**A** **BILL**

TO AMEND SECTIONS 47‑1‑10 AND 47‑1‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF CERTAIN TERMS INVOLVING CRUELTY TO ANIMALS AND THE ABANDONMENT OF AN ANIMAL, SO AS TO PROVIDE A DEFINITION FOR THE TERM “DOG SHELTER”.

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

SECTION 1. 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~~ an animal other than a dog from physical suffering or impairment of health due to exposure to the elements or adverse weather.

(4) ‘Dog shelter’ means a moistureproof and windproof structure of suitable size to accommodate a dog and allow retention of body heat. It must be made of durable material with a solid, moistureproof floor or a floor raised at least two inches from the ground. The structure must be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.”

SECTION 2. Section 47‑1‑70 of the 1976 Code is amended to read:

“Section 47‑1‑70. (A) A person may not abandon an animal. As used in this section “abandonment” is defined as deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing the necessities of life. “Necessities of life” includes:

(1) adequate water which means a constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species;

(2) adequate food which means provision 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;

(3) adequate shelter for an animal other than a dog which 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;

(4) adequate shelter for a dog which means a moistureproof and windproof structure of suitable size to accommodate a dog and allow retention of body heat. It must be made of durable material with a solid, moistureproof floor or a floor raised at least two inches from the ground. The structure must be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned not more than thirty days, or both. Offenses under this section must be tried in the magistrate’s or municipal court.

(C) A hunting dog that is positively identifiable in accordance with Section 47‑3‑510 or Section 47‑3‑530 is exempt from this section.”

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

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