The Companion Animal Protection Act of 2007

The people of the City of _____ do enact as follows:

Part 1. Purpose and Intent.

SECTION 1(a) It is the intent of the City Council to end the killing of savable animals in the city. In order to accomplish this, the City Council finds and declares:
(1) protecting animals is a legitimate and compelling public interest;
(2) the killing of savable animals in city shelters is a needless tragedy that must be brought to an end;
(3) no animal should be killed if the animal can be placed in a suitable home, if a private sheltering agency or rescue group is willing to take care and custody of the animal for purposes of adoption, or, in the case of feral cats, if they can be sterilized and released to their habitats;
(4) animals held in shelters deserve proper care and humane treatment including prompt veterinary care, adequate nutrition, shelter, exercise, environmental enrichment, and water;
(5) shelters have a duty to make all savable animals available for adoption for a reasonable period of time;
(6) owners of lost animals should have a reasonable period of time within which to redeem their animals;
(7) shelters should not kill savable animals at the request of their owners;
(8) all efforts should be made to encourage the voluntary spaying and neutering of animals;
(9) government is obligated to taxpayers and community members to spend tax monies on programs and services whose purpose is to save and enhance the lives of animals;
(10) when animals are killed, it should be done as humanely and compassionately as possible;
(11) taxpayers and community members deserve full and complete disclosure about how animal shelters operate;
(12) citizens have a right to ensure that agencies follow the law;
(13) saving the lives of animals, identifying and eliminating animal neglect and abuse, and protecting public safety are compatible interests; and,
(14) policies that undermine the public's trust in animal shelters should be eliminated; and,

(b) The City Council further finds and declares that all public and private sheltering agencies that operate within the city shall:
(1) commit themselves to ending the killing of savable animals in their care and custody;
(2) work with other animal adoption organizations to the fullest extent to promote the adoption of animals and to reduce the rate of killing;
(3) provide every animal in their custody with individual consideration and care, regardless of how many animals they take in, or whether such animals are healthy, unweaned, elderly, sick, injured, traumatized, feral, aggressive, or of a particular breed;
(4) not ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria unrelated to the individual animal's medical condition or temperament.

(c) The City Council further finds and declares that all public sheltering agencies that operate within the city shall:
(1) be open to the public for adoption seven days per week;
(2) implement programs to save lives, including free and low-cost spay/neuter services for animals, including feral cats; a foster-care network for animals needing special care, including unweaned, traumatized, sick and injured animals; comprehensive adoption programs that operate during weekend and evening hours and include adoption venues other than the shelter; medical and behavioral rehabilitation programs; pet-retention programs to solve medical, environmental, and behavioral problems and keep animals with their caring and responsible owners; and, volunteer programs to help socialize animals, promote adoptions, and assist in the operations of the shelter.

(d) The City Council further finds and declares that ending the killing of savable animals will occur when

all public and private sheltering agencies and rescue groups work together to achieve this goal, and therefore expects private sheltering agencies and rescue groups to:
(1) be open to the public during hours that permit working people to adopt animals during non-working hours;
(2) implement programs to save lives, including free and low-cost spay/neuter services for animals, including feral cats; a foster-care network for animals needing special care, including unweaned, traumatized, sick and injured animals; comprehensive adoption programs that operate during weekend and evening hours and include adoption venues other than the shelter; medical and behavioral rehabilitation programs; pet-retention programs to solve medical, environmental, and behavioral problems and keep animals with their caring and responsible owners; and, volunteer programs to help socialize animals, promote adoptions, and assist in the operations of the shelter.

