

A BILL 1

17-89 2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 3

_____ 4

To amend the Veterinary Practice Act of 1982 to allow certain individuals to engage in the practice of veterinary medicine without a license, to allow limited practice of veterinarians licensed in Maryland and Virginia, to require investigations of written complaints to be initiated within 30 days and, absent compelling circumstances, to be concluded within 90 days, and to allow veterinarians to issue animal licenses and collect required fees; to amend An act to provide mandatory reporting by physicians and institutions in the District of Columbia to add humane officers as required reporters of child abuse and neglect; to amend the Adult Protective Services Act of 1984 to add humane officers as required reporters of adults in need of protective services due to abuse or neglect; to amend the Animal Control Act of 1979 to rename the Animal Control Agency the Animal Welfare and Control Agency, to set forth the functions of the Animal Welfare and Control Agency, to allow for veterinarians to issue animal licenses, to establish a licensure program for cats, to require scanning of animals for microchips, and to limit use of animals to exhibition purposes; to amend the Dangerous Dog Amendment Act of 1988 to authorize the Mayor to determine potentially dangerous dogs, to establish registration requirements for potentially dangerous dogs, and to set forth potentially dangerous dog owner responsibilities; to amend the Regulation of the Horse-Drawn Carriage Trade Act of 1990 to rename the Animal Control Agency the Animal Welfare and Control Agency; to amend Title 16 of the District of Columbia Official Code to add animal cruelty with the intent to injure a family member as grounds for a protective order, and to provide for the care of such pets; to amend Chapter 106 of the Acts of the Legislative Assembly to allow a court to order counseling, treatment, or forfeiture of the right to possess animals as a penalty for animal cruelty or abandonment, to establish reporting requirements for known or reasonably suspected animal cruelty, abandonment, or neglect and for the presence of an animal at the home of a person reasonably suspected of abuse of a child, adult, or another animal; to amend An act to prevent cruelty to children or animals in the District of Columbia to make the penalty for watching animal fighting a felony; to establish commercial animal breeder and commercial pet care facility licensing requirements; to prohibit the release of animals for use in experimentation; to establish requirements for commercial entities that utilize guard dog services; to establish standards for the humane treatment of classroom animals; and to require the development of an emergency preparedness plan for the protection of domestic animals in case of a major disaster or emergency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this 1
act may be cited as the "Animal Protection Amendment Act of 2008". 2

TITLE I. OMNIBUS ANIMAL WELFARE AMENDMENTS 3

Sec. 101. The Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4- 4
171; D.C. Official Code § 3-501 *et seq.*), is amended as follows: 5

(a) Section 11 (D.C. Official Code § 3-510) is amended by striking the phrase 6
"investigation and, if warranted," and inserting the phrase "investigation within 30 days, and, 7
absent compelling circumstances, shall conclude the investigation within 90 days. If warranted, 8
the Mayor shall" in its place. 9

(b) New sections 13a and 13b are added to read as follows: 10

"Sec. 13a. Permitted practice without a license. 11

"(a) If under the direct supervision of a licensed veterinarian, the following persons may 12
engage in the practice of veterinary medicine without a license: 13

"(1) Students who are fulfilling requirements for a degree in veterinary medicine 14
from a school of veterinary medicine approved by the Mayor; and 15

"(2) Graduates of a school of veterinary medicine approved by the Mayor whose 16
first District of Columbia license application is pending." 17

"(e) A veterinarian licensed in Maryland or Virginia shall be permitted to practice 18
veterinary medicine in the District for a period not to exceed 120 hours annually if the 19
veterinarian: 20

ENGROSSED ORIGINAL

“(1) Has practiced veterinary medicine for a minimum of 2 years; and 1

“(2) Is in good standing with his or her veterinarian boards. 2

“Sec. 13b. Issuance of animal license; collection of fees. 3

“A licensed veterinarian is authorized to issue animal licenses and to collect the required 4
fees and may collect an additional \$2 for each license issued as reimbursement for administrative 5
costs.” 6

Sec. 102. Section 2 of An Act to Provide for the Mandatory Reporting by Physicians and 7
Institutions in the District of Columbia of Certain Physical Abuse of Children, approved 8
November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), is amended as follows: 9

