

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

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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 of certain physical abuse of children 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 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 and dangerous dogs, to establish registration requirements for potentially dangerous and dangerous dogs, and to set forth potentially dangerous and 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 Chapter 10 of 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, and to require the Mayor to establish by rulemaking a notice and hearing process for an owner to contest the seizure, detention, and terms of release and treatment of an animal; to amend An act to prevent cruelty to children or animals in the District of Columbia, and for other purposes 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 act may be cited as the "Animal Protection Amendment Act of 2008".

TITLE I. OMNIBUS ANIMAL WELFARE AMENDMENTS

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

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

Amend
§ 3-510

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

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

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

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

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

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

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

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

"Sec. 13b. Issuance of animal license; collection of fees.

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

Sec. 102. Section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), is amended as follows:

Amend
§ 4-1321.02

(a) Subsection (b) is amended by striking the phrase "law-enforcement officer," and inserting the phrase "law-enforcement officer, humane officer of any agency charged with the

enforcement of animal cruelty laws,” in its place.

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

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

Amend
§ 7-1903

Sec. 104. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1801 *et seq.*), is amended as follows:

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

Amend
§ 8-1801

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

(1) The heading is amended to read as follows:

Amend
§ 8-1802

“Sec. 3. Animal Care and Control Agency.”

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

(3) Subsection (b) is amended to read as follows:

“(b) The Animal Care and Control Agency shall:

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

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

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

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

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

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

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

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

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

Amend
§ 8-1804

(1) Subsection (d) is repealed

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

“(e) The annual license fees for dogs is as follows:

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

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

“(3) \$50 for all other dogs.”

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

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

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

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

(5) New subsections (i) and (j) are added to read as follows:

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

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

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

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

“(B) All funds contained within the Animal Control Dog License Fees Fund within the Department of Health.

“(4) Funds deposited in the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in paragraph (1) of this subsection without regard to fiscal year limitation, subject to authorization by Congress.

“(j)(1) There is established as a nonlapsing fund the Sterilization Fund (“Fund”), which shall be used solely for the purposes set forth in subsection (d) of this section.

“(2) Deposits into the Fund shall include:

“(A) Two dollars from each fee paid for the application, issuance, or renewal of a dog license;

“(B) Funds authorized by an act of Congress, a reprogramming, or an intra-District transfer to be deposited into the Fund;

“(C) Any other monies designated by law or regulation to be deposited

into the Fund;

“(D) Interest on money deposited in the Fund.

“(3) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (d) of this section without regard to fiscal year limitation, subject to authorization by Congress.

“(4)(A) Monies in the Fund shall be used to subsidize sterilization of cats and dogs owned by persons within the District of Columbia.

“(B) The Mayor may issue grants to appropriate animal welfare organizations that are experienced in subsidized sterilization efforts.”.

Amend
§ 8-1805

(d) Section 6 (D.C. Official Code § 8-1805) is amended as follows:

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

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

(2) Subsection (b) is amended by striking the phrase “impounded animal.” and inserting the phrase “impounded animal, including scanning the animal for a microchip.” in its place.

Amend
§ 8-1808

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

(1) Subsection (h)(2) is amended by striking the phrase “museum, or educational institution for educational, medical, scientific, or exhibition purposes” and inserting the phrase “or museum for exhibition purposes” in its place.

(2) A new subsection (k) is added to read as follows:

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

Amend
§ 8-1809

(f) Section 10 (D.C. Official Code § 8-1809) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "5 or more" and inserting the phrase "7 or more" in its place.

(2) Subsection (b) is amended by striking the phrase "5 or more" both times it appears and inserting the phrase "7 or more" in its place.

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

"(1) An owner unless the owner has obtained the necessary animal licenses as required by law;".

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

Amend
§ 8-1901

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

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) (A) “Dangerous dog” means any dog that without provocation:

“(i) Causes a serious injury to a person or domestic animal; or

“(ii) Engages in behavior described in paragraph (4)(A)(i) of this section subsequent to having been determined to be a potentially dangerous dog pursuant to section 3.

“(B) The term “dangerous dog” shall not include dogs used by law enforcement officials when the dog is being used for legitimate law enforcement purposes.

“(2) “Impound” means taken into the custody of the Mayor.

“(3) “Owner” means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

“(4)(A) “Potentially dangerous dog” means any dog that:

“(i) Without provocation, chases or menaces a person or domestic animal in an aggressive manner, causing an injury to a person or domestic animal that is less severe than a serious injury;

“(ii) In a menacing manner, approaches without provocation any person or domestic animal as if to attack, or has demonstrated a propensity to attack without provocation or otherwise to endanger the safety of human beings or domestic animals; or

“(iii) Is running at-large and has been impounded by an animal control agency 3 or more times in the District within any 12-month period.

“(B) The term “potentially dangerous dog” shall not include dogs used by law enforcement officials when the dog is being used for legitimate law enforcement purposes.