Part II. Definitions.
SEC. 2 (a) For purposes of this Act, the following definitions shall apply:
(1) a *Public Sheltering Agency* is a public animal control shelter or private shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group that receives city funding and/or has a contract with the city under which it accepts stray or owner-relinquished animals.
(2) a *Private Sheltering Agency* is a shelter, society for the prevention of cruelty to animals, humane society, or animal adoption group, which is designated as a non-profit under Section 501(c)(3) of the Internal Revenue Code, and: (a) which does not receive city funding or have a contract with the city under which it accepts stray or owner-relinquished animals; (b) accepts animals into a physical facility other than a private residence; and, (c) places into new homes stray and/or owner-relinquished animals and/or animals who have been removed from a public or private sheltering agency.
(3) a *Rescue Group* is a collaboration of individuals not operated for a profit, whose primary stated purpose is animal protection, which places into new homes stray and/or owner-relinquished animals and/or animals who have been removed from a public or private sheltering agency. Individual rescuers who keep animals in their own homes but are not part of a larger collaboration are not a rescue group for purposes of this Act.
(4) an *Animal* is any domestic non-human living creature normally kept as a pet, or a feral cat.
(5) an *Impounded* animal is any animal who enters a public or private sheltering agency or rescue group regardless of whether the animal is a stray, owner-relinquished, seized, taken into protective custody, transferred from another private or public sheltering agency, or is an animal whose owner requests that the animal be killed, except for any animal presented to a medical clinic associated with such agencies for purposes of preventative or rehabilitative medical care, or sterilization.
(6) a *Stray* animal is any animal who is impounded without a known owner present at impound who is voluntarily relinquishing custody.
(7) a *Savable* animal is any animal who is either healthy or treatable, and is not a vicious or dangerous dog.
(8) a *Healthy* animal is any animal who is not sick or injured.
(9) a *Treatable* animal is any animal who is sick or injured, whose prognosis for rehabilitation of that illness and/or injury is excellent, good, fair, or guarded as determined by a veterinarian licensed to practice in this state.
(10) a *Non-rehabilitatable* animal is any animal with severe illness or injury whose prognosis for rehabilitation is either poor or grave as determined by a veterinarian licensed to practice in this state.
(11) an *Irremediably Suffering* animal is any animal with a medical condition who has a poor or grave prognosis for being able to live without severe, unremitting pain, as determined by a veterinarian licensed to practice in this state.
(12) a *Feral Cat* is a cat who is free-roaming, unsocialized to humans, and unowned.
(13) a *Feral Cat Caregiver* is someone who cares for feral cats and has an interest in protecting the cats, but is not the owner of those cats.
(14) an *Unweaned* animal is any neonatal animal who, in the absence of his/her mother, requires supplemental bottle feeding by humans in order to survive. In the case of puppies and kittens, unweaned animals are animals who fit the above description and are from 0 to 4 weeks of age.
(15) a *Litter* of animals includes two or more animals who are under twelve weeks of age as determined by a veterinarian licensed to practice medicine in this state, or by a veterinary technician or veterinary assistant working under the direction of a veterinarian licensed to practice medicine in this state.

(16) a *Vicious Dog* is a dog who exhibits aggression to people even when the dog is not hungry, in pain, or frightened, and whose prognosis for rehabilitation of that aggression is poor or grave as determined by a trained behaviorist who is an expert on canine behavior.
(17) a *Dangerous Dog* is a dog adjudicated to be vicious by a court of competent jurisdiction and where all appeals of that judicial determination have been unsuccessful.

Part III. Sterilization Requirements.
SEC. 3(a) Except as otherwise provided in this section, no public or private sheltering agency or rescue group shall sell, adopt, or give away to a new owner any dog, cat, rabbit, or other animal who has not been spayed or neutered, except as follows:
(1) This section shall not apply to reptiles, amphibians, birds, fish, and small animals such as mice and hamsters, where the anesthesia or sterilization procedure is likely to result in the animal's death.