(a) Subsection (b) is amended by striking the phrase “law-enforcement officer,” and 10
inserting the phrase “law-enforcement officer, humane officer of any agency charged with the 11
enforcement of animal cruelty laws,” in its place. 12

(b) Subsection (d) is amended by striking the phrase “law enforcement officer,” and 13
inserting the phrase “law-enforcement officer, humane officer of any agency charged with the 14
enforcement of animal cruelty laws,” in its place. 15

Sec. 103. Section 4(a)(1) of the Adult Protective Services Act of 1984, effective March 16
14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1903(a)(1)), is amended by striking the 17
phrase “police officer,” and inserting the phrase “police officer, humane officer of any agency 18
charged with the enforcement of animal cruelty laws,” in its place. 19

Sec. 104. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; 20

ENGROSSED ORIGINAL

D.C. Official Code § 8-1801 *et seq.*), is amended as follows: 1

(a) Sections 2(b) (D.C. Official Code § 8-1801(2)) are amended by striking the phrase 2
“Animal Control Agency” and inserting the phrase “Animal Care and Control Agency” in its 3
place. 4

(b) Section 3 (D.C. Official Code § 8-1802) is amended as follows: 5

(1) The heading is amended to read as follows: 6
“Sec. 3. Animal Care and Control Agency.”. 7

(2) Subsection (a) is amended by striking the phrase “Animal Control Agency” 8
and inserting the phrase “Animal Care and Control Agency” in its place. 9

(3) Subsection (b) is amended to read as follows: 10
“(b) The Animal Care and Control Agency shall: 11

“(1) Deliver all fees collected under this act to the Mayor; 12

“(2) Allow the Mayor or the Mayor’s designee to inspect the Animal Care and 13
Control Agency to determine compliance with District laws, regulations, policies and contractual 14
obligations; 15

“(3) Ensure that all contractually-required records are accurate, easily accessible 16
and available at all times; 17

“(4) Immediately inform the Mayor or the Mayor’s designee of any significant 18
changes in its operations or leadership.”. 19

(4) A new subsection (c) is added to read as follows: 20

“(c) The Animal Care and Control Agency shall promote: 1

 “(1) The reduction of euthanasia of animals for which medical treatment or 2
adoption is possible; and 3

 “(2) The utilization of trap, spay or neuter, and return practices as a means of 4
controlling the feral cat population; provided, that all efforts shall be made to adopt out a 5
trapped, tamable kitten.” 6

(c) Section 5 (D.C. Official Code § 8-1804) is amended as follows: 7

 (1) Subsection (d) is amended to read as follows: 8

 “(d) the regulations shall permit veterinarians to collect an additional \$2 for each license 9
issued as reimbursement for administrative costs.” 10

 (2) Subsection (e) is amended to read as follows: 11

 “(e) The annual license fee for dogs and cats are as follows: 12

 (1) No fee for a dog trained as a service animal and actually used for the purpose 13
of assisting a person with a physical or sensory impairment, such as a vision or hearing 14
impairment; 15

 (2) \$15 for a male or female dog certified by a licensed veterinarian as neutered 16
or spayed or certified as incapable of enduring spaying or neutering; 17

 (3) \$ 50 for all other dogs; 18

 (4) \$10 for a male or female cat certified by a licensed veterinarian as neutered or 19
spayed, or certified as incapable of enduring spaying or neutering; and 20

ENGROSSED ORIGINAL

(5) \$40 for all other cats. 1

(3) Subsection (f) is amended to read as follows: 2

“(f) The Mayor may periodically revise the schedule of fees by rulemaking.” 3

(4) Subsection (h) is amended to read as follows: 4

“(h) Any license issued pursuant to this section may be issued by the Department of 5
Health or by a veterinarian licensed in the District of Columbia, pursuant to section 13b of the 6
Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; to be codified at 7
D.C. Official Code § 3-512.01). A veterinarian may collect an additional \$2 for each license 8
issued as reimbursement for administrative costs.” 9

“(4A) A new subsection (h-1) is added to read as follows: 10

“(1) There is hereby established within the General Fund of the District of 11
Columbia a nonlapsing fund to be designated as the Animal Control License Fees Fund (“Fund”), 12
which shall be a segregated account within the General Fund of the District of Columbia and 13
shall be used solely for the purpose of providing animal control and animal disease prevention 14
services. 15

