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DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 280

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO ANIMALS HELD IN SHELTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 80, Title 3 of the Delaware Code by removing the words "Humane Killing of" in the
2 chapter title.

3 Section 2. Amend Chapter 80, Title 3 of the Delaware Code by deleting §8001 through §8003 and inserting in lieu
4 thereof the following:

5 "§8001. Definitions.

6 For purposes of this Chapter:

7 (a) 'Animal shelter' means a public or private facility which includes a physical structure that provides temporary or
8 permanent shelter to stray, abandoned, abused, or owner-surrendered animals and that is operated, owned, or
9 maintained by a duly incorporated humane society, animal welfare society, or other nonprofit organization for the
10 purpose of providing for and promoting the welfare, protection, and humane treatment of animals. 'Animal
11 shelter' shall not include individuals providing temporary foster care to animals in their home or to animal rescue
12 groups sheltering animals in an individual's private residence.

13 (b) 'Licensed veterinarian' means a veterinarian licensed to practice veterinary medicine pursuant to Title 24 of the
14 Delaware Code.

15 §8002. Shelter Care and Treatment.

16 (a) Animal shelters shall be advised by a licensed veterinarian and shall adhere to a written veterinary care
17 protocol developed with a licensed veterinarian, which protocol shall include appropriate evaluation and
18 testing of newly impounded animals, disease control and prevention, and adequate veterinary care. The
19 protocol shall be updated as needed.

20 (b) Animal shelters shall vaccinate all dogs and cats against distemper/parvo and all dogs against kennel cough
21 before or upon entering the shelter or holding facility to reduce the spread of disease. Such vaccinations must

22 be administered as soon as possible and no more than 8 hours after entering the shelter. This provision shall
23 not apply to animals in quarantine for rabies observation or to animals having injuries, illness or temperament
24 that make administration of the vaccinations unsafe.

25 (c) Animal shelters shall ensure that all animals have a health exam by a licensed veterinarian within 72 hours of
26 entering the shelter. This examination may also be performed by a licensed veterinary technician who has
27 been certified by the licensed veterinarian advising the shelter as proficient to perform a health exam.

28 (d) Animal shelters shall ensure that animals requiring veterinary care are seen by a licensed veterinarian within a
29 reasonable amount of time based on the condition of the animal, and that urgent medical care is provided as
30 needed. Animal shelters shall comply with treatment plans developed by a licensed veterinarian for animals
31 at the shelter requiring treatment.

32 (e) Animal shelters shall include a designated treatment area and isolation and/or quarantine areas. Animals
33 suspected of carrying a contagious deadly disease will be moved to isolation or quarantine and remain there
34 until they are no longer a threat to susceptible animals.

35 §8003. Animal Adoption, Recovery, and Rehabilitation.

36 (a) Animal shelters shall be open to the public after normal business hours, including evenings and weekends, to
37 increase access for the purpose of adoption.

38 (b) Animal shelters shall provide a minimum holding period of 72 hours for animals in their care, to allow
39 reclamation by their owners. If an adoptable animal is not reclaimed, the animal may be transferred to another
40 animal shelter or rescue for adoption, or adopted as a companion in a suitable home. This holding period
41 required by this subsection shall not apply to owner-surrendered animals or other cases in which the owner of
42 the animal is known. Wild animals may be disposed of by rehabilitation to their natural habitat.

43 (c) Animal recovery.

44 (i) Animal shelters shall take appropriate action to ensure that all animals brought to the shelter are
45 checked for all currently acceptable methods of identification, including microchips, identification
46 tags, tattoos, and licenses.

47 (ii) Animal shelters shall maintain updated lists of animals reported lost, and attempt to match these lost
48 reports with animals reported found and animals in the shelter, and shall also post all stray animals
49 on the Internet with sufficient detail to allow them to be recognized and claimed by their owners.

50 (iii) If a possible owner is identified, the animal shelter shall make every reasonable attempt to reunite the
51 animal with its owner. Upon the owner's or caretaker's initiative of recovery procedures, the animal

52 shelter shall retain custody of the animal for a five day period to allow for completion of the recovery
53 process. The owner or custodian of the animal may be held responsible for reasonable housing and
54 boarding costs once the owner or custodian has been notified of the animal's location, provided that
55 the owner or custodian has been advised of such costs prior to the costs being incurred.

56 (d) Animal shelters shall establish and maintain a registry of organizations willing to accept animals for the
57 purpose of adoption, including breed specific rescues, or to provide the animals with long-term placements.
58 The registry shall include the types and breeds of animals about which the organization wishes to be
59 contacted. Animal shelters shall have the right to inspect the facilities of any adoption organization taking
60 animals from the shelter.

61 (e) Animal shelters shall make best efforts to prioritize acceptance of animals from within the State of Delaware
62 before accepting dog or cat intakes from outside of Delaware. Animals accepted from shelters outside the
63 State of Delaware must have a current health certification.”