(b) If a veterinarian licensed to practice veterinary medicine in this state certifies that an animal is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the animal to be spayed or neutered, the adopter or purchaser shall pay the public or private sheltering agency or rescue group a deposit of not less than fifty dollars ($50), and not more than one hundred dollars ($100). This deposit shall be returned if the adopter or purchaser presents the entity from which the animal was obtained with proof that the animal has been spayed or neutered within 60 days of receiving the animal, or presents a signed letter from a veterinarian licensed to practice medicine in this state, certifying that the animal has died, including a description of the animal and most likely cause of death. This deposit shall also be returned upon the expiration the 60-day period if the adopter or purchaser presents a signed letter from a veterinarian licensed to practice medicine in this state, certifying that upon the expiration of the 60-day period, the animal remains too sick or injured, or that it would otherwise be detrimental to the health of the animal, to be spayed or neutered.

(c) The adopter or purchaser of an animal must spay or neuter that animal within 60 days of adoption, purchase, or receipt from a public or private sheltering agency, or rescue group, except as follows:
(1) If a veterinarian licensed to practice medicine in this state certifies that an animal is too sick or injured or that it would otherwise be detrimental to the health of the animal to be spayed or neutered within the time period, such animal shall be spayed or neutered within 30 days of the veterinarian certifying that the animal may safely be spayed or neutered.

(d) Notwithstanding subsection (b), if a veterinarian licensed to practice medicine in this state certifies that an animal is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to the health of the animal to be spayed or neutered, and that the animal is not likely to ever be healthy enough to be spayed or neutered, no deposit shall be required.

(e) For purposes of this section, a determination that a dog or cat is too sick or injured to be spayed or neutered, or that it would otherwise be detrimental to his or her health, may not be made based solely on the youth of the dog or cat, so long as the dog or cat is at least eight weeks of age.

(f) Notwithstanding the other requirements of this section, animals may be transferred to organizations listed on the registry required under Section 9 before they have been spayed or neutered and without a spay/neuter deposit, as long as the receiving organization represents that it will spay or neuter all animals before placing them into homes.

(g) Any funds from unclaimed deposits made pursuant to this section shall be expended only for programs to spay or neuter animals.

(h) A licensed veterinarian shall perform spay/neuter operations under this Act.

SEC. 4(a) A person is subject to civil penalties of not less than two hundred dollars ($200) or more than five hundred dollars ($500) if that person does any of the following:
(1) falsifies any proof of spaying or neutering submitted for the purpose of compliance with this Act;

(2) intentionally issues a check for insufficient funds for any spaying or neutering deposit required under this Act;
(3) falsifies a signed letter from a veterinarian submitted for the purpose of compliance with this Act, certifying that an animal is too sick or injured to be spayed or neutered;
(4) fails to sterilize the animal as required.

(b) An action for a penalty proposed under this section may be commenced in a court of competent jurisdiction by the administrator of the public or private animal sheltering agency or rescue group from which the recipient obtained the animal who is the subject of the violation.

(c) All penalties collected under this section shall be retained by the agency bringing the action under subsection (b) to be used solely for programs to spay or neuter animals.

Part IV. Feral Cats.
SEC. 5(a) Caretakers of feral cats shall be exempted from any provision of law proscribing the feeding of stray animals, requiring permits for the feeding of animals, requiring the confinement of cats, or limiting the number of animals a person can own, harbor, or have custody of, except as follows:
(1) Nothing in this section shall be construed to limit the enforcement of a statute having as its effect the prevention or punishment of animal neglect or cruelty, so long as such enforcement is based on the conditions of animals, and not based on the mere fact that a person is feeding feral cats in a public or private location.

(b) In order to encourage spay/neuter of feral cats and to protect cats, public or private sheltering agencies or rescue groups shall not lend, rent, or otherwise provide traps to the public to capture cats, except to a person for the purpose of catching and reclaiming that person's wayward cat(s), to capture injured or sick cats or cats otherwise in danger, to capture feral kittens for purposes of taming and adoption, or, in the case of feral cats, for purposes of spay/neuter and subsequent re-release;
(1) For purposes of this subsection, the location of the cats, without more, does not constitute "otherwise in danger";
(2) A person is subject to civil penalties of not less than two hundred dollars ($200) or more than five hundred dollars ($500) if that person uses a trap from a public or private sheltering agency or rescue group for purposes other than those enumerated above.

