~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 29, 2019

**S. 105**

Introduced by Senators Campbell, Sheheen, Verdin and Rankin

S. Printed 1/29/19--S. [SEC 1/30/19 6:10 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON**

**AGRICULTURE AND NATURAL RESOURCES**

To whom was referred a Bill (S. 105) to amend Chapter 1, Title 47 of the 1976 Code, relating to cruelty to animals, by adding Section 47-1-225, to provide that, every four, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 5, by striking lines 10 through 12 and inserting:

/ (5) ‘Community cat’ means a feral or friendly, free‑roaming cat that is without discernable owner identification of any kind. /

Amend the bill further, as and if amended, page 6, by striking lines 13 through 14 and inserting:

/ Community cats are eligible for trap‑neuter‑return. /

Amend the bill further, as and if amended, page 11, by striking lines 5 through 6 and inserting:

/ (i) an animal control facility located within a county or municipality that has adopted the standards established in this article;/

Renumber sections to conform.

Amend title to conform.

PAUL G. CAMPBELL, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 8, 2019**

**State Expenditure**

This bill, related to animal cruelty, modifies the definition of “shelter” to specify that it be a covered structure and adds a provision that, as part of their mandatory continuing legal education requirements, magistrates must receive two hours of continuing education in the area of animal cruelty every four years.

The bill also adds provisions related to the tethering of dogs to require that dogs have access to adequate food and water and to make it unlawful for a person to tether a dog using a choke or prong collar or to tether a dog younger than six months of age, with some exceptions. Persons convicted of using a choke or prong collar to tether a dog or tethering a dog younger than six months of age are guilty of a misdemeanor and are subject to a fine of $50 for a first offense and not more than $100 for a subsequent offense. The bill also provides that a person convicted of a first offense of cruelly tethering a dog is guilty of a misdemeanor and subject to a penalty of not less than $100 nor more than $1,000, or imprisonment not to exceed ninety days, or both. For second and subsequent offenses, the penalty is increased to a fine not to exceed $2,000, or imprisonment not to exceed two years, or both. A person convicted of a second or subsequent offense is guilty of a felony subject to a penalty not to exceed $2,000, or imprisonment not to exceed two years, or both.

Additionally, the bill adds new definitions related to regulations by counties and municipalities for dogs and other domestic pets. It also allows a person to turn over a litter of unidentifiable dogs or cats four months of age or younger to any organization established for the purpose of caring for animals. Healthy, unidentifiable cats may be picked up and delivered to an animal care facility and sterilized within twenty-four hours. After surgery and once sufficiently recovered, the animal may be returned to the area in which it was found. Community cats will be eligible for trap-neuter-return or community cat programs.

The bill creates a new provision related to compensation for services rendered to an animal by a person who is awarded custody of the animal due to the owner’s arrest for animal neglect or mistreatment. Should the defendant be found guilty, the custodian may petition the court to require the defendant to secure payment for all reasonable expenses related to the animal’s care during pending litigation. In this case, the custodian is authorized to subsequently place the animal for adoption or arrange for it to be euthanized. Should the defendant be found not guilty, the county or municipality making the arrest must pay the custodian for the cost of services rendered to the animal. In this case, the defendant is authorized to subsequently recover custody of his animal. The municipal or magistrate’s court will determine the actual cost of care for the animal once the custodian provides a good faith estimate of these costs.

With regard to the special fund administered by the Department of Agriculture to support local animal spay/neuter programs, the bill provides that local non-profit organizations offering these programs may apply for up to $2,000 per grant application at the beginning of each fiscal year. These organizations must use grant funds within six months of receipt or return unused funds and must also submit a report to the Department of Agriculture listing the manner in which the funds were used.

The bill provides an exception for licensure as a veterinarian to allow veterinarians or veterinary technicians who are unlicensed in this jurisdiction but are licensed and in good standing in another jurisdiction to apply for an emergency limited license to practice veterinary medicine during times of emergency or natural disaster. In order for a veterinarian or a veterinary technician to practice in emergency situations, the bill requires that: (1) the Governor or his designee has declared an official state of emergency, (2) an official invitation has been offered to the veterinarian or veterinary technician for a specified time by the Governor, (3) the applicant submits acceptable documentation to demonstrate eligibility for the limited license.

