

This was written by: Nathan Winograd

Companion Animal Protection Act (CAPA), an important piece of animal protection legislation based on a model law authored by my organization, the No Kill Advocacy Center:

Here are step by step guides and model language for those who want to bring CAPA to their state

SEC. 1 Definitions

- (1) Animal shelter.—The term ‘animal shelter’ means a public or private facility that—
(A) has a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals; and
(B) is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, pound, dog control officer, government entity, or contractor for a government entity.
- (2) Licensed veterinarian.—The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.
- (3) Rescue organization.—The term ‘rescue organization’ means an organization that is—
(A) an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and
(B) an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.
- (4) Irremediable Physical Suffering.—The term ‘irremediable physical suffering’ means an animal who has a poor or grave prognosis for being able to live without severe, unremitting pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.

SEC. 2(a) The required holding period for stray animals impounded by an animal shelter shall be seven business days, not including the day of impoundment. Animals shall be held for owner redemption during the first two days of the holding period and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period, except as follows:

- (1) If an animal is impounded with identification or the shelter knows who the owner is, the animal will be held for seven days for owner redemption and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period.
- (3) The requirements of this provision do not apply to cats impounded for purposes of sterilization and then returned.

(4) At any time after impound, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.

(b) The required holding period for owner relinquished animals impounded by an animal shelter shall be the same as that for stray animals, except that owner-relinquished animals shall be available for owner redemption, transfer, and adoption for the entirety of the holding period.

(c) Not less than two business days before the euthanasia of any animal, the animal shelter having care or custody of the animal shall:

(1) notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization that has previously requested to be notified before animals at the shelter are euthanized; and,

(2) offer each rescue organization notified under paragraph (1) the opportunity to take possession of the animal to avoid the animal's death.

(d) No animal shelter may euthanize any animal without making the notification required by paragraph (1).

(e) Exclusions. Subsections (a) and (b) shall not apply to:

(1) an animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian.

(2) a dog that, after physically attacking a person, has been determined by a court having competent jurisdiction to be dangerous pursuant to State law; or,

(3) an animal experiencing irremediable physical suffering.

SEC. 3(a) An animal shelter shall 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; however, never less than once daily, except that dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

(c) During the entirety of their shelter stay, animals shall 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. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals 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/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or 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.

SEC. 4 Every animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses. Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the Internet with sufficient detail to allow the animal to be recognized and claimed by its owner. If a possible owner is identified, the animal shelter shall undertake due diligence 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.

SEC. 5 No animal shelter shall ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on breed, breed mix, species, age, color, appearance or size.

SEC. 6(a) No animal shelter shall euthanize any animal simply because the animal's holding period has expired. Before an animal is euthanized, all of the following conditions must be met:

- (1) there are no empty cages, kennels, or other living environments in the shelter; and,
- (2) the animal cannot share a cage or kennel with another animal; and,
- (3) a foster home is not available; and,
- (4) a rescue group is not willing to accept the animal; and,
- (5) the animal cannot be transferred to another shelter with room to house the animal; and
- (6) the animal is not a cat subject to sterilization and release; and,
- (7) all mandates, programs and services of this Act have been met; and
- (8) the director of the agency certifies that he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SEC. 7(a) Animals impounded by an animal shelter shall be killed, only when necessary and consistent with the requirements of this Act, 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, or in comatose animals with depressed vascular function.

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

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

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

(d) Following their lethal injection, animals shall be lowered to the surface on which they are being held and shall 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 animal's body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal in all of the following ways:

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

(2) by lack of respiration, verified by observation;

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

(4) by 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 shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.

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

(i) No one other than a licensed veterinarian or a euthanasia technician certified by the state euthanasia certification program shall perform the procedures referenced in this section except as otherwise noted.

SEC. 8(a) Every animal shelter shall report to the Department of Agriculture an annual summary which includes the following information by species-type:

- (1) the number of animals impounded during the previous calendar year;
- (2) the number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;
- (3) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;
- (4) the number of animals who were returned to their owners during the previous calendar year;
- (5) the number of animals who were adopted during the previous calendar year;
- (6) the number of animals who were transferred to other organizations during the previous calendar year;
- (7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;
- (8) the number of animals who were on hand at the start of the year;
- (9) the number of animals who were on hand at the end of the year.

