subject to the act.

Section 47‑3‑90. ‘Mobile veterinary practice’ means any form of clinical veterinary practice that may be transported or moved from one location to another for delivery of services. Each practice must have an affiliation agreement with a local general service veterinary facility within twenty miles of each location in which the mobile veterinary practice locates. The contact information of the affiliated facility must be posted at the mobile location and be included in the paperwork given to the pet owner documenting the services rendered.”

SECTION 2. Article 8, Chapter 3, Title 47 of the 1976 Code is amended to read:

“Article 8

Sterilization of Dogs and Cats

~~Section 4‑3‑470.~~ ~~As used in this article:~~

~~(1)~~ ~~‘Animal Shelter’ means:~~

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

~~(b)~~ ~~a 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;~~

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

~~(2)~~ ~~‘Humane society’ means an unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.~~

~~(3)~~ ~~‘Public or private animal refuge’ 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.~~

~~(4)~~ ~~‘Sexually mature animal’ means a dog or cat that has reached the age of one hundred eighty days or six months or more.~~

~~(5)~~ ~~‘Sterilization’ means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.~~

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 shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or refuge 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 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 for the animal.

(D) A person acquiring an animal from a shelter, an agency, a society, or a refuge which is not sterile at the time of acquisition shall submit to the shelter, agency, society, or refuge 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 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 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 the sum of $200.00 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 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 47‑3‑500.~~ ~~This article does not prohibit the adoption by a political subdivision of this State of shelter policies which are more stringent than the requirements of this article.~~”

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

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