

Petition for Rulemaking



NO KILL ADVOCACY CENTER

MARCH 19, 2015

What is the Petition asking for?



- That the Board of Agriculture and Consumer Services adopt regulations (given the authority in code section § 3.2-6501) that require...
- All public and private animal shelters in Virginia keep certain records and have those records available for inspection by the Board and the public
- Specifically asking for 15 items to be written into regulation

Request 1



- “Board should issue regulation that public and private animal shelters be required to keep records on all animals they take in”
- Already required in Code of Virginia, § 3.2-6557 (B)
 - *an animal control officer, law-enforcement officer, humane investigator or custodian of any public or private animal shelter, upon taking custody of any animal..., or any representative of a humane society, upon obtaining custody of any animal..., shall immediately make a record of the matter.*

Animal Custody Record Form

						ANIMAL CUSTODY RECORD <i>This form includes all mandated information as required by §3.1-796.105.B of the Code of Virginia.</i>	
CASE NO.		CUSTODY DATE		TIME		AM / PM	
REASON FOR CUSTODY (mark appropriate box)						LOCATION WHERE CUSTODY WAS TAKEN	
Stray	Owner Surrender	Seized	Bite Case	Transfer from other locality/facility	Other		
OWNER'S NAME & ADDRESS (if known)				ADDITIONAL INFORMATION			
Telephone:							
ANIMAL DESCRIPTION							
SPECIES	BREED	COLOR/MARKINGS	SEX	APPROX. AGE	APPROX. WEIGHT	OTHER	
ANIMAL IDENTIFICATION (complete all that apply, or indicate "none")							
CITY/COUNTY LICENSE NUMBER	RABIES TAG NUMBER	TATOO	COLLAR (Color, type, etc.)		OTHER IDENTIFICATION (specify)		
CUSTODY RECORD PREPARED BY						DATE	
SIGNATURE & TITLE							
DISPOSITION OF ANIMAL						DATE	

This form may be used by animal control officers, custodians of any pound or shelter, representatives of a humane society, or humane investigators to record and maintain the information required by §3.1-796.105.B of the Code of Virginia. This record shall be maintained for at least five years, and must be made available for public inspection upon request. Information on this form is to be summarized and submitted annually to the State Veterinarian in the prescribed format. Questions regarding the use of this form may be directed to the Office of the State Veterinarian, (804) 786-2483, P.O. Box 1163, Richmond, Virginia 23218.

Request 2 and 3



- “Record should cover when and how each animal was taken in (stray, owner surrendered, taken in at shelter, picked up in field, etc.)”
- Already required in Code Section § 3.2-6557 (B.1 & B.4)
 - ✦ *The date on which the animal was taken into custody*
 - ✦ *The reason for custody and location*

CASE NO.	CUSTODY DATE					TIME
	___ / ___ / 20__					AM / PM
REASON FOR CUSTODY (mark appropriate box)						LOCATION WHERE CUSTODY WAS TAKEN
Stray	Owner Surrender	Seized	Bite Case	Transfer from other locality/facility	Other	

Request 4



- Record should cover “why the animal was taken in (e.g., the owner did not want)”
- Already required in Code of Virginia, § 3.2-6557 (B.4)
 - *The reason for taking custody of the animal and the location where custody was taken*

CASE NO.		CUSTODY DATE	___ / ___ / 20__			TIME	AM / PM
REASON FOR CUSTODY (mark appropriate box)						LOCATION WHERE CUSTODY WAS TAKEN	
Stray	Owner Surrender	Seized	Bite Case	Transfer from other locality/facility	Other		

Request 5



- Record should include “a signed surrender form for anyone turning in an animal”
- Already required in Code of Virginia
 - § 3.2-6546 (F) – public animal shelters
 - § 3.2-6548 (A) –private animal shelters
 - *Nothing in this section shall prohibit the immediate euthanasia or disposal...of an animal that has been released to a public or private animal shelter, other releasing agency, or animal control officer by the animal’s rightful owner after the rightful owner has read and signed a statement:*
 - ✦ *(i) surrendering all property rights in such animal;*
 - ✦ *(ii) stating that no other person has a right of property in the animal;*
 - ✦ *(iii) acknowledging that the animal may be immediately euthanized or disposed of ...*

Request 6



- The Record should include “the condition of each animal on intake”
- Already required in Code of Virginia, §3.2-6557 (B.3)
 - *A description of the animal including the animal’s species, color, breed, sex, approximate age and approximate weight*
- Already required in Code of Virginia, §3.2-6503
 - Adequate care, including veterinary treatment

ANIMAL DESCRIPTION						
SPECIES	BREED	COLOR/MARKINGS	SEX	APPROX. AGE	APPROX. WEIGHT	OTHER

Request 7



- The Records should include “whether the animal had indicia of ownership”
- Already required in Code of Virginia, § 3.2-6557 (B.6)
 - *Any license or rabies tag, tattoo, collar or other identification number carried by or appearing on the animal*

ANIMAL IDENTIFICATION (complete all that apply, or indicate “none”)				
CITY/COUNTY LICENSE NUMBER	RABIES TAG NUMBER	TATOO	COLLAR (Color, type, etc.)	OTHER IDENTIFICATION (specify)

Request 8



- Record should include “what attempts were made to reunite the animal with the owner”
- Already required in Code of Virginia
 - § 3.2-6546 (C) – public animal shelters
 - § 3.2-6548 (A) – private animal shelters
 - *If the rightful owner of the animal can be readily identified, the operator or custodian of the shelter shall make a reasonable effort to notify the owner of the animal’s confinement within the next 48 hours following its confinement*
 - *Required holding period: 5 or 10 days*

OWNER'S NAME & ADDRESS (if known)	ADDITIONAL INFORMATION

Request 9



- Record should include “the kinds of care and treatment each animal received, including veterinary treatment”
- Adequate care, including veterinary care, is already required in Code of Virginia, § 3.2-6503
 - *Adequate Feed, adequate water, adequate shelter that is properly cleaned, adequate space, adequate exercise, adequate care, adequate treatment, adequate transportation, veterinary care to prevent suffering or disease transmission*
 - *The provisions of this section shall also apply to every public or private animal shelter...*
- Veterinary records can be viewed by the VDACS shelter inspector
- Release of veterinary records is overseen by the Virginia Department of Health Professions

Request 10 and 11



- Record should include “disposition of each animal, and if the animal was killed, when...”
- Already required in Code of Virginia, §3.2-6557 (B.7)
 - *The disposition of each animal.*

DISPOSITION OF ANIMAL	DATE

- When an animal is humanely euthanized, record keeping is already required in Pharmacy laws, § 54.1-3423 and regulation 18VAC110-20-580

Request 12 and 13



- “Those records should also be kept for a minimum of five years and be available to the Board and the public for... inspection on request”
- Already required in Code of Virginia, §3.2-6557 (B)
 - *Records required by this subsection shall be maintained for at least five years, and shall be available for public inspection upon request. A summary of such records shall be submitted annually to the State Veterinarian in a format prescribed by him.*
- VDACS Shelter inspector inspects every public and private animal shelter annually and examines records for compliance
 - If violations are found during inspection, penalties are assessed using the Board approved Civil Penalty Matrix

Request 14



- “Those records should also be kept for a minimum of five years and be available to the Board and the public for free public inspection on request”
- Already required to be available
- Virginia Freedom of Information Act, §2.2-3704 (F), authorizes public bodies to *make reasonable charges not to exceed actual cost incurred*

Request 15



- Record should include that “if the animal was killed,...why the animal was killed”
- Not required as part of identifying the lawful disposition, which, per:
 - § 3.2-6546 (C & D) – public animal shelters
 - § 3.2-6548 (A) – private animal shelters
- **Include:**
 - Return to owner
 - Euthanasia
 - Adoption
 - Transfer to other releasing agency

Public Comment Summary



Received over 638 comments via the Town Hall website, Email and letters

Subjective process, but attempted to summarize

Multiple comments submitted by the same person were counted only once

Support the Petition	Oppose the Petition	Other* (position unclear or comment unrelated)
210 33%	146 23%	282 44%

*Many of the other comments focused on the following:

- “No Kill” shelters
- Senate Bill 1381
- Close PETA shelter

Public Comment from Organizations

Support

- Virginia Federation of Humane Societies
- Animal Rights of NOVA
- Wisconsin Voters for Companion Animals
- The Animal Advocacy Project
- Homes Fur Hounds, Inc.
- Giles County Spay/Neuter Program

Opposition

- Virginia Association of Counties
- Virginia Municipal League
- Virginia Animal Control Association
- Virginia Alliance for Animal Shelters
- Campbell County Board of Supervisors
- Animal Control Services: (7)
 - Cities: Chesapeake, Portsmouth, Salem
 - Counties: Campbell, Halifax, Isle of Wight, Pittsylvania
- Public Animal Shelters: (3)
 - Norfolk Animal Care Center, Rockingham/Harrisonburg SPCA, Shenandoah County Animal Shelter
- Private Animal Shelters: (4)
 - Bristol Humane Society, Danville Area Humane Society, Norfolk SPCA, VA Beach SPCA Wildlife