(b) Within three months of acquiring information from a shelter, the Department of Agriculture shall make the information available on its website for public review. Such review will be searchable by individual shelter and in the aggregate for all shelters statewide.

(c) The animal shelter shall also make the information available for free public inspection upon request.

SEC. 9 Any person may compel an animal shelter to follow the mandates of this Act through an action for declaratory or injunctive relief, or any other appropriate remedy at law which will compel compliance.

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SEC. 2(a) The required holding period for stray animals impounded by an animal shelter shall be seven business days, not including the day of impoundment. Animals shall be held for owner redemption during the first two days of the holding period and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period, except as follows:

(1) If an animal is impounded with identification or the shelter knows who the owner is, the animal will be held for seven days for owner redemption and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period.

(3) The requirements of this provision do not apply to cats impounded for purposes of sterilization and then returned.

(4) At any time after impound, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.

(b) The required holding period for owner relinquished animals impounded by an animal shelter shall be the same as that for stray animals, except that owner-relinquished animals shall be available for owner redemption, transfer, and adoption for the entirety of the holding period.

(c) Not less than two business days before the euthanasia of any animal, the animal shelter having care or custody of the animal shall:

(1) notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization that has previously requested to be notified before

animals at the shelter are euthanized; and,

(2) offer each rescue organization notified under paragraph (1) the opportunity to take possession of the animal to avoid the animal's death.

(d) No animal shelter may euthanize any animal without making the notification required by paragraph (1).

(e) Exclusions. Subsections (a) and (b) shall not apply to:

(1) an animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian.

(2) a dog that, after physically attacking a person, has been determined by a court having competent jurisdiction to be dangerous pursuant to State law; or,

(3) an animal experiencing irremediable physical suffering.

SEC. 3(a) An animal shelter shall 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; however, never less than once daily, except that dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

(c) During the entirety of their shelter stay, animals shall 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. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals 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/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or 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.

SEC. 4 Every animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses. Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the Internet with sufficient detail to allow the animal to be recognized and claimed by its owner. If a possible owner is identified, the animal shelter shall undertake due diligence 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.

SEC. 5 No animal shelter shall ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on breed, breed mix, species, age, color, appearance or size.

SEC. 6(a) No animal shelter shall euthanize any animal simply because the animal's holding period has expired. Before an animal is euthanized, all of the following conditions must be met:

- (1) there are no empty cages, kennels, or other living environments in the shelter; and,
- (2) the animal cannot share a cage or kennel with another animal; and,
- (3) a foster home is not available; and,
- (4) a rescue group is not willing to accept the animal; and,
- (5) the animal cannot be transferred to another shelter with room to house the animal; and
- (6) the animal is not a cat subject to sterilization and release; and,
- (7) all mandates, programs and services of this Act have been met; and
- (8) the director of the agency certifies that he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SEC. 7(a) Animals impounded by an animal shelter shall be killed, only when necessary and consistent with the requirements of this Act, 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, or in comatose animals with depressed vascular function.
- (2) intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose, and then only by a licensed veterinarian.

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

been killed.

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

(d) Following their lethal injection, animals shall be lowered to the surface on which they are being held and shall 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 animal's body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal in all of the following ways:

- (1) by lack of heartbeat, verified by a stethoscope;
- (2) by lack of respiration, verified by observation;
- (3) by pale, bluish gums and tongue, verified by observation; and
- (4) by 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 shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.

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

(i) No one other than a licensed veterinarian or a euthanasia technician certified by the state euthanasia certification program shall perform the procedures referenced in this section except as otherwise noted.