(c) An action for a penalty proposed under this section may be commenced in a court of competent jurisdiction by the administrator of the public or private animal sheltering agency or rescue group from which the recipient obtained the trap that is the subject of the violation.

(d) All penalties collected under this section shall be retained by the agency bringing the action under subsection (c) to be used solely for programs to spay or neuter animals.

Part V. Holding Periods.
SEC. 6(a) The required holding period for a stray animal impounded by any public or private sheltering agency shall be five business days, not including the day of impoundment, unless otherwise provided in this section:
(1) Stray animals without any form of identification and without a known owner shall be held for owner redemption during the first two days of the holding period, not including the day of impoundment, and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period;
(2) Stray animals may be adopted into new homes or transferred to a rescue group or private sheltering agency for the purpose of adoption after the first two days of the holding period, not including the day of impoundment, except as provided in subsections (a)(3) to (9);
(3) If a stray animal is impounded with a license tag, microchip, or other form of identification, or belongs to a known owner, the animal shall be held for owner redemption during the first three days of the holding period, not including the day of impoundment, and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period;

(4) Litters of animals or individual members of a litter of animals, including the nursing mother, and unweaned animals may be transferred to a private sheltering agency or rescue group for the purpose of adoption immediately after impound;
(5) Individual members of litters of animals who are at least six weeks of age, including the mother, may be adopted immediately upon impound;
(6) A feral cat caregiver has the same right of redemption for feral cats as an owner of a pet cat, without conferring ownership of the cat(s) on the caregiver;
(7) Irremediably suffering animals shall be euthanized without delay, upon a determination made in writing and signed by a veterinarian licensed to practice medicine in this state. That certification shall be made available for free public inspection for no less than three years;
(8) Dogs and cats with confirmed cases of parvovirus or cats with confirmed cases of panleukopenia may be euthanized without delay, upon a certification made in writing and signed by a veterinarian licensed to practice medicine in this state. That certification shall be made available for free public inspection for no less than three years;
(9) Unweaned animals impounded without their mother may be killed so long as the shelter has exhausted all efforts to place the animals in foster care, made an emergency appeal under the requirements of Section 9, and certified that it is unable to provide the needed care and feeding in its facility. That certification shall also state in clear and definitive terms why the agency is unable to place the animals in foster care, which private sheltering agencies and rescue groups it made an appeal to, and what would be required in the future in order to provide the needed care and feeding in foster care or its facility, and what steps are being taken to do so. This certification shall be made in writing, signed by the director of the agency or by a veterinarian, and be made available for free public inspection for no less than three years.

SEC. 7(a) The required holding period for an owner relinquished animal impounded by public or private sheltering agencies shall be the same as that for stray animals and applies to all owner relinquished animals, except as follows:
(1) Any owner-relinquished animal that is impounded shall be held for adoption or for transfer to a private sheltering agency or rescue group for the purpose of adoption for the entirety of the holding period;
(2) Owner-relinquished animals may be adopted into new homes or transferred to a private sheltering agency or rescue group for the purpose of adoption at any time after impoundment.

(b) When an animal is surrendered or brought to a shelter to be killed at the owner's request, the animal shall be subject to the same holding periods and the same requirements of all owner relinquished animals notwithstanding the request.

(c) An animal seized by an officer of a public or private sheltering agency under the provisions of a state statute having as its effect the prevention or punishment of animal neglect or cruelty, or seized under the provision of state dangerous dog laws or under state quarantine or disease control regulations, shall be impounded and held as consistent with the requirements of those laws, except as follows:
(1) Where any statute under the provisions of those laws permits a holding period, care, or disposition which affords an animal less protection than the mandates of this Act, this Act shall supersede those specific provisions regarding holding, care, and disposition.

Part VI. Animal Care Standards.
SEC. 8(a) Except as otherwise provided in this section, public and private sheltering agencies 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 as follows:
(1) dogs who are vicious to people or dangerous dogs may but are not required to be exercised during the holding period.