The bill also establishes new shelter standards. These standards will require animal sheltering facilities to ensure animals have adequate space and appropriate temperatures in indoor enclosures and appropriate cover in outdoor enclosures; isolate sick or injured animals from healthy ones and provide adequate veterinary care; keep enclosures clean and free from disease hazards, insects, pests, and odors; provide animals with continuous access to clean water and provide them with uncontaminated, palatable food at least once daily; observe each animal at least once daily; provide animals with adequate mental and physical stimulation; and keep written records of care for each animal and provide such records to animal control officers or authorized inspectors.

The bill modifies existing provisions to replace the term “animal refuge” or “refuge” with the term “rescue organization.” It also adds new definitions related to animal shelters and adds new provisions granting authority to animal control officers to enforce shelter standards. Officers have the power to conduct complaint investigations and must inspect animal sheltering facilities at least once annually. Documentation of inspections and complaint investigations must be provided by an authorized inspector or animal control officer. The Department of Labor, Licensing and Regulation must develop an electronic document for this purpose and make it available to inspectors and officers.

Animal control officers may issue orders to address shelter standard violations and may suspend intake of animals or require permanent closure of a facility. Shelters found in violation of the standards for a first non-compliant inspection will be issued a warning and will be re-inspected thirty days after the date of the first inspection. Should a facility be found non-compliant at the second inspection, it will be subject to a fine of not less than $100 nor more than $500, or the officer or inspector may opt to suspend intake of animals for a period of fifteen to thirty days to address the non-compliance. A follow-up inspection will be performed thirty days thereafter. If an animal control officer or authorized inspector finds that a shelter remains non-compliant at the time of the third inspection, he may issue an order to permanently close the facility. The facility will have ninety days within which to transfer all animals to other facilities, organizations, or individuals within the state. Under certain circumstances, animals may also be transferred out of the state. Local, state, and federal law enforcement retain their rights to investigate instances of animal cruelty at any animal sheltering facility.

**Judicial Department.** The bill will require magistrates and municipal court judges to receive two hours of continuing education on animal cruelty issues every four years at their mandatory continuing education programs. The department expects to absorb any costs associated with this additional instruction within current resources. The bill also creates a criminal offense for unlawful tethering of a dog. First offenses are misdemeanor charges that will be tried in either magistrates or municipal court or general sessions court. Second or subsequent offenses are felony charges that will be tried in general sessions court. Additionally, the bill establishes a new criminal offense for animal shelters failing a second inspection, making them subject to a fine of not less than $100 nor more than $500. As these are new offenses, there is no data to estimate the number of hearings or trials that may be initiated as a result of the bill. The department expects to absorb any costs associated with an increase in caseloads in general sessions courts within existing resources. Any costs associated with an increase in caseloads in magistrates or municipal court would be borne by municipalities and counties.

**Commission on Prosecution Coordination.** The Commission indicates this bill will have no expenditure impact on the general fund, other funds, or federal funds because individuals charged under the new offense of animal cruelty are not expected to create a significant increase in caseloads for the agency. The agency already has systems and procedures in place that would service individuals charged with this new offense.

**Commission on Indigent Defense.** The Commission indicates this bill will have no expenditure impact on the general fund, other funds, or federal funds because individuals charged under the new offense of animal cruelty are not expected to create a significant increase in caseloads for the agency. The agency already has systems and procedures in place that would service individuals charged with this new offense.

**Department of Corrections.** The department indicates that this bill, through its provisions related to the tethering of dogs, has the potential to increase the number of inmates incarcerated in the department’s facilities. The department reports that over the past five fiscal years, there has been an average of fourteen people incarcerated in a given year for the inhumane treatment of animals. This bill has the potential for judicial discretion in sentencing for these convictions, thus the additional number of inmates that may be incarcerated by the department is unknown. Therefore, the expenditure impact of this bill on the general fund, other funds, and federal funds is undetermined.

**Department of Labor, Licensing and Regulation.** This bill tasks the State Board of Veterinary Medical Examiners (board) with creating an electronic form for animal control officers and other authorized inspectors to use during an inspection or investigation of an animal shelter. The board may establish a task force to develop this document. The task force would require at least two meetings to finalize the document. Committee members receive a per diem allowance of $35 and mileage reimbursement of 58 cents per mile. Based on FY 2017-18 actual expenses, the average cost of running each meeting is estimated at $1,983 in addition to estimated court reporter fees of $2,156 per committee meeting. Combining these two figures, we estimate each meeting would cost $4,139. Therefore, this bill would increase Other Funds expenditures by at least $8,278 for two task force meetings. However, licensure fees borne by applicants are expected to generate the revenue needed to support these anticipated expenditures.

