

## **An Act to Require Uniform Data Reporting of Animals Handled by Releasing Agencies**

Model Law by National Animal Interest Alliance © 2010, revised 2014

The legislature finds that it is in the interest of public health and safety and that it is desirable public policy to support efforts by public and private entities caring for, protecting, adopting out or placing unwanted, lost, or abandoned cats, dogs or animals coming into their care. To further this end and to develop an accurate definition of the need for and extent of support necessary, reliable data are required concerning the number, source and disposition of these unwanted, lost or abandoned cats, dogs and animals in the state.

Therefore, the legislature requires these agencies to make and keep uniform records to enable the state to make policy decisions to improve the efficiency and placement success rate of dogs from these agencies. The legislature further acknowledges that computer programs exist that can record, maintain and report these data accurately, easily and in standardized format.

Section 1. The legislature enacts the following act:

Section 100. Short Title

This act shall be known and may be cited as the “Releasing Agency Reporting Law.”

Section 101. Definitions. Singular words shall include the plural. Masculine words shall include the feminine and neuter.

“Abandon.” To forsake entirely or neglect or refuse to provide or perform the legal requirements for the care and support of an animal by its owner or his agent.

“Abandonment.” Relinquishment of all rights and claims to an animal by its owner.

“Adopt” or “Adoption.” The transfer of a dog or cat from a releasing agency to a new owner by any means, whether or not a fee is charged, value given or any form of reimbursement of expenses is received.

“Animal Control Agency” or “Pound.” A public agency or a private nonprofit society or a corporation under contract with a unit of government whose purpose includes holding seized or confiscated animals or taking in stray, lost or unwanted animals for the purpose of placing them in new homes or otherwise disposing of them.

“Animal Rescue Organization.” 1) A non-profit society or corporation either duly incorporated pursuant to the laws of (insert state name) as a domestic corporation or duly registered with the state of (insert name of state) under the provisions of (insert registration act) as a foreign corporation the purpose of which includes taking in unwanted domestic animals for transfer to new homes and either houses animals 1) in its own facility or 2) a network of homes affiliated with the society or corporation; or

2) An individual taking in stray, lost or unwanted animals for the purpose of placing them in new homes, transferring them to Animal Control Agencies or Animal Rescue Organizations or otherwise disposing them and who handles such animals in aggregate numbers exceeding 25 per year.

“Cat.” The genus and species known as *Felis catus*.

“Confiscate.” To appropriate property to the use of the government or to adjudge property to be forfeited to the public, without compensation to the owner of the property.

“Dealer.” A person who:

1. Transfers or offers to transfer any dog or cat belonging to another person for consideration, a fee, or a commission or a percentage of the sales price; or
2. Transfers dogs or cats at wholesale for resale to another; or
3. Offers dogs or cats at wholesale for resale for another.
4. Imports a cat or dog into the State with the intent of selling the dog or cat or transferring ownership of the cat or dog for value, unless the person is registered as an animal importer with the Department of Health.

“Department.” The (insert state) Department of (insert relevant agency name).

“Dog.” The genus species and subspecies known as *Canis lupis familiaris*.

“Domestic animal.” Any dog, cat, equine animal or bovine animal, sheep, goat, pig, poultry, bird, fowl, confined hares, rabbits and mink, or any wild or semi-wild animal legally maintained in captivity.

“Humane society or association for the prevention of cruelty to animals.” A nonprofit society or corporation duly incorporated pursuant to (cite relevant law) for the purpose of prevention of cruelty to animals.

“Person.” The genus and species known as *Homo sapiens*, including State and local officers, or employees, individuals, corporations, co-partnerships and associations.

“Releasing Agency.” A public or private pound, animal control agency, animal shelter, humane society, society for the prevention of cruelty to animals or animal rescue organization, including any person acting on behalf of such organization, that transfers a domestic animal for placement or adoption, regardless of the state, country or source from which the animal was obtained.

“Secretary.” The Secretary of (insert relevant agency) or any person to whom the authority has been delegated to the Secretary of (insert relevant agency) has delegated authority under this act.

"Seizure." The act of taking possession of property for a violation of law or the taking or removal from the possession of another. The term shall not include the taking of ownership of property.

"Shelter." A nonprofit society or corporation duly incorporated pursuant to (cite relevant law) the purpose of which includes taking in stray, lost or unwanted domestic animals for the purpose of placing them in new homes.

