

Virginia Voters for Animal Welfare
www.VirginiaVotersForAnimalWelfare.com

2006 Proposed Legislation

Proposed Legislation #1

License Fees

- 1) license fee cap of \$35 for dog and cats; additional dogs or cats \$2.00 each; free first year and thereafter at jurisdictions' discretion to anyone claiming they are unable to pay; rescues and shelters exempted
- 2) kennel licenses will not be available without good cause
- 3) breeders must sell a license to anyone purchasing from them
- 4) licenses also to be sold at pet stores, pet food stores, vets, places selling hunting/fishing licenses, supermarkets, rescues, pounds and animal control; remit with sales tax or quarterly; seller retains 5% of license fee as commission
- 5) reminder sent with property tax bill, car decals, license/registration; also mail-in form
- 6) when license fee compliance reaches level sufficient to replace general fund funding, displace general fund as source; until then, use license funds for spay/neuter first, rabies next, animal control and pound staffing/recruiting/retention thereafter

NOTE: carry over from 2005 session with some changes

9/22/05

Proposed Legislation #2

Gas Chambers

- 1) all shelters/pounds presently using gas chambers must cease use thereof by 10/1/06
- 2) private funds in an amount not to exceed \$1,500 per facility now using gas and wishing to transition to euthanasia by injection will be available to defray transition costs

NOTE: carry over from 2005 session with some changes

9/22/05

Proposed Legislation #3

Releasing Agencies

- 1) releasing agencies will include dealers, pet shops, and puppymills doing business in Virginia directly or through the Internet
- 2) all releasing agencies must spay/neuter dogs/cats before release; failure to do so is punishable by a penalty of \$150
- 3) all releasing agencies must identify dogs/cats before release with a microchip registered by the releasing agency to the releasing agency and the first custodian; microchip implanted by releasing agency, the fee for which is chip cost plus the registration fee; failure to microchip is punishable by a penalty of \$150
- 4) dealers must have business license and dealer permit, issued only on proof of filing Schedule C return setting forth breeding income/expense
- 5) a breed-improver, fancier or hobby breeder is not a releasing agency; anyone who fraudulently claims such status will be fined \$1,000

HOBBY BREEDER: dog or cat owner who wishes to breed and find homes for one litter; not-for-profit

FANCIER BREEDER: dog or cat owner who regularly shows dogs or cats at AKC- or UKC-sanctioned competitions; not for profit

BREED IMPROVER: dog or cat owner who breeds working dogs or show dogs or cats of a specific breed(s), not for profit but to perpetuate the breed, or eliminate shortcomings or disease, or who could otherwise demonstrate a conscious and deliberate plan of breed improvement

- 6) pet shops and dealers may waive spay/neuter of dogs/cats they release only if the purchaser purchased a show grade dog/cat not intended to be a "pet" and qualifies under the breeder exemptions above
- 7) no advertising media shall accept "dogs/cats for sale" advertising which fails to include the advertiser's business license number which must be sent beforehand by advertiser; buyer is liable for business license cost if buyer fails to obtain a copy of the license
- 8) pet shops and dealers are not subject to 3.1-796.96, 3.1-796.96:5A.1 or 3.1-796.96:5F

NOTE: carry over from 2005 session with some changes

9/22/05

Proposed Legislation #4

Humane Education

- 1) The first full week in February will be Humane Education Week.
- 2) It shall be required of all public schools in the Commonwealth to participate in Humane Education Week. Humane Education will not be included in SOLs.

Students in grades K-6 will focus on humane education for a minimum of 1.5 hours per day during that week. In grades 7-9, students will devote at least 10 hours during that week to humane education. In the remaining grades, there will be 10 hours per year devoted to humane education.

NOTE: grades included will depend on the configuration of the schools in that district; some go K-8, some have a middle schools grades 5-8 or 6-9, etc.

- 3) The goal of the program is to help students understand responsible ownership of companion animals.
- 4) Instruction may be provided by volunteers and classroom time may be scheduled outside normal school hours of operation.