“(2) The fund shall be administered by the Department of Health. 16

“(3) The Mayor shall deposit in the Fund: 17

(A) Except as provided in subsection (i) of this section, all revenues 18
generated pursuant to subsection (e) of this section; and 19

(B) All funds contained within the Animal Control Dog License Fees Fund 20

ENGROSSED ORIGINAL

within the Department of Health. 1

“(4) Funds deposited in the Fund, and any interest earned on those funds, shall not 2
revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end 3
of any fiscal year or at any other time, but shall be continually available for the uses and purposes 4
set forth in this section.” 5

(4) A new subsection (i) is added to read as follows: 6

“(a) There is established as a non-lapsing fund within the General Fund of the 7
District of Columbia, the Sterilization Fund (“Fund”), which shall be used solely for the 8
purposes set forth in this section. 9

(b) Deposits into the Fund shall include: 10

(1) \$2 from each fee paid for the application, issuance, or renewal of a cat or dog 11
license; 12

(2) Funds authorized by an act of Congress, reprogramming, or intra-District 13
transfer to be deposited into the Fund; 14

(3) Any other monies designated by law or regulation to be deposited into the 15
Fund; 16

(4) Interest on money deposited in the Fund. 17

(c) All funds deposited into the Fund shall not revert to the unrestricted balance 18
of the General Fund of the District of Columbia at the end of the fiscal year, or at any other time, 19
but shall be continually available for the uses and purposes set forth in subsection (d) of this 20

section. 1

(d) Monies in the Fund shall be used to subsidize sterilization of cats and dogs 2
owned by persons within the District of Columbia. The Mayor may issue grants to appropriate 3
animal welfare organizations who are experienced in subsidized sterilization efforts.” 4

(d) Section 6(a) (D.C. Official Code § 8-1805(a)) is amended by adding the following: 5

“The Mayor shall impound any dogs, cats, rabbits, or ferrets, the combination of which 6
exceeds 4 animals, or any dogs, cats, rabbits, or ferrets beyond the number authorized in an 7
animal hobby permit issued pursuant to section 10.” 8

(1) A new subsection (i) is added to read as follows: 9

“(i) By July 1, 2008, the Mayor shall implement an annual 10
licensure program, including a fee structure, for owners of cats in the District of Columbia; 11
which program shall include reduced rates for cats certified by a licensed veterinarian to be 12
spayed, neutered, or incapable of being spayed or neutered.” 13

(e) Section 6(b) (D.C. Official Code § 8-1805(b)) is amended by striking the phrase 14
“impounded animal.” and inserting the phrase “impounded animal, including scanning the animal 15
for a microchip.” in its place. 16

(f) Section 9 (D.C. Official Code § 8-1808) is amended as follows: 17

(1) By striking the phrase “museum, or educational institution for educational, 18
medical, scientific, or exhibition purposes” in subsection (h)(2) and inserting the phrase “or 19
museum for exhibition purposes ”in its place. 20

ENGROSSED ORIGINAL

(2) By adding a new subsection (1) to read as follows: 1

“(1) No person may display, exhibit, or otherwise move animals in the District of 2
Columbia as part of a circus, carnival, or other special performance or event, without first 3
obtaining a permit, issued by the Mayor, that governs the care and management of the animals.” 4

(g) Section 10(d)(1) (D.C. Official Code § 8-1809(d)(1)) is amended to read as follows: 5

“(1) An owner unless the owner has obtained the necessary animal licenses as 6
required by law;” 7

Sec. 105. The Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. 8
Law 7-176; D. C. Official Code § 8-1901 *et seq.*), is amended as follows: 9

(a) Section 2 (D.C. Official Code § 8-1901) is amended as follows: 10

(1) Subparagraph (1)(A) is amended to read as follows: 11

"(1)(A) "Dangerous dog" means any dog that: 12

"(i) Without provocation, causes a serious injury to a person or 13
domestic animal; or 14

"(ii) Has been designated as a potentially dangerous dog and 15
engages in behavior that poses a threat to public safety as described in paragraph (6) of this 16
section." 17

(2) Subparagraph (1)(B) is amended to read as follows: 18

“(1)(B) “No dog shall be considered a “dangerous dog” if: 19

“(i) The dog was used by law enforcement officials for legitimate 20
law enforcement purposes; 21

“(ii) The dog threatened, injured, or damaged a person who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;

“(iii) The dog threatened, injured, or damaged a person who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog;

“(iv) The dog threatened, injured, or damaged a person who was committing or attempting to commit a crime;

“(v) The dog threatened, injured, or damaged a person or domestic animal because the dog was responding to pain or injury, or was protecting itself, or its offspring; or

“(vi) The dog threatened, injured, or damaged a person or domestic animal because the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.”.