**Department of Agriculture.** The bill makes changes to the application process for grants from the special fund administered by the Department of Agriculture to support local animal spay/neuter programs. The South Carolina Animal Care and Control Association is responsible for the coordination of the grant program and distribution of individual grants. Therefore, this bill will have no impact to the general fund, federal funds, or other funds.

**State Reve**n**ue.** LLR is required, pursuant to Section 40-1-50(D), to adjust fees biennially to ensure that fee revenue is sufficient, but not excessive, to cover expenses of each respective board. Therefore, this bill will increase other funds revenue by at least $8,278 for FY 2019-20.

Additionally, the State Board of Veterinary Medical Examiners falls under the Division of Professional and Occupational Licensing. Pursuant to Proviso 81.3 of the FY 2018-19 Appropriations Act, LLR is required to remit annually to the General Fund an amount equal to 10 percent of board expenditures. Consequently, this bill will increase General Fund revenue by at least $828 for FY 2019-20.

**Local Expenditure**

All counties were surveyed as to what, if any, expenditure impact this would have on local governments. Four counties responded, including Charleston, Florence, Lancaster, and Lexington. Florence County reports that the bill will have no expenditure impact provided the number of continuing legal education (CLE) credits required for training on animal cruelty issues remains at two hours. Charleston County reports that as long as the training for these CLE credits is provided during the annual magistrate conference sponsored by Court Administration, there will be no expenditure impact on county governments. In the case that this training is not provided at the annual conference, however, county governments will have to pay for magistrates to receive the training. There are approximately 300 magistrates in South Carolina, and one hour of CLE provided by the South Carolina Bar Association costs $79.00. If outside training is required, it may result in a collective county government cost of approximately $23,700.

Lancaster and Lexington Counties report that the bill may have an expenditure impact on county governments, because additional personnel would be required to enforce tethering laws, conduct shelter inspections, and shelter facility upgrades may be required. Lancaster County notes that counties could incur an expenditure impact depending on the number of additional staff needed to inspect private shelters and kennels, and additional funds may be necessary in order to make required shelter facility upgrades as a result of this bill. Lexington County expects to hire two additional animal control officers to handle shelter inspections and investigations for tethering violations. This would result in a recurring amount of $120,000 for salaries/fringe and operating costs and a non-recurring amount of $252,000 for personnel equipment and facility upgrades. Lexington County estimates that they would experience an expenditure impact of $372,000 in FY 2019-20.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-225, TO PROVIDE THAT, EVERY FOUR YEARS, MAGISTRATES AND MUNICIPAL COURT JUDGES MUST RECEIVE AT LEAST TWO HOURS OF INSTRUCTION ON ISSUES CONCERNING ANIMAL CRUELTY; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING ARTICLE 2, TO PROVIDE REQUIREMENTS FOR TETHERING A DOG AND TO PROVIDE PENALTIES FOR CRUELLY TETHERING A DOG; TO AMEND SECTION 47-3-60 OF THE 1976 CODE, RELATING TO THE DISPOSITION OF QUARANTINED OR IMPOUNDED ANIMALS, TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, A LITTER OF UNIDENTIFIABLE DOGS OR CATS FOUR MONTHS OF AGE OR YOUNGER MAY BE TURNED OVER TO AN ORGANIZATION, AND TO PROVIDE FOR THE STERILIZATION OF STRAY CATS; TO AMEND CHAPTER 1, TITLE 47 OF THE 1976 CODE, RELATING TO CRUELTY TO ANIMALS, BY ADDING SECTION 47-1-145, TO PROVIDE THAT ANY PERSON, ORGANIZATION, OR OTHER ENTITY THAT IS AWARDED CUSTODY OF AN ANIMAL AND THAT PROVIDES SERVICES TO AN 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; TO AMEND SECTION 56‑3‑9600(B) OF THE 1976 CODE, RELATING TO THE SPECIAL FUND TO SUPPORT LOCAL ANIMAL SPAYING AND NEUTERING PROGRAMS, TO PROVIDE THAT AN AGENCY MAY APPLY FOR UP TO TWO THOUSAND DOLLARS PER GRANT APPLICATION AND MAY APPLY FOR MULTIPLE GRANTS DURING A FISCAL YEAR, TO PROVIDE THAT GRANTS MUST BE FULFILLED WITHIN SIX MONTHS OF RECEIVING FUNDS, AND TO PROVIDE THAT THE DEPARTMENT OF AGRICULTURE SHALL ENCOURAGE TIER 3 AND TIER 4 COUNTIES TO PARTICIPATE IN THE GRANT PROGRAM; TO AMEND SECTION 40-69-30 OF THE 1976 CODE, RELATING TO LICENSING REQUIREMENTS TO PRACTICE VETERINARY MEDICINE, TO PROVIDE THAT, DURING AN EMERGENCY OR NATURAL DISASTER, A VETERINARIAN OR VETERINARY TECHNICIAN WHO IS NOT LICENSED IN THIS STATE, BUT IS LICENSED AND IN GOOD STANDING IN ANOTHER JURISDICTION, MAY PRACTICE VETERINARY MEDICINE RELATED TO THE RESPONSE EFFORTS IN LOCATIONS IN THIS STATE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 47-3-470(3), SECTION 47-3-480, AND SECTION 47-3-490 OF THE 1976 CODE, ALL RELATING TO THE STERILIZATION OF DOGS AND CATS, TO REPLACE THE TERM “ANIMAL REFUGE” WITH “RESCUE ORGANIZATION”; TO AMEND CHAPTER 3, TITLE 47 OF THE 1976 CODE, RELATING TO DOGS AND OTHER DOMESTIC PETS, BY ADDING ARTICLE 16, TO PROVIDE FOR SHELTER STANDARDS AND TO PROVIDE THAT ANIMAL CONTROL OFFICERS SHALL HAVE THE DUTY TO ENFORCE SHELTER STANDARDS, INCLUDING THE INVESTIGATION OF COMPLAINTS AGAINST, AND THE INSPECTION OF, ANIMAL SHELTERING FACILITIES; AND TO DEFINE NECESSARY TERMS.