NOTE: carry over from 2005 session; changed

9/22/05

Proposed Legislation #5

Inspections

Public Pounds and Shelters

- 1) Every public pound and shelter operated under contract to a political subdivision must be inspected twice annually, and every shelter in Virginia must be inspected at least once annually.
- 2) Inspections must be unannounced.
- 3) Infractions must be followed up by a return visit inspection within 30 days. Unremedied infractions automatically cause civil fines to be levied at \$1000/day per infraction.
- 4) Any euthanasia planned for the day of the inspection the inspector is to witness; if no euthanasia is planned that day, a dry-run review will be done instead.

Pet Shops

- 5) Every sale by a pet shop of a dog or cat represented to be a pure bred must be accompanied by a certification of fitness dated no more than 15 days prior to the purchase date and issued by a Virginia veterinarian if that dog or cat was acquired from a dealer whose premises are outside a 5-mile radius of the pet shop. For purposes of this article, "pure bred" means belonging to a specific dog breed recognized and defined by the AKC.
- 6) Failure of a pet shop to provide the above-mentioned certification is a per se violation of the Consumer Protection Act 59.1-196 et seq. for which a civil fine of \$150 is automatic upon affidavit by the purchaser of such failure and for which civil penalties of \$2,500 shall be available under the Virginia Consumer Protection Act.
- 7) All pet shops must be inspected at least once before September 30, 2006, for compliance with the pertinent animal space, movement and sheltering provisions set forth as 3.1-796.66, with civil fines of \$1000 per violation per day.
- 8) The Office of the State Veterinarian will conduct follow up inspections of pet shops within 35 days after an inspection that resulted in any finding of non-compliance.
- 9) The Office of the State Veterinarian will conduct inspections at least annually for all pet stores found to be in compliance upon earlier inspection, and at least twice per year for all pet stores found to be non-compliant in any earlier inspection.

Privatization

- 10) The State Vet will explore privatization of all inspections of public pounds and private shelters, pet shops, and dealers.

NOTE: carry over from 2005 session; expanded

9/22/05

Proposed Legislation #6

Abandonment

- 1) It shall be unlawful for any person to abandon, dispose of, or dump a companion animal. The terms "companion animal" and "abandon" as used in this section shall have the meanings ascribed to them in § [3.1-796.66](#). Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.
- 2) Those involved in feral cat trap/neuter/release (TNR) are not liable for abandonment prosecution.

NOTE: carry over from 2005 session; changed

9/22/05

Proposed Legislation #7

Tax Credits/Sales Taxes

- 1) Cost of adoption from a public pound or a 501c3 private shelter is a tax credit on Virginia income tax returns as of 1/1/07.
- 2) Expenses of veterinarians performing pro bono surgeries (spay/neuter, euthanasia, and other routine or emergency services) to animals in public pounds or to 501c3 private shelters are a tax credit on Virginia income tax returns as of 1/1/07.
- 3) A surtax of 5% will be applied to all sales of companion animals made by pet shops, dealers, and for-profit breeders; evidence of payment must accompany first time license fees if the license was not obtained at the source.

NOTE: new initiative

9/22/05

Proposed Legislation #8

Whistle Blower

Any person who makes a report or provides records or information regarding animal neglect, cruelty, or abandonment or who testifies in any judicial proceeding arising from such report, records or information, shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information or testimony, unless such person acted in bad faith or with malicious purpose.

NOTE: new initiative

9/22/05

Proposed Legislation #9

Seized Companion Animals

Dogs or cats seized (from hoarding, neglect, abuse, fighting and/or drug cases) and awaiting the outcome of those proceedings will be boarded at kennels at the owner's expense so as not to take up space in a public pound which could otherwise be used to shelter stray or owner-give-up animals

NOTE: new initiative

9/22/05

Proposed Legislation #10

Penalties; Cats

- 1) increase the penalty from a Class 4 misdemeanor for failing to obtain a license to a Class 3 misdemeanor or a civil penalty of \$500

animal control officers enforce compliance after 90 days of annual due date for purchase; spot checks in yards and parks, in plain sight, etc; if paid before hearing, flat penalty of \$150 or 10 hours community service assisting at pound/shelter for first violation

zero tolerance; General District court to hear license cases immediately on traffic court days; only proof is the license; failure to produce is admission of guilt

- 2) all jurisdictions must provide for cats just as they are required to do for dogs

NOTE: new initiative

9/22/05