(3) Paragraph (3) is amended to read as follows:

"(3) "Proper enclosure" means secure confinement indoors or secure confinement outdoors in a locked structure designed and constructed with the following characteristics:

- "(A) Deters animal escape;
"(B) Protects the animal from the elements; and
"(C) Prevents contact with the animal from humans and domestic

animals.".

(4) A new paragraph (6) is added to read as follows: 1

"(6) "Potentially dangerous dog" means a dog that poses a threat to public safety 2
as demonstrated by any of the following behaviors: 3

"(A) Without provocation, chasing or menacing a person or domestic 4
animal in an aggressive manner, causing an injury to a person or domestic animal that is less 5
severe than a serious injury; 6

"(B) Engaging in encouraged dog fighting; or 7

"(C) Running at large and impounded by an animal control agency 3 or 8
more times within any 12-month period." 9

"(D) "No dog shall be considered a "potentially dangerous dog" if: 10

"(i) The dog was used by law enforcement officials for legitimate 11
law enforcement purposes; 12

"(ii) The dog threatened, injured, or damaged a person who was 13
committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by 14
the owner of the dog; 15

"(iii) The dog threatened, injured, or damaged a person who was 16
provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, 17
in the past, provoked, tormented, abused or assaulted the dog; 18

"(iv) The dog threatened, injured, or damaged a person who was 19
committing or attempting to commit a crime; 20

ENGROSSED ORIGINAL

“(v) The dog threatened, injured, or damaged a person or domestic animal because the dog was responding to pain or injury, or was protecting itself, or its offspring; or

“(vi) The dog threatened, injured, or damaged a person or domestic animal because the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.”.

(b) Section 3 (D.C. Official Code § 8-1902) is amended to read as follows:

"Sec. 3. Determination of a dangerous or potentially dangerous dog.

"(a) The Mayor is authorized to make a determination whether a dog is potentially dangerous based on the factors listed in § 2(6) and shall provide the owner with notice of the dog's status. Notice may be provided by personal service, posting, or by prepaid mail. The owner may contest the Mayor's determination that a dog is potentially dangerous dog by filing a written appeal within 15 business days of receipt of the dog's status. If the Mayor has probable cause to believe that a dog is a dangerous dog, the Mayor may convene a hearing for the purpose of determining whether the dog in question shall be declared a dangerous dog and to determine if the dog would pose a threat to public safety if returned to its owner. Before the hearing, the Mayor shall conduct, or cause to be conducted, an investigation and shall provide reasonable notice of the hearing to the owner.

"(b) Following notice to the owner and before the hearing, if the Mayor has probable cause to believe that a dog is a dangerous dog and may pose a threat to public safety, the Mayor may obtain a search warrant pursuant to Rule 204 of the District of Columbia Superior Court

Rules of Civil Procedure and impound the dog pending disposition of the case. The owner of the dog shall be liable to the District for the costs and expenses of keeping the dog and shall either post a bond adequate to cover the costs and expenses of keeping the dog pending disposition of the case or forfeit the dog for humane destruction. The Mayor may waive the bond requirement upon the owner’s satisfactory showing of inability to post the required bond.

"(c) The hearing shall be held no less than 5, and not more than 10 days, excluding holidays, Saturdays, and Sundays, after service of notice upon the dog's owner. The hearing shall be open to the public. The owner shall have the opportunity to present evidence as to why the dog should not be declared a dangerous dog or not be determined to pose a threat to public safety if returned to its owner. The Mayor may decide all issues for or against the owner of the dog regardless of whether the owner appears at the hearing.

"(d) Within 5 days after the hearing, the Mayor shall notify the owner in writing of the determination.

"(e) The owner may, within 5 days after a determination that a dog is a dangerous dog, bring a petition in the Superior Court of the District of Columbia seeking review of the determination. A decision by the Superior Court of the District of Columbia overturning the Mayor's determination shall not affect the Mayor's right to later declare a dog to be a dangerous or potentially dangerous dog or to determine that the dog poses a threat to public safety, based on the dog's subsequent behavior."