(b) Notwithstanding subsection (a), public and private sheltering agencies shall work with a veterinarian licensed to practice medicine in this state to develop and follow a care protocol, which is consistent with the goals of this Act as defined in Part I, for animals with special needs such as, but not limited to, nursing

mothers, unweaned animals, sick or injured 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 veterinarian licensed to practice medicine in this state, provided as follows:
(1) animals shall 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, even if the animals are not candidates for redemption, transfer, or adoption.

(e) Public and private sheltering agencies shall work with a veterinarian licensed to practice medicine in this state to develop and follow a protocol to prevent the spread of disease, including, but not limited to, appropriate evaluation and testing of newly impounded animals, administration of vaccines, proper isolation and handling of sick animals, and measures to protect those animals most vulnerable to infection.

Part VII. Additional Programs and Duties.
SEC. 9(a) All public and private sheltering agencies that kill animals shall maintain a registry of organizations willing to accept animals for the purposes of adoption, as follows:
(1) All public or private sheltering agencies, and rescue groups designated as non-profits by Section 501(c)(3) of the Internal Revenue Code, shall be immediately placed on this registry upon their request, regardless of the organizations' geographical location or any other factor except as described under subsection (a)(5);
(2) The public or private sheltering agency may, but is not required to, include on the registry any rescue groups that are not designated as non-profits under Section 501(c)(3) of the Internal Revenue Code;
(3) The registry shall include the following information as provided by the registered organization: organization name, mailing address, and telephone number; website and e-mail address, if any; emergency contact information for the organization; the types of animals about whom the organization wishes to be contacted, including species-type and breed; and whether or not the organization is willing and able to care for unweaned animals, sick or injured animals, and/or feral or aggressive animals;
(4) All public and private sheltering agencies shall seek organizations to include on the registry;
(5) A public or private sheltering agency may refuse to include an organization on the registry, or delete it from the registry, until such time as this is no longer the case, if any of the organization's current directors and/or officers have been convicted in a court of competent jurisdiction of a crime consisting of cruelty to animals or neglect of animals; or if such charges are pending against any of the organization's current directors or officers; or if that organization or its current directors or officers are constrained by a court order or legally binding agreement that prevents the organization from taking in or keeping animals. An agency may require an organization to disclose any or all convictions, charges, and legal impediments described in this subsection;
(6) A public or private sheltering agency may require that registered organizations provide the following summary information on no more than a monthly basis: the total number of animals the organization has taken from the agency who have been adopted, died, were transferred, were killed, and are still under the organization's care. This information may be provided in an informal format, such as via electronic mail;
(7) A public or private sheltering agency shall not demand additional information, other than that described in this section, as a prerequisite for including an organization on the registry or for continuing to maintain that organization on the registry.

(b) No public or private sheltering agency may kill an animal unless and until the agency has notified, or made a reasonable attempt to notify, all organizations on the registry described in subsection (a) that have indicated a willingness to take an animal of that type.
(1) Such notification must take place at least two business days prior to the killing of the animal;
(2) At a minimum, such notification shall include calling the organization's regular and emergency contact numbers, and sending an email to its email address, if any. Notification is considered complete as to each individual group when this has been accomplished;
(3) No animal may be killed if an organization on the registry is willing and able to take the animal within two business days after being notified;
(4) No fee may be assessed for animals released to organizations listed on the registry.

(c) No public or private sheltering agency may kill an animal unless and until the agency has notified, or made a reasonable attempt to notify, individual rescuers, rescue groups who are not designated as a non-profit under Section 501(c)(3) of the Internal Revenue Service, and the public at large so that they may consider adopting or rescuing the animal consistent with the agency's normal adoption or transfer protocols.
(1) Such notification must take place at least two business days prior to the killing of the animal;
(2) Such notification can be accomplished in any manner reasonably likely to lead to lifesaving, but must, at a minimum, include posting a notice in the shelter on the particular animal's cage or kennel, and on the agency's website that states: "This animal is to be killed on [date] and [time]."