SEC. 8(a) Every animal shelter shall report to the Department of Agriculture an annual summary which includes the following information by species-type:

- (1) the number of animals impounded during the previous calendar year;
- (2) the number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;
- (3) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;
- (4) the number of animals who were returned to their owners during the previous calendar year;
- (5) the number of animals who were adopted during the previous calendar year;

- (6) the number of animals who were transferred to other organizations during the previous calendar year;
- (7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;
- (8) the number of animals who were on hand at the start of the year;
- (9) the number of animals who were on hand at the end of the year.

(b) Within three months of acquiring information from a shelter, the Department of Agriculture shall make the information available on its website for public review. Such review will be searchable by individual shelter and in the aggregate for all shelters statewide.

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SEC. 9 Any person may compel an animal shelter to follow the mandates of this Act through an action for declaratory or injunctive relief, or any other appropriate remedy at law which will compel compliance.

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(2) Licensed veterinarian.—The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.

(3) Rescue organization.—The term ‘rescue organization’ means an organization that is—
(A) an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and
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(4) At any time after impound, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.

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- (6) the number of animals who were transferred to other organizations during the previous calendar year;
- (7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;
- (8) the number of animals who were on hand at the start of the year;
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(b) Within three months of acquiring information from a shelter, the Department of Agriculture shall make the information available on its website for public review. Such review will be searchable by individual shelter and in the aggregate for all shelters statewide.

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(c) Not less than two business days before the euthanasia of any animal, the animal shelter having care or custody of the animal shall:

(1) notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization that has previously requested to be notified before animals at the shelter are euthanized; and,

(2) offer each rescue organization notified under paragraph (1) the opportunity to take possession of the animal to avoid the animal's death.

(d) No animal shelter may euthanize any animal without making the notification required by paragraph (1).

(e) Exclusions. Subsections (a) and (b) shall not apply to:

(1) an animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian.

(2) a dog that, after physically attacking a person, has been determined by a court having competent jurisdiction to be dangerous pursuant to State law; or,

(3) an animal experiencing irremediable physical suffering.

SEC. 3(a) An animal shelter shall 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; however, never less than once daily, except that dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

(c) During the entirety of their shelter stay, animals shall 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. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals 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/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or 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.

SEC. 4 Every animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses. Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the Internet with sufficient detail to allow the animal to be recognized and claimed by its owner. If a possible owner is identified, the animal shelter shall undertake due diligence 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.

SEC. 5 No animal shelter shall ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on breed, breed mix, species, age, color, appearance or size.

SEC. 6(a) No animal shelter shall euthanize any animal simply because the animal's holding period has expired. Before an animal is euthanized, all of the following conditions must be met:

- (1) there are no empty cages, kennels, or other living environments in the shelter; and,
- (2) the animal cannot share a cage or kennel with another animal; and,

- (3) a foster home is not available; and,
- (4) a rescue groups is not willing to accept the animal; and,
- (5) the animal cannot be transferred to another shelter with room to house the animal; and
- (6) the animal is not a cat subject to sterilization and release; and,
- (7) all mandates, programs and services of this Act have been met; and
- (8) the director of the agency certifies that he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SEC. 7(a) Animals impounded by an animal shelter shall be killed, only when necessary and consistent with the requirements of this Act, 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, or in comatose animals with depressed vascular function.
- (2) intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose, and then only by a licensed veterinarian.

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

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

(d) Following their lethal injection, animals shall be lowered to the surface on which they are being held and shall 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 animal's body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal in all of the following ways:

- (1) by lack of heartbeat, verified by a stethoscope;
- (2) by lack of respiration, verified by observation;
- (3) by pale, bluish gums and tongue, verified by observation; and
- (4) by 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 shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.

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

(i) No one other than a licensed veterinarian or a euthanasia technician certified by the state euthanasia certification program shall perform the procedures referenced in this section except as otherwise noted.

SEC. 8(a) Every animal shelter shall report to the Department of Agriculture an annual summary which includes the following information by species-type:

(1) the number of animals impounded during the previous calendar year;

(2) the number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;

(3) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;

(4) the number of animals who were returned to their owners during the previous calendar year;

(5) the number of animals who were adopted during the previous calendar year;

(6) the number of animals who were transferred to other organizations during the previous calendar year;

(7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;

(8) the number of animals who were on hand at the start of the year;

(9) the number of animals who were on hand at the end of the year.