"Transfer." Transfer includes, but is not limited to, transporting, adopting, selling, buying, giving away, exchanging, bartering, offering an inducement, trading, auctioning, raffling, temporarily housing, or donating. Transporting a domestic animal to or from an agricultural, conformation, performance, exhibition or hunting event is not a transfer as defined herein.

"Veterinarian" or "Licensed doctor of veterinary medicine." A person who is currently licensed pursuant to (insert relevant statute).

## Section 200. Reporting

A. Records requirements for releasing agencies. -- The Secretary shall issue regulations to require uniform records be kept by each releasing agency. The regulation shall be based on computerized software systems available and used by releasing agencies in the United States. At a minimum, the following records shall be required to be reported on a monthly basis and shall be kept for a period of five years for all animals received by the releasing agency:

(1) The source of the animal and the means obtained, defined as the total number of animals taken in, divided into species, in the following categories:

a) surrendered by owner; b) stray; c) impounds; d) confiscations; e) imported into the state from another state, along with the name of the state; f) imported into the state from another country, along with the name of the country; g) returned after adoption from the Releasing Agency; and h) returned after adoption from another Releasing Agency, along with the name of the other Releasing Agency.

Feral cats shall be recorded as a separate category from other cats. Species other than domestic cats and domestic dogs should be recorded as "other."

(2) Disposition of all animals taken in, divided into species, in a format determined by the Commissioner by regulation. These data must include: a) adoptions; b) reclaim by owner; c) died in kennel; d) destroyed at the owner's request; e) transferred to another releasing agency within the state, along with the name of the receiving releasing agency; f) transferred out of the state into a releasing agency in another state, along with the name of the receiving state and releasing agency; and g) the number euthanized.

The listing of euthanized animals shall include all species of animals euthanized. Feral cats euthanized shall be recorded separately from other cats euthanized.

(3) Total euthanasia percentage based on total intake must be presented. The euthanasia percentage shall be calculated by the following formula:

(Total animals euthanized minus owner-requested euthanasias minus feral euthanasias) divided by (Total intakes, minus owner-requested euthanasia intakes minus feral cat intakes)

(4) Euthanasia totals for each species shall be further broken down into the following categories at a minimum: a) medical; b) too young to survive; c) too old to survive; d) euthanized for space; e) euthanized for temperament; f) euthanized for breed.

(5) Releasing organizations that routinely euthanize dogs based on size or breed alone must provide a statement of such policy. Dogs euthanized due to breed, temperament or size must still be recorded as euthanized and must be included in the calculation of total euthanasia percentage.

B. Each releasing agency shall submit an annual public report to the (insert relevant department) by February 15th of the following year. The (insert relevant department) shall compile the data into a statewide report and submit the report to the (insert relevant legislative leaders of each house of the legislature) and to the Governor by April 15th of each year.

C. The number of animal bites for every jurisdiction served by a shelter, Animal Control Agency, or Health Department shall be reported quarterly by the entity charged with receiving reports of animal bites.

(1) Bite numbers shall specifically include, at a minimum, information regarding: a) species; b) breed identification; c) provocation, if any; d) owned/stray status of animal; e) vaccinated/non-vaccinated status of the animal at the time of the bite; and f) severity of bite based on a quantifiable, specific bite assessment tool.

(2) Breed identification shall be based on clearly defined, accepted dog and cat breed assignments in accordance with the breed standards of a nationally recognized purebred dog or cat registry. Those animals which may appear to be within a family or group, such as terriers, setters, pointers, herding or spitz type dogs, but are not clearly identifiable as a particular breed shall be designated as "No Predominant Breed."

#### Section 201. Penalties.

A. Any releasing agency that fails to report the information required under subsections 200 A, B, or C of this act within 30 days of the date required shall be subject to a penalty of \$100 per day for each day after the 30th day that the report is received from the 31st day through the 59<sup>th</sup> day after the due date.

B. Any releasing agency that fails to report the information required under subsections 200 A, B or C of this act within 60 days of the date required shall be subject to a penalty of \$300 per day

for each day after the 60th day that the report is received from the 60th day through the 89<sup>th</sup> day after the due date.

C. Any releasing agency that fails to report the information required under subsections 200 A, B or C of this act within 90 days of the date required may not adopt animals to the public or transfer animals to another releasing agency until the report is filed with the Department.

Section 2. This act shall take effect in 180 days.