(d) The following exceptions shall apply to the requirements of subsections (b) and (c):
(1) All irremediably suffering animals shall be euthanized without delay. The determination that an animal is irremediably suffering shall be made in writing, signed by a veterinarian licensed to practice medicine in this state, and made available for free public inspection for no less than three years;
(2) Dogs and cats with confirmed cases of parvovirus or cats with confirmed cases of panleukopenia may be euthanized without delay, upon a certification made in writing and signed by a veterinarian licensed to practice medicine in this state. Such certification shall be made available for free public inspection for no less than three years;
(3) Dangerous dogs may, but are not required to be, released to organizations listed on the registry;
(4) Upon the impoundment of unweaned animals without their mother, all public and private sheltering agencies which have not placed the animals into foster care or have not committed to provide supplemental feeding shall immediately make an emergency appeal to organizations on the registry that have indicated that they are willing and able to care for unweaned animals, and give such organizations a reasonable amount of time to respond to the appeal. Unweaned animals impounded without their mother may then be killed before the expiration of the two business days notification period if the requirements of Section 6(a)(9) are met.

(e) All public and private sheltering agencies shall require organizations taking animals under this section to sign a contract providing:
(1) That the animals are being taken for the purposes of adoption;
(2) That all animals taken from the agency will be spayed or neutered before adoption, unless a licensed veterinarian certifies that an animal is too sick to be spayed or neutered or that it would otherwise be detrimental to the health of the animal to be spayed or neutered as required under Section 3 of this Act.

SEC. 10(a) All public and private sheltering agencies shall take appropriate action to ensure that all animals are checked for all currently acceptable methods of identification, including microchips, identification tags, and licenses. All public and private sheltering agencies shall maintain continuously updated lists of animals reported lost, and attempt to match these lost reports with animals reported found and animals in the shelter, and shall also post all stray animals on the Internet with sufficient detail to allow them to be recognized and claimed by their owners. If a possible owner is identified, the agencies shall undertake reasonable efforts 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. Upon the owner's or caretaker's initiation of recovery procedures, the agencies shall retain custody of the animal for a reasonable period of time to allow for completion of the recovery process. Efforts to locate or contact an

owner or caretaker, and communications with persons claiming to be owners or caretakers, shall be recorded and be made available for free public inspection for no less than three years.

SEC. 11(a) Every public or private sheltering agency shall have adoption programs which include adoption programs to place animals into homes and to transfer animals to other private sheltering agencies or rescue groups for adoption; promotion of animals to the community through means such as the local media and the Internet; evening and weekend adoption hours; and, community-based adoption events or venues at locations other than the shelter.
(1) In addition to the requirements of subsection (a), all public sheltering agencies shall be open for public adoption seven days per week for a minimum of six hours per day, except on the following federally recognized holidays, when the shelter may, but is not required to, be open for adoptions: New Years Day, Independence Day, Thanksgiving Day, Christmas Day.

SEC. 12(a) No public or private sheltering agency shall ban, bar, limit or otherwise obstruct the adoption of any animal based on arbitrary criteria, such as breed, age, color, or any other criteria unrelated to the individual animal's medical condition and temperament.

SEC. 13(a) Every public sheltering agency shall provide the following public services:
(1) low-cost spay/neuter services for animals;
(2) volunteer opportunities for people to assist the shelter, including fostering animals, socializing animals, assisting with adoptions, and otherwise helping in the operations of the shelter;
(3) programs to assist people in overcoming situations that may cause them to relinquish or abandon their animals, including, but not limited to, programs that address animal behavior problems, medical conditions, and environmental conditions.

(b) Nothing in this section shall prohibit an agency from enacting reasonable rules to facilitate the orderly operation of these programs, so long as the rules are designed to meet the goals of this Act, as defined in Part I.