(c) Section 4 (D.C. Official Code § 8-1903) is amended to read as follows:

"Sec. 4. Consequences of a dangerous or potentially dangerous dog determination.

ENGROSSED ORIGINAL

"If the Mayor determines that a dog is a dangerous dog or a potentially dangerous dog under section 3, the owner shall comply with the provisions of sections 5 and 6 and any other special security or care requirements the Mayor may establish. The Mayor may humanely destroy a dog if the dog's owner fails to comply with the conditions for registration including special security requirements, if the dog has been determined to pose a threat to public safety if returned to its owner, or has been forfeited for the owner's failure to post adequate bond pending disposition of a dangerous or potentially dangerous dog determination."

(d) Section 5 (D.C. Official Code § 8-1904) is amended to read as follows:

"Sec. 5. Dangerous dog and potentially dangerous dog registration requirements.

"(a) The Mayor shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes to the satisfaction of the Mayor that:

"(1) The owner of the potentially dangerous dog is 18 years of age or older;

"(2) A valid license has been issued for the potentially dangerous dog pursuant to District law;

"(3) The potentially dangerous dog has current vaccinations;

"(4) The owner has a secure enclosure, as determined by the Mayor, to confine the potentially dangerous dog;

"(5) The owner has paid an annual fee in an amount to be determined by the Mayor, in addition to regular dog licensing fees, to register the potentially dangerous dog.

"(6) The potentially dangerous dog has been spayed or neutered;

ENGROSSED ORIGINAL

"(7) The potentially dangerous dog has been implanted with a microchip 1
containing owner identification information; and 2

"(8) The owner has written permission of the property owner, if the dog owner is 3
not the property owner, and from a homeowner's association, if appropriate, to house the dog on 4
the premises where the dog will be kept. 5

"(b) The Mayor shall issue a certificate of registration to the owner of a dangerous dog if 6
the owner, in addition to satisfying the requirements for registration of a potentially dangerous 7
dog pursuant to subsection (a), establishes to the satisfaction of the Mayor that: 8

"(1) The owner of the dangerous dog has secured a policy of liability insurance 9
issued by an insurer qualified under District law in the amount of \$50,000 insuring the owner for 10
any personal injuries inflicted by the dangerous dog and containing a provision requiring the 11
District to be named as an additional insured for the sole purpose of requiring the insurance 12
company to notify the District of any cancellation, termination, or expiration of the liability 13
insurance policy; 14

"(2) The owner will maintain the dangerous dog exclusively on the owner's 15
property except for medical treatment or examination; and 16

"(3) The owner of the dangerous dog has posted on the premises a clearly visible, 17
printed warning sign that there is a dangerous dog on the property. The sign shall include a 18
conspicuous warning symbol that informs children of the presence of a dangerous dog and shall 19
be printed in type that is readable from not less than 50 feet. 20

"(c) The requirements of subsection (a) shall apply to a potentially dangerous dog for not more than 3 years." 1 2

(e) Section 6 (D.C. Official Code § 8-1905) is amended to read as follows: 3

"Sec. 6. Dangerous or potentially dangerous dog owner responsibility. 4

"It shall be unlawful to: 5

"(1) Keep a dangerous or potentially dangerous dog without a valid certificate of registration issued under section 5; 6 7

"(2) Permit a potentially dangerous dog to be outside a proper enclosure unless the potentially dangerous dog is under the control of a responsible person and restrained by a chain or leash, not exceeding 4 feet in length; 8 9 10

"(3) Fail to maintain a dangerous dog exclusively on the owner's property except for medical treatment or examination. When removed from the owner's property for medical treatment of examination, the dangerous dog shall be caged or under the control of a responsible person and muzzled and restrained with a chain or leash, not exceeding 4 feet in length. The muzzle shall be made in a manner that will not cause injury to the dangerous dog or interfere with its vision or respiration but shall prevent it from biting any human being or animal; 11 12 13 14 15 16

"(4) Fail to notify the Mayor within 24 hours if a dangerous or potentially dangerous dog is on the loose, is unconfined, has attacked another domestic animal, has attacked a human being, has died, has been sold, or has been given away. If the dangerous or potentially dangerous dog has been sold or given away the owner shall also provide the Mayor with the 17 18 19 20

ENGROSSED ORIGINAL

name, address, and telephone number of the new owner of the dangerous or potentially
dangerous dog; 1
2
"(5) Fail to maintain the liability insurance coverage in the amounts required 3
under section 5 for dangerous dogs; 4
"(6) Fail to surrender a dangerous or potentially dangerous dog to the Mayor for 5
safe confinement pending disposition of the case when there is a reason to believe that the 6
dangerous or potentially dangerous dog poses a threat to public safety; 7
"(7) Fail to comply with any special security or care requirements for a 8
dangerous or potentially dangerous dog the Mayor may establish pursuant to section 4; or 9
"(8) Remove a dangerous dog from the District without written permission from 10
the Mayor." 11
(f) Section 7 (D.C. Official Code § 8-1906(a)) is amended as follows: 12
(1) Subsection (a) is amended to read as follows: 13
"(a) An owner of a dangerous or potentially dangerous dog who violates the provisions 14
of section 6 shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine 15
not to exceed \$500 or imprisonment not to exceed 90 days, or both, for a first offense and not 16
more than \$1,000 or imprisonment not to exceed 90 days, or both, for a second offense. 17
Prosecutions for misdemeanor violations of this act pursuant to this paragraph shall be brought 18
in the Superior Court of the District of Columbia by the Office of the Attorney General for the 19
District of Columbia." 20

(2) Subsection (b) is amended by striking the phrase "dangerous dog" and inserting the phrase "dangerous or potentially dangerous dog" in its place.

Sec. 106. Section 2 of the Regulation of the Horse-Drawn Carriage Trade Act of 1990, effective March 7, 1991 (D.C. Law 8-224; D.C. Official Code § 8-2001 *et seq.*), is amended by striking the phrase "Animal Control Agency" wherever it appears and inserting the phrase "Animal Care and Control Agency" in its place.

Sec. 107. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-1001 is amended as follows:

(1) Designate existing paragraphs (1) through (6), respectively, paragraphs (2) through (7).

(2) A new paragraph (8) is added to read as follows:

"(8) The term "animal cruelty" means cruelty to an animal as defined in Section 1(a) of Chapter 106 of the Acts of the Legislative Assembly, approved August 23, 1871 (D.C. Official Code § 22-1001(a)).

(b) Section 16-1005(c) is amended as follows:

(1) The lead-in language is amended by striking the phrase "intrafamily offense, it may issue a protection order" and inserting the phrase "intrafamily offense, or animal cruelty.

(2) Paragraph (10) is amended by striking the word "or" at the end.

(3) A new paragraph (10A) is added to read as follows:

“(10A) Directing the care, custody or control of a domestic animal in the household; or”. 1
2

Sec. 108. Chapter 106 of the Acts of the Legislative Assembly, effective August 23, 1871 (D.C. Official Code § 22-1001 *et seq.*), is amended as follows: 3
4

(a) Section 1(a) (D.C. Official Code § 22-1001(a)) is amended as follows: 5

(1) Designate the existing text as paragraph (1). 6

(2) New paragraphs (2) and (3) are added to read as follows: 7

“(1) The court may order a person convicted of cruelty to animals: 8

“(A) To obtain psychological counseling, psychiatric or psychological evaluation, or to participate in an animal cruelty prevention or education program. The court may impose the costs of such program or counseling on the person convicted; 9
10
11

“(B) To forfeit any rights in the animal or animals subjected to cruelty; 12

“(C) To repay the reasonable costs incurred prior to judgment by any agency caring for the animal or animals subjected to cruelty; and 13
14

“(D) Not to own or possess an animal for a specified period of time. 15

“(2) The court may order a child adjudicated delinquent for cruelty to animals to undergo psychiatric or psychological evaluation, or to participate in appropriate treatment programs or counseling. The court may impose the costs of such program or counseling on the person convicted.”. 16
17
18
19

(b) A new section 2a is added to read as follows: 20

“Sec. 2a. Reporting requirements. 1

“(a)(1) Any law enforcement or child or protective services employee who knows of or 2
has reasonable cause to suspect an animal has been the victim of cruelty, abandonment, or 3
neglect, or observes an animal at the home of a person reasonably suspected of child, adult, or 4
animal abuse, shall provide a report within 2 business days to the Mayor. If the health and 5
welfare of the animal is in immediate danger, such report shall be made within 6 hours. 6

(2) The report shall include: 7

“(A) The name, title, and contact information of the individual making the 8
report; 9

“(B) The name and contact information, if known, of the animal owner or 10
custodian; 11

“(C) The location, along with a description, of where the animal was 12
observed; and 13

“(D) The basis for any suspicion of animal cruelty, abandonment, or 14
neglect, including the date, time, and a description of the observation or incident which led the 15
individual to make the report. 16

“(b) When 2 or more law enforcement or child or protective services employees jointly 17
suspect an animal has been the victim of cruelty, abandonment, or neglect, or jointly observe an 18
animal at the home of a person reasonably suspected of child, adult, or animal abuse, a report 19
may be made by one person by mutual agreement. 20

ENGROSSED ORIGINAL

“(c) No individual who in good faith reports a reasonable suspicion of abuse shall be liable in any civil or criminal action.”

“(d) Upon receipt of a report, any agency charged with the enforcement of animal cruelty laws shall make reasonable attempts to verify the welfare of the animal.”

“(e) For purposes of this section, the terms “reasonable cause to suspect”, “suspect”, “reasonably suspected”, and “reasonable suspicion” mean a basis for reporting facts leading a person of ordinary care and prudence to believe and entertain a reasonable suspicion that criminal activity is occurring or has occurred.

(c) Section 6a of An act to prevent cruelty to children or animals in the District of Columbia, effective June 8, 2001 (D.C. Law 13-303; D.C. Official Code § 22-1015), is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “any animal; or (5)” and insert the phrase “any animal; (5)” in its place.

(B) Strike the phrase “that act, is guilty of a felony, punishable by a fine of not more than \$25,000 or by imprisonment not to exceed 5 years, or both.” and insert the phrase “that act; or (6) any person who is knowingly present as a spectator at any such exhibition, is guilty of a felony, punishable by a fine of not more than \$25,000, imprisonment not to exceed 5 years, or both. The court may also impose any penalties listed in section 1 of Chapter 106 of the

Acts of the Legislative Assembly, approved August 23, 1871 (D.C. Official code § 22-1001(a)).” 1
in its place. 2

(2) Subsection (b) is repealed. 3

TITLE II - LICENSING REQUIREMENTS 4

Sec. 201. Commercial Animal Breeder License. 5

(a) Within 180 days of the effective date of this act, the Mayor shall establish licensure 6
requirements for commercial animal breeders in the District of Columbia which shall include: 7

(1) Licensing fees; 8

(2) Standards for the care and management of animals; and 9

(3) Facility inspection requirements. 10

(b) For purposes of this section, “commercial animal breeder” means any person, firm, 11
organization or corporation engaged in the operation of breeding and raising more than 25 12
animals per year for sale or in return for consideration. 13

Sec. 202. Commercial Pet Care Facilities; rulemaking. 14

(a) No person shall operate a commercial pet care facility without first obtaining a basic 15
business license with an Inspected Sales and Services license endorsement pursuant to Title 47 16
of the District of Columbia Official Code. The Mayor shall issue rules to establish the standards 17
for the care and management of animals in a commercial pet care facility. 18

(b) For purposes of this section, “commercial pet care facility” means a facility that 19
provides day or overnight boarding, or provides pet-related services including feeding, exercise, 20
training, bathing or grooming, but does not include an animal facility as defined in section 3(2) 21

of the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Official Code § 3-502), or a licensed pet shop.

TITLE III. RELEASE OF ANIMALS.

Sec. 301. Release of animals.

(a) No person shall release an animal from the custody or control of any entity charged with animal protection, for any purpose except adoption or to improve the opportunity for adoption, redemption by the owner of the animal, or other suitable placement in the best interest of the animal. No animals shall be knowingly released from any entity charged with animal protection for the purposes of research, experimentation, testing, or medical instruction or demonstration.

(b) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 180 days, a fine of not more than \$1,000, or both.

TITLE IV. COMMERCIAL GUARD DOGS.

Sec. 401. Definitions.

For purposes of this title, the term "commercial guard dog" means any dog trained to guard, protect, patrol, or defend any commercial premises.

Sec. 402. License; immunizations.

(a) All commercial guard dogs shall have a valid commercial guard dog license pursuant to District law. Upon issuance of a license, the Mayor issue a fluorescent guard dog identification tag, or such other tag as the Mayor determines appropriate, to be affixed to the collar or harness of the guard dog to indicate the dog is a guard dog

(b) All commercial guard dogs shall be immunized against rabies and distemper pursuant to District law, and a current and valid certificate of these immunizations shall be retained on file by the owner of the commercial guard dog.

Sec. 403. Health.

(a) All commercial guard dogs shall undergo an annual examination by a licensed veterinarian for the purpose of determining whether or not the animal is healthy and fit to work as a commercial guard dog. Upon a determination by a licensed veterinarian that a commercial guard dog is unfit to work, the dog shall not be used to guard, protect, patrol, or defend any commercial premises until the dog is re-examined by the veterinarian. Upon a determination by a licensed veterinarian that a commercial guard dog is permanently unfit to work, the dog shall be immediately retired.

(b) It shall be unlawful for any individual, business, or entity to cause, allow, use, or train commercial guard dogs that have undergone the surgical procedure of ventricular cordectomy.

Sec. 404. Insurance requirements.

An individual, business or entity that utilizes a commercial guard dog shall maintain a general liability insurance policy for bodily injury, personal injury, and property damage of not less than \$50,000 to insure against liability resulting from acts of the animal performed while on guard duty.

Sec. 405. Notification requirements.

An individual, business or entity that utilizes a commercial guard dog shall notify the

Mayor, in writing, as to the presence of the animal and shall provide contact information for the entity responsible for the animal and a 24-hour emergency telephone number.

Sec. 406. Signage.

An individual, business or entity that utilizes a commercial guard dog shall post a sign in plain view alerting the public to the presence of a commercial guard dog and shall include the name of the entity responsible for the animal and a 24-hour emergency telephone.

Sec. 407. Care of animal.

(a) A commercial guard dog shall not be maintained on any premises unless provided full access to an enclosed shelter sufficient to protect the dog from wind, rain, excessive heat or cold, and disease.

(b) A commercial guard dog shall not be maintained on any premises unless the dog is provided continuous access to sufficient food and water.

Sec. 408. Violation and penalty.

Any person found guilty of violating this title shall be subject to a penalty of \$500 for the first offense and \$1,000 for each subsequent offense.

Sec. 409. Rules.

The Mayor shall issue rules to implement the provisions of this section.

TITLE V. CLASSROOM ANIMALS.

Sec. 501. Animals kept in schools.

ENGROSSED ORIGINAL

Only animals of appropriate size and temperament suitable to a classroom environment 1
shall be introduced into the classroom. Use of such animals shall be for instructional purposes only. 2

Sec. 502. Care of classroom animals. 3

(a) Animals kept in schools shall be provided sufficient food and water, be cared for in a 4
safe and humane manner, and remain in schools during holidays only if provided adequate care. 5

(b) Animals no longer needed in the classroom should be adopted out to a suitable home 6
or given to a local humane organization for adoption. 7

TITLE VI. EMERGENCY PREPAREDNESS 8

Sec. 601. Animal emergency preparedness plan. 9

Within 90 days of the effective date of this act, the Mayor shall establish an emergency 10
preparedness plan for the protection, sheltering, and evacuation of domestic animals during and 11
following a major disaster or emergency. 12

TITLE VII. RULEMAKING 13

Sec. 701. Rulemaking. 14

The Mayor, pursuant to title 1 of the District of Columbia Administrative Procedure Act, 15
approved October 21, 1968 (82 Stat. 1204; D.C. Code § 2-501 *et seq.*), shall issue rules to 16
implement the provisions of this act. 17

TITLE VIII. FISCAL IMPACT; EFFECTIVE DATE 18

Sec. 801. Fiscal impact. 19

The Council adopts the fiscal impact statement as prepared by the Chief Financial Officer 20
as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home 21

ENGROSSED ORIGINAL

Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). 1

Sec. 802. Effective date. 2

This act shall take effect following approval by the Mayor (or in the event of veto by the 3
Mayor, action by the Council to override the veto), a 60-day period of Congressional review, as 4
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 5
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 6
Columbia Register. 7