(b) Within three months of acquiring information from a shelter, the Department of Agriculture shall make the information available on its website for public review. Such review will be searchable by individual shelter and in the aggregate for all shelters statewide.

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SEC. 9 Any person may compel an animal shelter to follow the mandates of this Act through an action for declaratory or injunctive relief, or any other appropriate remedy at law which will compel compliance.

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(1) Animal shelter.—The term ‘animal shelter’ means a public or private facility that—
(A) has a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals; and
(B) is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, pound, dog control officer, government entity, or contractor for a government entity.

(2) Licensed veterinarian.—The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.

(3) Rescue organization.—The term ‘rescue organization’ means an organization that is—
(A) an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and
(B) an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.

(4) Irremediable Physical Suffering.—The term ‘irremediable physical suffering’ means an animal who has a poor or grave prognosis for being able to live without severe, unremitting pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.

SEC. 2(a) The required holding period for stray animals impounded by an animal shelter shall be seven business days, not including the day of impoundment. Animals shall be held for owner redemption during the first two days of the holding period and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period, except as follows:

(1) If an animal is impounded with identification or the shelter knows who the owner is, the animal will be held for seven days for owner redemption and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period.

(3) The requirements of this provision do not apply to cats impounded for purposes of sterilization and then returned.

(4) At any time after impound, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.

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(c) Not less than two business days before the euthanasia of any animal, the animal shelter having care or custody of the animal shall:

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(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

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(g) The room in which animals are killed shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.

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SEC. 3(a) An animal shelter shall 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; however, never less than once daily, except that dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

(c) During the entirety of their shelter stay, animals shall 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. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals 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/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or 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.

SEC. 4 Every animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses. Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the Internet with sufficient detail to allow the animal to be recognized and claimed by its owner. If a possible owner is identified, the animal shelter shall undertake due diligence 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.

SEC. 5 No animal shelter shall ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on breed, breed mix, species, age, color, appearance or size.

SEC. 6(a) No animal shelter shall euthanize any animal simply because the animal's holding period has expired. Before an animal is euthanized, all of the following conditions must be met:

- (1) there are no empty cages, kennels, or other living environments in the shelter; and,
- (2) the animal cannot share a cage or kennel with another animal; and,
- (3) a foster home is not available; and,
- (4) a rescue group is not willing to accept the animal; and,
- (5) the animal cannot be transferred to another shelter with room to house the animal; and
- (6) the animal is not a cat subject to sterilization and release; and,
- (7) all mandates, programs and services of this Act have been met; and
- (8) the director of the agency certifies that he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SEC. 7(a) Animals impounded by an animal shelter shall be killed, only when necessary and consistent with the requirements of this Act, 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, or in comatose animals with depressed vascular function.
- (2) intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose, and then only by a licensed veterinarian.

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

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

(d) Following their lethal injection, animals shall be lowered to the surface on which they are being held and shall 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 animal's body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal in all of the following ways:

- (1) by lack of heartbeat, verified by a stethoscope;
- (2) by lack of respiration, verified by observation;
- (3) by pale, bluish gums and tongue, verified by observation; and
- (4) by 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 shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.

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

(i) No one other than a licensed veterinarian or a euthanasia technician certified by the state euthanasia certification program shall perform the procedures referenced in this section except as otherwise noted.

SEC. 8(a) Every animal shelter shall report to the Department of Agriculture an annual summary which includes the following information by species-type:

- (1) the number of animals impounded during the previous calendar year;
- (2) the number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;
- (3) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;

- (4) the number of animals who were returned to their owners during the previous calendar year;
- (5) the number of animals who were adopted during the previous calendar year;
- (6) the number of animals who were transferred to other organizations during the previous calendar year;
- (7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;
- (8) the number of animals who were on hand at the start of the year;
- (9) the number of animals who were on hand at the end of the year.

