

NAIA Shelter Import and Reporting Act

Model Law

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An Act to prohibit the importation of domestic animals from outside the United States for purposes of transfer to another and to require uniform data reporting on acquisition and placement of animals by releasing agencies.

The legislature finds that the risk of disease transmission to animals and humans is greater from animals imported from outside the United States than from animals transferred within the United States. Both species-specific diseases and diseases transmitted from animals to humans (zoonotic diseases) are more frequent in the former group than in the latter group. There is an avoidable risk to the animal and human population of the state caused by the potential spread of animal-borne species specific and zoonotic diseases. There is also a risk to the agricultural interests of the state created by the importation of diseases endemic in other areas of the world, but eradicated in the United States. To protect the health of animals and people within the state, the legislature finds it desirable to prohibit the importation of domestic animals from outside the United States and its territories into the state.

Furthermore, the legislature finds that it is desirable for the public policy of the state to support efforts by public and private agencies responsible for caring for, protecting or adopting out unwanted, lost, or abandoned cats or dogs in the state to place or adopt animals coming into their care. To further this end and to develop accurate and reliable data concerning the number, source and disposition of these unwanted, lost or abandoned cats and dogs in the state, the legislature requires these agencies to make and keep uniform records to enable the state to make policy decisions to improve the placement success rate of dogs from these agencies. The legislature further finds that there exist computer programs that will enable these records to be accurately recorded, easily maintained and provide standardized information.

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 Animal Importation and Reporting Law"

Section 101. Definitions

"Abandon." To forsake entirely or to neglect or refuse to provide or perform the legal obligations 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 a fee is charged, a donation is received, a reimbursement of expenses or any benefit is received, or any form of consideration is exchanged.

“Animal Control Agency” or “Pound.” A public agency or a private nonprofit society, organization or corporation under contract with a unit of government the purpose of which 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.” A non-profit organization 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, or duly licensed by the state **(Insert name of state)** the purpose of which includes taking in unwanted domestic animals for the purpose of transferring them to new homes.

“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.

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

“Dog.” The genus and species known as Canis 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 maintained in captivity.

“Humane organization or association for the prevention of cruelty to animals.” A nonprofit organization 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.

Singular words shall include the plural. Masculine words shall include the feminine and neuter.

Releasing Agency.” A person or public or private organization that transfers a domestic animal for adoption.

“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 organization or corporation duly incorporated pursuant to (cite relevant law) for the purpose of 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 or hunting event is not a transfer.

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

Section 201. Releasing Agencies to comply with federal and state import laws.

No releasing agency, person acting on the behalf of such an organization, or dealer shall import domestic animals into the State from any source within or outside the United States in violation of the laws or regulations of the United States or of this state.

Section 202. Conditions for exemption of imports by private owners.

Private owners transporting their own domestic animals or purchasing domestic animals from outside the Continental U.S. for their own use shall be exempt from this section, provided such animals are not transferred to another for six months after import.

Section 203. Seizure and Confiscation of Animals.

- (a) The department of (**insert relevant agency**), any police officer or any peace officer acting with his or her authority shall seize any domestic animal for which there is evidence supporting a reasonable cause to believe such domestic animal was brought into the state in violation of this statute.
- (b) An animal seized shall be kept in quarantine pending the outcome of an administrative evidentiary hearing.
- (c) The department shall hold an administrative hearing within five days of the seizure at which evidence of the violation shall be taken.
- (d) If a violation is found to exist based on the evidence presented, the domestic animal shall be confiscated to the Department. A person shall have 14 days

to file an appeal from an order of confiscation. If a waiver is signed or after the 14 days has passed the Department may take such action as it deems appropriate with regard to the illegally imported animal.

Section 204. Penalties

- (a) The first conviction for importation of animals into the state in violation of Sections 201 through 203 shall be a misdemeanor. Each domestic animal imported shall be considered a separate misdemeanor. The sentence upon conviction for each misdemeanor shall run consecutively.
- (b) The second and subsequent convictions for importation of any domestic animals into the state in violation of Sections 201 through 203 shall be a felony. Each domestic animal imported shall be a considered separate felony. The sentence upon conviction for each felony shall run consecutively.
- (c) The releasing agency and any persons found to be in violation of Sections 201 through 203 shall be jointly and severally liable to pay to the Department upon conviction:
 - (1) all costs of the seizure, maintenance, care, and euthanasia, if necessary, of each animal; and
 - (2) a fine of \$200 for each animal.

Section 300. Reporting

- (a) Additional 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:
 - Surrendered by owner; stray; impounds; confiscations; imported into the state from each state, territory or country; and returned after adoption.
 - 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:

adoptions, animals reclaimed by owner, died in kennel, destroyed at the owner's request, transferred to another releasing agency within the state, transferred out of the state into a releasing agency in another state, and the number euthanized.

The listing of euthanized animals shall record feral cats separately from other cats.

- (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 request euthanasias minus feral euthanasias) divided by (Total intakes, minus owner request euthanasias minus feral cat intakes)

- (4) Euthanasia totals for each species shall be further broken down into the following categories at a minimum:

Medical, too young to survive, too old to survive, euthanized for temperament, euthanized for breed, euthanized for size, or euthanized for space,

- (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 May 15th of each year.

Section 301. Penalties.

- (a) Any releasing agency that fails to report the information required under subsection (a) of section 300 within 90 days of the date required shall pay a retroactive fine of one percent of their previous year's gross revenues (as reported on their state and/or federal tax reports) for the first and each subsequent month the report is delinquent.
- (b) Any releasing agency that fails to report the information required in subsection (a) of section 300 for a subsequent reporting period within the same calendar year shall pay a retroactive fine of two percent of their previous year's gross revenues (as reported on their state and/or federal tax reports or an audited financial statement) for the first and each

subsequent month the report is delinquent. This fine shall be cumulative with any other fines required under this section.

- (c) Any releasing agency that fails to report the information required in subsection (b) of section 300 within 30 days of the date required shall be subject to a retroactive fine of \$100 per day that the report is filed late.
- (d) Any releasing agency required to be licensed by or registered with the state which is not so licensed or registered that has not previously reported their revenues, shall pay a fine of \$50 per month until their information has been received. They shall also apply for appropriate licensing or registration.
- (e) Any releasing agency that is required to be licensed by or registered with the state that does not apply for registration within two months of notification of the requirement to register shall pay a fine for \$100 for each day of operation after the date on which submission of the application is required.

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