SEC. 14(a) No person shall procure or use any living animal from a public or private sheltering agency or rescue group for medical or biological teaching, research or study. No hospital, educational or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture, shall purchase or accept any living animal from a public or private sheltering agency, rescue group, commercial kennel, kennel, peace officer, or animal control officer.

(b) No public or private sheltering agency, rescue group, commercial kennel, kennel, peace officer, or animal control officer shall sell, adopt, transfer, or give away any living animal to a person, hospital, educational or commercial institution, laboratory, or dealer in animals, whether or not such dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research or study.

SEC. 15(a) No savable animal in a public or private sheltering agency shall be killed simply because the holding period has expired. Before an animal is killed, all of the following conditions must be met:
(1) there are no empty cages, kennels, or other living environments in the shelter;
(2) the animal cannot share a cage or kennel with another animal;
(3) a foster home is not available;
(4) organizations listed on the registry described in Section 9 are not willing to accept the animal;
(5) the animal is not a feral cat subject to sterilization and release;
(6) all mandates, programs and services of the Act have been met; and
(7) the director of the agency certifies 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. 16(a) All animals impounded by a public or private sheltering agency or rescue group 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, feral cats, 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 under the direction of a veterinarian.

(b) No animal shall be allowed to witness any other animal being killed or being tranquilized/sedated for the purpose of being killed.

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

(d) Following their 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 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 no less than once per day on days the room is used, except as follows:
(1) The area 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) A veterinarian licensed to practice medicine in this state or a euthanasia technician certified by the state euthanasia certification program shall perform these procedures, except as follows:
(1) If a state certification program does not exist, the procedure may be performed by a trained euthanasia technician working under the direction of a veterinarian.

Part VIII. Public Accountability.
SEC. 17(a) All public and private sheltering agencies must post, in a conspicuous place where animals are being relinquished by owners, a sign which is clearly visible and readable from any vantage point in the area, and at least 17 inches by 22 inches, which has all of the following information identified by species-type:
(1) the number of animals impounded for the prior calendar year;
(2) the number of animals impounded for the prior calendar year who were adopted;
(3) the number of animals impounded for the prior calendar year who were transferred to other agencies for adoption;
(4) the number of animals impounded for the prior calendar year who were reclaimed by their owners;
(5) the number of animals impounded for the prior calendar year who died, were lost, and/or were stolen while under the direct or constructive care of the agency; and
(6) the number of animals impounded for the prior calendar year who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency.

(b) All public or private sheltering agencies must provide all owners who are relinquishing an animal with accurate information, in writing, about the likely disposition of their animal which includes, but is not

limited to: (1) if the animal is the breed or type who is normally killed, (2) if the animal is likely to be killed because of some current, usual, or unusual circumstances, and (3) the information provided in Section 17(a)(1)-(6).

(c) Any owner surrendering an animal to a public or private sheltering agency must sign a statement on a form provided by the agency which includes the specific language: "I understand that the shelter may kill my pet." If such statements are provided on a form which has additional information, the owner must initial the statement where these words appear. If the person refuses to sign such statement, the shelter, or its agents, must recite the statement aloud to the owner and then write: "Refused to sign." Such statements must be kept on file for a period of no less than three years.

(d) All public and private sheltering agencies must make available for free public inspection the care protocol required under Section 8(b), the cleaning protocol required under Section 8(c), and the disease-prevention protocol required under Section 8 (e).

(e) All public and private sheltering agencies shall include on their websites and post, in a conspicuous place near the entrance of the shelter, a list of organizations included on the registry described in Section 9, as well as an invitation for all public or private sheltering agencies and rescue groups to inquire about being listed on the registry, so that they may be notified before any animal is killed. Such lists shall not include any contact information the registered organizations do not wish to make public.

SEC. 18(a) All public or private sheltering agencies shall provide to the City Council and, upon request, for free public inspection, a monthly summary by the tenth day of the month that includes the following information by species-type:
(1) the number of animals impounded during the previous month;
(2) the number of impounded animals sterilized and/or sterilized by contract with participating outside private veterinarians during the previous month;
(3) the number of animals who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency during the previous month;
(4) 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 month;
(5) the number of animals who were returned to their owners during the previous month;
(6) the number of animals who were adopted during the previous month;
(7) the number of animals who were transferred to other organizations for adoption during the previous month; and
(8) the number of animals impounded into the reporting agency from outside the city during the previous month.

(b) Every public or private sheltering agency shall provide an annual summary by January 31 to the City Council and, upon request, for free public inspection, which includes the following information by species-type:
(1) the number of animals impounded during the previous calendar year;
(2) the number of impounded animals sterilized and/or sterilized by contract with participating outside private veterinarians during the previous calendar year;
(3) the number of animals who were killed by the agency, at the agency's direction, with the agency's permission, and/or by a representative of the agency during the previous calendar year;
(4) 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;
(5) the number of animals who were returned to their owners during the previous calendar year;
(6) the number of animals who were adopted during the previous calendar year;
(7) the number of animals who were transferred to other organizations for adoption during the previous calendar year; and
(8) the number of animals impounded into the reporting agency from outside the city during the previous calendar year.

SEC. 19(a) Revenues from dog licenses, as required under any existing state or local laws, shall be

deposited into an account for use by the public animal control agency as follows:
(1) 60 percent shall be used exclusively for free and low-cost spay/neuter of feral cats and owned animals under the provision of subsection (b);
(2) 40 percent shall be used exclusively for free and low-cost medical assistance, including vaccinations, of feral cats and owned animals under the provision of subsection (b).

(b) These funds shall be used to provide low-cost spay/neuter and medical care for animals if the owner or feral cat caretaker meets income guidelines set by the shelter or city except as follows:
(1) These funds shall be used to provide free spay/neuter for animals if the owner is on public assistance or is eligible for any type of city, county, state, or federal aid of the kind that is normally given to individuals based on lack of sufficient income;
(2) These funds shall be used to provide low-cost medical care, including vaccinations, for animals if the owner is on public assistance or is eligible for any type of city, county, state, or federal aid of the kind that is normally given to individuals based on lack of sufficient income;
(3) These funds shall be used to provide free spay/neuter and vaccinations against rabies for feral cats regardless of the feral cat caretaker's income.

(c) These services shall be performed under the direction of a licensed veterinarian.

(d) These funds shall not be deducted from the public animal control agency's overall city budget.

SEC. 20(a) Any resident of the City may compel a public or private sheltering agency or rescue group to follow the mandates of this Act through a lawsuit asking a court of competent jurisdiction to grant declaratory and injunctive relief including, but not limited to: restraining orders, preliminary injunctions, injunctions, writs of mandamus and prohibition, and other appropriate remedies at law which will compel compliance with this Act.

(b) Any public or private sheltering agency or rescue group may compel a public or private sheltering agency to follow the mandates of this Act through a lawsuit asking a court of competent jurisdiction to grant declaratory and injunctive relief including, but not limited to: restraining orders, preliminary injunctions, injunctions, writs of mandamus and prohibition, and other appropriate remedies at law which will compel compliance with this Act.

SEC. 21(a) Any law, ordinance, or policy which requires the licensing of cats, the confinement of cats, limits the number of animals a household can own or care for, prohibits or requires permits for the feeding of stray domestic animals, or prohibits the adoption of specific breeds of dogs is hereby repealed as contrary to the public interest except as follows:
(1) Nothing in this section shall be construed to limit the enforcement of a statute having as its effect the prevention or punishment of animal neglect or cruelty, so long as such enforcement is based on the conditions of animals or the environment, and not based on the mere fact that a household has a certain number of animals, a person is feeding stray domestic animals, and/or a dog is of a particular breed.

SEC. 22(a) If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Act shall be adjudged invalid by a court or other tribunal of competent jurisdiction, such determination, order, or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Act. Any such invalidity shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such determination, order, or judgment shall have been rendered.

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