“(5) “Proper enclosure” means secure confinement indoors or secure confinement outdoors in a locked structure designed and constructed to:

“(A) Deter escape of the dog;

“(B) Protect the dog from the elements; and

“(C) Prevent contact with the dog from humans and other domestic animals.

“(6) “Serious injury” means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.”

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

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

“(a) The Mayor is authorized to conduct an investigation and make a determination as to whether a dog is a potentially dangerous or dangerous dog. In determining whether a dog is a potentially dangerous or dangerous dog, the Mayor shall consider all evidence obtained or presented to the Mayor relevant to the issue of whether the dog’s behavior was the result of provocation or otherwise justified under the circumstances.

“(b)(1) A dog shall not be determined to be a potentially dangerous or dangerous dog if the dog injured:

Amend
§ 8-1902

“(A) A person who, at the time of injury, was committing a willful trespass upon the premises lawfully occupied by the owner;

“(B) A person who, at the time of injury, was provoking, tormenting, abusing, or assaulting the dog or has repeatedly, in the past, provoked, tormented, abused, or assaulted the dog;

“(C) A person or domestic animal because, at the time of injury, the dog was responding to injury, or was protecting itself or its offspring; or

“(D) A person or domestic animal because, at the time of injury, the dog was protecting or defending a human being within the immediate vicinity of the dog from an attack or assault.

“(2) The burden of proof on establishing that the dog falls into one of the categories described in paragraph (1) of this subsection is on the owner.

“(c) The Mayor shall provide notice of the determination to the owner by personal service, posting, or prepaid mail. The owner may contest the determination and request a hearing by filing a written appeal within 15 business days of the date the notice of determination is served, posted, or mailed. The Mayor shall provide reasonable notice of the hearing to the owner.

“(d)(1) If the Mayor has probable cause to believe a dog is a potentially dangerous or dangerous dog and may pose a threat to public safety, the Mayor, after providing notice to the owner of the probable cause determination, may obtain a search warrant pursuant to Rule 204 of the Superior Court of the District of Columbia Rules of Civil Procedure and impound the dog pending final disposition of the case.

“(2) The owner shall be liable to the District for the costs and expenses of the impoundment of the dog unless the dog is determined to be neither a potentially dangerous or dangerous dog. If a dog is determined to be a potentially dangerous or dangerous dog, the owner, prior to reclaiming the dog in accordance with section 4, shall reimburse the animal control agency its costs and expenses for the care of the dogs while in the animal control agency's custody plus any reasonable veterinary fees incurred for the dog during the period of impoundment. An owner's failure to pay the costs and expenses within 5 days of a final determination shall result in ownership of the dog reverting to the animal control agency.

“(e)(1) The hearing shall be held not less than 5, and not more than 10 days, excluding holidays, Saturdays, and Sundays, after service of notice of the hearing upon the 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 potentially dangerous or dangerous dog, including evidence of provocation or justification pursuant to section 3(b), 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 regardless of whether the owner appears at the hearing.

“(f) Within 5 days after the hearing, the Mayor shall notify the owner in writing of the determination of the hearing officer.

“(g)(1) Within 5 days of the issuance of an order by the hearing officer determining that

the dog is a potentially dangerous or dangerous dog, the owner may bring a petition in the Superior Court of the District of Columbia seeking review of the determination.

“(2) A court order vacating the determination shall not prevent the Mayor from later determining that the dog is a potentially dangerous or dangerous dog or poses a threat to public safety, based upon the dog’s subsequent behavior.”.

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

Amend § 8-1903

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

“(a) If the Mayor determines that a dog is a potentially dangerous or dangerous dog, the owner shall comply with the requirements of sections 5 and 6 and any other special security or care requirements the Mayor may establish.

“(b) If a potentially dangerous or dangerous dog has been impounded and determined to pose a threat to public safety, the Mayor may only return the dog to its owner if the owner has:

”(1) Met the registration requirements of section 5;

”(2) Agreed to comply with the requirements of section 6, where necessary; and

”(3) Met or agreed to comply with any additional security or care requirements established by the Mayor.

“(c) The Mayor may humanely destroy a dog if:

“(1) The dog has been determined to be a threat to public safety if it is returned to the owner;

“(2) The owner fails to comply with the registration requirements of section 5, the requirements of section 6, or any special security or care requirements established by the Mayor;

“(3) The owner fails to reimburse the animal control agency for the costs and expenses of the dog’s impoundment as required by section 3(d)(2); or

“(4) The owner forfeits the dog for humane destruction.”.

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

Amend § 8-1904

“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 proper 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;

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

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

“(b) The Mayor shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to satisfying the requirements for registration of a potentially dangerous dog pursuant to subsection (a) of this section, establishes to the satisfaction of the Mayor that the owner of the dangerous dog has posted on the premises a clearly visible, printed warning sign, in type that is readable from not less than 50 feet, that there is a dangerous dog on the property, and that includes a conspicuous warning symbol that informs children of the presence of a dangerous dog.”.