(b) Within three months of acquiring information from a shelter, the Department of Agriculture shall make the information available on its website for public review. Such review will be searchable by individual shelter and in the aggregate for all shelters statewide.

(c) The animal shelter shall also make the information available for free public inspection upon request.

SEC. 9 Any person may compel an animal shelter to follow the mandates of this Act through an action for declaratory or injunctive relief, or any other appropriate remedy at law which will compel compliance.

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(1) Animal shelter.—The term ‘animal shelter’ means a public or private facility that—
(A) has a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals; and
(B) is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, pound, dog control officer, government entity, or contractor for a government entity.

(2) Licensed veterinarian.—The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.

(3) Rescue organization.—The term ‘rescue organization’ means an organization that is—
(A) an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and
(B) an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.

(4) Irremediable Physical Suffering.—The term ‘irremediable physical suffering’ means an animal who has a poor or grave prognosis for being able to live without severe, unrelenting pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.

SEC. 2(a) The required holding period for stray animals impounded by an animal shelter shall be seven business days, not including the day of impoundment. Animals shall be held for owner redemption during the first two days of the holding period and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period, except as follows:

(1) If an animal is impounded with identification or the shelter knows who the owner is, the animal will be held for seven days for owner redemption and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period.

(3) The requirements of this provision do not apply to cats impounded for purposes of sterilization and then returned.

(4) At any time after impound, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.

(b) The required holding period for owner relinquished animals impounded by an animal shelter shall be the same as that for stray animals, except that owner-relinquished animals shall be available for owner redemption, transfer, and adoption for the entirety of the holding period.

(c) Not less than two business days before the euthanasia of any animal, the animal shelter having care or custody of the animal shall:

(1) notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization that has previously requested to be notified before animals at the shelter are euthanized; and,

(2) offer each rescue organization notified under paragraph (1) the opportunity to take possession of the animal to avoid the animal's death.

(d) No animal shelter may euthanize any animal without making the notification required by paragraph (1).

(e) Exclusions. Subsections (a) and (b) shall not apply to:

(1) an animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian.

(2) a dog that, after physically attacking a person, has been determined by a court having competent jurisdiction to be dangerous pursuant to State law; or,

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SEC. 3(a) An animal shelter shall 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; however, never less than once daily, except that dogs exhibiting vicious behavior towards people or adjudged

to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

(c) During the entirety of their shelter stay, animals shall 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. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals 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/or chemicals.

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- (6) the animal is not a cat subject to sterilization and release; and,
- (7) all mandates, programs and services of this Act have been met; and
- (8) the director of the agency certifies that he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

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(g) The room in which animals are killed shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.

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- (6) the number of animals who were transferred to other organizations during the previous calendar year;
- (7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;
- (8) the number of animals who were on hand at the start of the year;
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(b) Within three months of acquiring information from a shelter, the Department of Agriculture shall make the information available on its website for public review. Such review will be searchable by individual shelter and in the aggregate for all shelters statewide.

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- (4) At any time after impound, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.
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(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

(c) During the entirety of their shelter stay, animals shall 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. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals 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/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or 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.

SEC. 4 Every animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses. Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the Internet with sufficient detail to allow the animal to be recognized and claimed by its owner. If a possible owner is identified, the animal shelter shall undertake due diligence 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.

SEC. 5 No animal shelter shall ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on breed, breed mix, species, age, color, appearance or size.

SEC. 6(a) No animal shelter shall euthanize any animal simply because the animal's holding period has expired. Before an animal is euthanized, all of the following conditions must be

met:

- (1) there are no empty cages, kennels, or other living environments in the shelter; and,
- (2) the animal cannot share a cage or kennel with another animal; and,
- (3) a foster home is not available; and,
- (4) a rescue groups is not willing to accept the animal; and,
- (5) the animal cannot be transferred to another shelter with room to house the animal; and
- (6) the animal is not a cat subject to sterilization and release; and,
- (7) all mandates, programs and services of this Act have been met; and
- (8) the director of the agency certifies that he or she has no other alternative.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the agency, and be made available for free public inspection for no less than three years.