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

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

“Section 47-1-225. Every four years, at their mandatory continuing legal education programs, magistrates and municipal court judges must receive at least two hours of instruction on issues concerning animal cruelty. The content of the continuing legal education must be determined by the South Carolina Court Administration at the direction of the Chief Justice of the South Carolina Supreme Court.”

SECTION 2. 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 to a dog at suitable intervals of a quantity of wholesome foodstuff suitable for the dog’s species and age, sufficient to maintain a reasonable level of nutrition in each dog. The foodstuff must be served in a receptacle, dish, or container suitable for animal consumption.

(2) ‘Adequate water’ means access to a supply of water provided to a dog in a manner suitable for animal consumption and at suitable intervals for the dog’s species.

(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 usable space that equals the greater of fifty square feet or one square foot for every one pound of the dog’s weight.

(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 or 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:

(1) for a first offense, must be punished by imprisonment not exceeding ninety days, by a fine of not less than one hundred dollars nor more than one thousand dollars, or by both; or

(2) for a second or subsequent offense, by imprisonment not exceeding two years, by a fine not exceeding two thousand dollars, or by both.”

SECTION 3. 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 that are born at one time from the same mother.

(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 4. 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 calendar 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, twenty-four hours after surgery if sufficiently recovered, may be returned to the area where they were found. 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 5. 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 27, 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, then 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 if 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 6. 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 / South Carolina Animal Care and Control Association (SCACCA) a report identifying each person participating; the basis of eligibility for the program; whether animals are being spayed or neutered; dates of spaying or neutering and of 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),~~ 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 7. 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)(1) 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 obtain an emergency limited license to practice veterinary medicine related to the response efforts in locations in this State if:

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

(b) an official invitation has been extended to the veterinarian or veterinary technician for a specified time by the Governor during emergencies.

(2) An applicant for an emergency limited license must submit documentation as may be acceptable to the board under the circumstances to demonstrate eligibility for the limited license, including documentation of an existing license in good standing.”

SECTION 8. 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 9. 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 10. 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 11. 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 that has adopted the standards established in this article;

(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 sheltering 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 animal sheltering 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 an animal sheltering facility might be or is in violation of these and other applicable standards, pursuant to Section 17-13-140.

(B) An animal control officer shall document the inspection, investigation, or both and shall present copies of the report to the facility.

(C) The document referred to in subsection (B) shall be developed by the State Board of Veterinary Medical Examiners and shall be made available, in an electronic format, to animal control officers for use during an inspection or investigation. The document shall contain a pass/fail analysis covering the standards provided pursuant to this article.

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 if 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; and

(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, or 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 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 ordering the permanent closure of a facility.

(B) If the animal control officer finds that the animal sheltering facility is not in compliance with the standards established in Section 47-3-1040, then the animal control officer 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 one hundred dollars nor more than five hundred dollars, 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 12. The General Assembly finds it is the best practice for a shelter, public or private, to prepare and maintain records documenting the number of animals admitted to the facility and the method by which those animals exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge.

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

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