64 Section 3. Amend Chapter 80, Title 3 of the Delaware Code by deleting §8006, renumbering §8004 and §8005 as
65 §8005 and §8006 respectively, and by inserting a new §8004 to read as follows:

66 “§8004. Euthanasia in Animal Shelters.

67 (a) Any dog, cat or other animal held by or in the custody of an animal shelter and not adopted, transferred to
68 another shelter or animal rescue group, or reclaimed by the owner within 5 days may be euthanized, provided
69 that no reasonable alternatives are available and the requirements of subsections (b) and (c) are met.

70 (b) Animal shelters shall ensure that the following conditions are met before an animal is euthanized:

71 (i) The holding period for the animal required by this chapter is expired;

72 (ii) There are no empty cages, kennels, or other living environments in the shelter that are suitable for the
73 animal;

74 (iii) The animal cannot share a cage or kennel with appropriately sized primary living space with another
75 animal;

76 (iv) A foster home is not available;

77 (v) Organizations on the registry developed pursuant to §8003(d) are not willing to accept the animal;
78 and

79 (vi) The animal care/control manager certifies that the above conditions are met and that he/she has no
80 other reasonable alternative.

81 (c) Notwithstanding any other provisions of this chapter to the contrary, an animal may be euthanized immediately if
82 necessary to alleviate undue suffering or to protect shelter staff and/or other sheltered animals from an animal's
83 severe aggression or contagious deadly health condition. The determination of whether euthanasia is necessary
84 pursuant to this subsection shall be made by a licensed veterinarian or, in cases of extreme emergency occurring
85 after regular business hours in circumstances under which a licensed veterinarian is not available, by other
86 appropriately trained staff.

87 (d) Euthanasia Method and Procedure.

88 (i) The Department shall promulgate regulations regarding acceptable methods of euthanasia and
89 regarding sanitation and ventilation of euthanasia areas. The methods included shall be approved or
90 conditionally approved by the most recent AVMA Guidelines on Euthanasia.

91 (ii) Any animal shelter performing euthanasia shall have a current policy and procedure manual
92 regarding euthanasia. The policy and procedure manual shall set forth the shelter's equipment,
93 process, and the procedures for individual separation of animals.

94 (iii) Euthanasia must be performed by:

95 (a) A licensed veterinarian;

96 (b) A nationally certified euthanasia technician; or

97 (c) A person certified by a licensed veterinarian, after passing both a written and practical
98 examination, as proficient to perform euthanasia. Training and certification requirements may
99 be established by regulation.

100 (iv) Following their injection, animals shall be lowered to the surface on which they are being held and
101 shall not be permitted to drop or otherwise collapse without support.

102 (v) The trained staff member performing the euthanasia shall remain in attendance between the time
103 procedures to euthanize the animal are commenced and the time death occurs, and shall verify death
104 has occurred using methods to be determined by regulation.”

105 Section 4. Amend the newly designated §8006, Chapter 80, Title 3 of the Delaware Code by deleting the phrase,
106 “Use of decompression chamber to be prohibited;” in the title thereof, and by deleting subsection (a) and redesignating the
107 remaining subsections accordingly.

108 Section 5. Amend the newly designated §8006(a), Chapter 80, Title 3 of the Delaware Code by deleting the
109 phrase “with this chapter for” and inserting in its place the phrase “with §8004(d) regarding”.

110 Section 6. Amend the newly designated §8006(b), Chapter 80 of Title 3 of the Delaware Code by inserting the
111 phrase “of §8004(d)” at the end of the first sentence and by deleting the phrase “this chapter” in the second sentence and
112 replacing it with the phrase “§8004(d)”.

113 Section 7. Amend Chapter 80, Title 3 of the Delaware Code by adding a new §8007 to read as follows:

114 “§8007. Record Keeping and Reporting.

115 Animal shelters shall maintain records regarding the following information:

- 116 (a) Intake rate;
- 117 (b) Euthanasia rate including age (infant, juvenile, and adult), by animal;
- 118 (c) Number of adoptions;
- 119 (d) Number reclaimed by owner;
- 120 (e) Number transferred to other agencies for adoption;
- 121 (f) Number of spay/neuters;
- 122 (g) Number of animals in the shelter;
- 123 (h) Records showing the number of animals that died or were lost/stolen;
- 124 (i) Records showing compliance with vaccination requirements; and
- 125 (j) Records regarding medical treatment provided.

126 The information in subsections (a) through (g) shall be posted to the shelter’s website on a quarterly basis. The
127 information in subsections (h), (i) and (j) shall be made available upon request by appropriate authorities.”

128 Section 8. The provisions of Chapter 80, Title 3, §8002(a) and §8004(d)(ii) shall take effect on January 1, 2011.

SYNOPSIS

This bill establishes health, adoption, and record keeping requirements for animal shelters operating in Delaware and updates the euthanasia provisions applying to shelters.

Author: Senator Blevins