SEC. 7(a) Animals impounded by an animal shelter shall be killed, only when necessary and consistent with the requirements of this Act, 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, or in comatose animals with depressed vascular function.
- (2) intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose, and then only by a licensed veterinarian.

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

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

(d) Following their lethal injection, animals shall be lowered to the surface on which they are being held and shall 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 animal's body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal in all of the following ways:

- (1) by lack of heartbeat, verified by a stethoscope;
- (2) by lack of respiration, verified by observation;
- (3) by pale, bluish gums and tongue, verified by observation; and

(4) by 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 shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.

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

(i) No one other than a licensed veterinarian or a euthanasia technician certified by the state euthanasia certification program shall perform the procedures referenced in this section except as otherwise noted.

SEC. 8(a) Every animal shelter shall report to the Department of Agriculture an annual summary which includes the following information by species-type:

- (1) the number of animals impounded during the previous calendar year;
- (2) the number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;
- (3) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;
- (4) the number of animals who were returned to their owners during the previous calendar year;
- (5) the number of animals who were adopted during the previous calendar year;
- (6) the number of animals who were transferred to other organizations during the previous calendar year;
- (7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;
- (8) the number of animals who were on hand at the start of the year;
- (9) the number of animals who were on hand at the end of the year.

(b) Within three months of acquiring information from a shelter, the Department of Agriculture shall make the information available on its website for public review. Such review will be searchable by individual shelter and in the aggregate for all shelters statewide.

(c) The animal shelter shall also make the information available for free public inspection upon request.

SEC. 9 Any person may compel an animal shelter to follow the mandates of this Act through an action for declaratory or injunctive relief, or any other appropriate remedy at law which will

compel compliance.

SEC. 1 Definitions

(1) Animal shelter.—The term ‘animal shelter’ means a public or private facility that—
(A) has a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals; and
(B) is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, pound, dog control officer, government entity, or contractor for a government entity.

(2) Licensed veterinarian.—The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.

(3) Rescue organization.—The term ‘rescue organization’ means an organization that is—
(A) an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and
(B) an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.

(4) Irremediable Physical Suffering.—The term ‘irremediable physical suffering’ means an animal who has a poor or grave prognosis for being able to live without severe, unremitting pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a licensed veterinarian.

SEC. 2(a) The required holding period for stray animals impounded by an animal shelter shall be seven business days, not including the day of impoundment. Animals shall be held for owner redemption during the first two days of the holding period and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period, except as follows:

(1) If an animal is impounded with identification or the shelter knows who the owner is, the animal will be held for seven days for owner redemption and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period.

(3) The requirements of this provision do not apply to cats impounded for purposes of sterilization and then returned.

(4) At any time after impound, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.

(b) The required holding period for owner relinquished animals impounded by an animal shelter shall be the same as that for stray animals, except that owner-relinquished animals shall be available for owner redemption, transfer, and adoption for the entirety of the holding period.

(c) Not less than two business days before the euthanasia of any animal, the animal shelter having care or custody of the animal shall:

(1) notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization that has previously requested to be notified before animals at the shelter are euthanized; and,

(2) offer each rescue organization notified under paragraph (1) the opportunity to take possession of the animal to avoid the animal's death.

(d) No animal shelter may euthanize any animal without making the notification required by paragraph (1).

(e) Exclusions. Subsections (a) and (b) shall not apply to:

(1) an animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian.

(2) a dog that, after physically attacking a person, has been determined by a court having competent jurisdiction to be dangerous pursuant to State law; or,

(3) an animal experiencing irremediable physical suffering.

SEC. 3(a) An animal shelter shall 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; however, never less than once daily, except that dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), animal shelters shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened 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(s).

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- (5) the animal cannot be transferred to another shelter with room to house the animal; and
- (6) the animal is not a cat subject to sterilization and release; and,
- (7) all mandates, programs and services of this Act have been met; and
- (8) the director of the agency certifies that he or she has no other alternative.

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