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

**Amend
§ 8-1905**

“Sec. 6. Dangerous dog and potentially dangerous dog owner responsibilities.

“It shall be unlawful to:

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

“(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;

“(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 or 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;

“(4) Fail to notify the Mayor within 24 hours if a potentially dangerous or 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 potentially dangerous or dangerous dog has been sold or given away, the owner shall also provide the Mayor with the name, address, and telephone number of the new owner of the potentially dangerous or dangerous dog;

“(5) Fail to surrender a potentially dangerous or dangerous dog to the Mayor for safe confinement pending disposition of the case when there is a reason to believe that the potentially dangerous or dangerous dog poses a threat to public safety;

“(6) Fail to comply with any special security or care requirements for a potentially dangerous or dangerous dog the Mayor may establish pursuant to section 4; or

“(7) Remove a dangerous dog from the District without written permission from the Mayor.”.

(f) Section 7 (D.C. Official Code § 8-1906) is amended as follows:

**Amend
§ 8-1906**

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

“(a) An owner of a dangerous or potentially dangerous dog who violates the provisions of sections 5 or 6 shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not to exceed \$500, imprisonment not to exceed 90 days, or both for a first offense, and a fine not to exceed \$1,000, imprisonment not to exceed 90 days, or both for a second or subsequent offense. Prosecutions for violations of sections 5 or 6 pursuant to this subsection shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Office of the Attorney General for the District of Columbia.”.

(2) Subsection (b) is amended by striking the phrase “dangerous dog” and inserting the phrase “potentially dangerous or 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. Chapter 10 of 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) as paragraphs (2) through (7).

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

“(1) The term “animal cruelty” means cruelty to an animal as defined in § 22-1001(a)).

Amend § 16-1001

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

(1) The lead-in language is amended by striking the phrase “intrafamily offense,” and inserting the phrase “intrafamily offense, or animal cruelty,” in its place.

(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”.

Amend § 16-1005

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

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

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

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

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

“(A) To obtain psychological counseling, psychiatric or psychological evaluation, or to participate in an animal cruelty prevention or education program, and may impose the costs of the program or counseling on the person convicted;

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

Amend § 22-1001

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

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

“(3) 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, and may impose the costs of the program or counseling on the person adjudicated delinquent.”.

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

“Sec. 2a. Reporting requirements.

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

“(2) The report shall include:

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

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

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

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

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

“(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 the 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 4 (D.C. Official Code § 22-1004) is amended by adding a new subsection (c) to read as follows:

“(c)(1) The Mayor shall establish by rulemaking a notice and hearing process for the owner of the animal to contest the seizure, detention, and terms of release and treatment of the animal, the allegation of cruelty, abandonment, or neglect, and the imposition of the lien and

costs assessed for caring and providing for the animal.

“(2) Within 30 days of the effective date of the Animal Protection Amendment Act of 2008, passed on 2nd reading on July 15, 2008 (Enrolled version of Bill 17-89), the proposed rules shall be submitted to the Council for a 45-day period of review, excluding weekends, legal holidays, and days of Council recess. If the Council does not approve or disapprove of the proposed rules, by resolution, within the 45-day review period, the rules shall be deemed approved.”.

Amend
§ 22-1015

Sec. 109. Section 6a of An act to prevent cruelty to children or animals in the District of Columbia, and for other purposes, 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(a) of Chapter 106 of the Acts of the Legislative Assembly, approved August 23, 1871 (D.C. Official Code § 22-1001(a)).” in its place.

(2) Subsection (b) is repealed.

TITLE II - LICENSING REQUIREMENTS

Sec. 201. Commercial animal breeder license.

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

- (1) Licensing fees;
- (2) Standards for the care and management of animals; and
- (3) Facility inspection requirements.

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

Sec. 202. Commercial pet care facilities; rulemaking.

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

(b) For the purposes of this section, the term “commercial pet care facility” means a facility that provides day or overnight boarding, or provides pet-related services, including

feeding, exercise, training, bathing, or grooming, but does not include an animal facility as defined in section 3(2) 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 the 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 issued pursuant to District law. Upon issuance of a license, the Mayor shall 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 commercial guard dog to indicate the dog is a commercial 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 commercial guard dog shall not be maintained on any premises unless the dog is provided:

- (1) Full access to an enclosed shelter sufficient to protect the dog from wind, rain, excessive heat or cold, and disease; and
- (2) 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.

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

Sec. 502. Care of classroom animals.

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

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

TITLE VI. EMERGENCY PREPAREDNESS

Sec. 601. Animal emergency preparedness plan.

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

TITLE VII. RULEMAKING

Sec. 701. Rulemaking.

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

TITLE VIII. FISCAL IMPACT; EFFECTIVE DATE

Sec. 801. Fiscal impact statement.

The Council adopts the July 11, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 802. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review, as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia