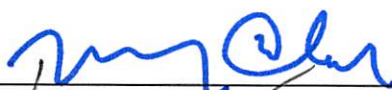



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2 Councilmember Mary Cheh

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4 Councilmember Vincent C. Gray



Councilmember Brandon T. Todd

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8 A BILL

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13 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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18 To amend, on an emergency basis, the Animal Control Act of 1979 to clarify what
19 constitutes the proper treatment of animals, update prohibited behaviors toward
20 animals, and update penalties for violating provisions of the act.

21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

22 That this act may be cited as the "Standard of Care for Animals Emergency Amendment
23 Act of 2017".

24 Sec. 2. The Animal Control Act of 1979, effective October 18, 1979 (D.C. Law
25 3-30; D.C. Official Code § 8-1801 *et seq.*), is amended as follows:

26 (a) Section 2 (D.C. Official Code § 8-1801) is amended to read as follows:

27 "For the purposes of this act, the term:

28 "(1) "Abandon" means to desert, forsake, or give up an animal without
29 having secured another owner or custodian for the animal or having transferred the
30 animal to the Animal Care and Control Agency.

31 "(2) "Adequate care" means the responsible practice of good animal
32 husbandry, handling, management, confinement, protection, transportation, treatment,
33 and, when necessary, euthanasia, appropriate for the age, species, condition, size, and

34 type of the animal and the provision of veterinary care when needed to prevent suffering,
35 impairment of health, or the treatment of illness or injury.

36 “(3) “Adequate feed” means the provision of and access to food that is
37 sufficient in quantity, prepared and provided in a manner so that an animal can consume
38 it, and provided in a manner sanitary for the animal.

39 “(4)(A) “Adequate shelter” means the provision of and access to shelter
40 that is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight,
41 the adverse effects of heat or cold, and physical suffering.

42 “(B) For dogs confined outside, when the temperature is at or
43 below 40 degrees Fahrenheit, “adequate shelter” shall additionally mean that a dog has
44 access to a shelter large enough for the dog to stand up and turn around, has an entrance
45 covered by a flexible wind-proofing material or self-closing door, contains a platform for
46 the dog at least 4 inches off the ground, and contains dry bedding, which must consist of
47 an insulating material that does not retain moisture, such as straw, of sufficient depth for
48 the dog to burrow. When the temperature is at or above 80 degrees Fahrenheit, “adequate
49 shelter” shall additionally mean that a dog has access to a shelter shaded by trees, a tarp,
50 or a tarp-like device.

51 “(5)(A) “Adequate space” means sufficient space to allow each animal to
52 easily stand, sit, lie, turn, and make all other normal body movements in a comfortable,
53 normal position for the animal, while allowing the animal to interact safely with other
54 animals.

55 “(B) Where freedom of movement would endanger the animal,
56 temporarily and appropriately restricting movement of the animal according to veterinary

57 standards for the species is considered provision of “adequate space”.

58 “(6) “Adequate water” means the provision of and access to clean, fresh,
59 potable water, provided in a suitable manner for proper hydration for the age, species,
60 condition, size, and type of each animal.

61 “(7) “Animal Care and Control Agency” means the District of Columbia
62 humane organization the Mayor contracts with to manage animal care and control.

63 “(8) “Animal shelter” means a privately- or government-owned facility
64 established for the impoundment of stray, diseased, dangerous, sick, injured, abused,
65 neglected, unwanted, abandoned, orphaned, lost, or otherwise displaced animals, with the
66 intent to care for, quarantine, return to an owner, adopt out, or euthanize the animals.

67 “(9)(A) “At large” means any animal found off the premises of its owner
68 or custodian and not leashed, tethered, or otherwise under adequate means of physical
69 control of a person capable of physically restraining it.

70 “(B) The term “at large” shall not include a dog in a dog park that
71 is under the verbal command of the dog’s owner or custodian.

72 “(C) The term “at large” shall not include cats.

73 “(10) “Custodian” means a person who has assumed responsibility for the
74 care and well-being of an animal in place of the animal’s owner with the owner’s
75 knowledge and permission.

76 “(11) “Dangerous animal” means an animal that because of specific
77 training or demonstrated behavior threatens the health or safety of the public. The term
78 “dangerous animal” shall not include a dangerous dog as defined in section 2(1) of the
79 Dangerous Dog Amendment Act of 1988, effective October 18, 1988 (D.C. Law 7-176;

80 D.C. Official Code § 8-1901(1)).

81 “(12) “District-operated parkland” means outdoor property under the
82 control of the government of the District of Columbia.

83 “(13) “Dog park” means an officially established off-leash dog exercise
84 area on District-operated parkland.

85 “(14) “Extreme weather” means temperatures below 32 degrees
86 Fahrenheit or above 90 degrees Fahrenheit.

87 “(15) “Leash” means a line held by a person on one end that is for leading
88 or restraining an animal.

89 “(16) “Mayor” means the Mayor of the District of Columbia or his or her
90 designee.

91 “(17) “Owner” means a person in the District of Columbia who purchases
92 or keeps an animal in temporary or permanent custody except as provided in section 5.

93 “(18) “Tether” means a line connected to a stationary object by which an
94 animal is fastened so as to restrict its range of movement.

95 “(19) “Unattended” means that no owner or custodian of an animal is in a
96 position to check on and provide care to the animal.

97 “(20) “Vaccinated” means protected by a documented inoculation that the
98 Mayor, consistent with the practices of veterinary medicine, determines is currently
99 effective.”.

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

101 “Sec. 2a. Prohibition on at large animals.

102 “(a)(1) An owner or custodian of an animal shall not allow the animal to go at

103 large. An animal shall be on a leash, tether, or under other means of adequate physical
104 control at all times the animal is not on a premises where the animal is permitted to freely
105 roam.

106 “(2) An animal shall be presumed to be at large when the animal destroys
107 or damages any property, attacks a person or other animal, becomes a nuisance, or strays
108 onto the private property of another.

109 “(b) If a dog injures a person while at large, lack of knowledge of the dog’s
110 vicious propensity standing alone shall not absolve the owner from a finding of
111 negligence.”.

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

113 “Sec. 2b. Animals left in vehicles.

114 “(a) An owner or custodian shall not leave an animal in a parked vehicle in such a
115 way as to endanger the animal’s health, safety, or welfare.

116 “(b) After making a reasonable attempt to contact the owner or custodian, an
117 animal control officer, firefighter, or law enforcement officer may use reasonable force to
118 remove the animal from the vehicle whenever it appears that its health is endangered;
119 provided, that no attempt to contact the owner or custodian is required if the animal is in
120 immediate danger or appears in distress.

121 “(c) Following an animal’s removal from a vehicle by an animal control officer,
122 firefighter, or law enforcement officer, the animal shall be impounded and medical care
123 shall be sought if needed. A written notice shall be left attached to the vehicle identifying
124 the responding animal control officer, firefighter, or law enforcement officer, and giving
125 his or her information, including a phone number, time, date, and location of where the

126 animal is being held.

127 “(d)(1) Any person found in violation of this section shall be responsible for all
128 expenses incurred by the District in the care, medical treatment, and impound cost of the
129 animal.

130 “(2) The District shall not be responsible for the:

131 “(A) Injury or death to an animal due to an animal control
132 officer’s, firefighter’s, or law enforcement officer’s action or inaction in rescuing it
133 pursuant to this section; and

134 “(B) Cost of any damage to a vehicle in the removal of an animal
135 by an animal control officer, firefighter, or law enforcement officer pursuant to this
136 section.”.

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

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

139 “(a) The Mayor may contract, either by negotiation or competitive bid, with a
140 District of Columbia humane organization to manage the Animal Care and Control
141 Agency. The Mayor may delegate all or part of his or her authority under this act,
142 including the issuance of notices of violations and the collection of fines, to the Animal
143 Care and Control Agency.”.

144 (2) Subsection (b) is amended as follows:

145 (A) Paragraph (1) is amended by striking the phrase “Deliver all”
146 and inserting the phrase “Issue fines and citations for violations of this act and deliver
147 all” in its place.

148 (B) New paragraphs (5) and (6) are added to read as follows:

149 “(5) Respond to all animal calls and emergencies in the District of
150 Columbia; and

151 “(6) Any other duties the Mayor designates that are consistent with the
152 provisions of this act.”.

153 (e) Section 4(b) (D.C. Official Code § 8-1803(b)) is amended to read as follows:

154 “(b) The Mayor shall provide a free rabies vaccination clinic at least annually.”.

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

156 (1) Subsection (b) is amended by striking the phrase “his dog wears a
157 collar” and inserting the phrase “his or her dog wears a collar or harness” in its place.

158 (2) Subsection (e-1) is amended to read as follows:

159 “(e-1) \$2 of each fee collected pursuant to subsection (e) of this section shall be
160 deposited into the Animal Education and Outreach Fund, established in section 5a.

161 Remaining money from the fees collected shall be deposited in the General Fund of the
162 District of Columbia.”.

163 (3) Subsection (j) is repealed.

164 (g) A new section 5a is added to read as follows:

165 “Sec. 5a. Animal education and outreach fund.

166 “(a) There is established as a special fund the Animal Education and Outreach
167 Fund (“Fund”), which shall be utilized by the Animal Care and Control Agency in
168 accordance with subsection (c) of this section.

169 “(b) Revenue deposited into the Fund shall come from \$2 of each fee paid for the
170 application, issuance, or renewal of a dog license pursuant to section 5(e-1);

171 “(c) Money in the Fund shall be used for the following purposes:

172 “(1) Implementing an educational program for animal owners regarding
173 pet care and safety, specifically in extreme weather conditions or emergencies, and on the
174 laws related to pet ownership;

175 “(2) Spaying and neutering cats and dogs; and

176 “(3) Appropriate overhead and administrative expenses related to the
177 Fund.

178 “(d)(1) The money deposited into the Fund shall not revert to the unassigned fund
179 balance of the General Fund of the District of Columbia at the end of a fiscal year, or at
180 any other time.

181 “(2) Subject to authorization in an approved budget and financial plan, any
182 funds appropriated in the Fund shall be continually available without regard to fiscal year
183 limitation.”.

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

185 (1) Subsection (f) is amended by striking the phrase “District of
186 Columbia” and inserting the phrase “the Animal Care and Control Agency” in its place.

187 (2) Subsection (g) is amended to read as follows:

188 “(g)(1) The Mayor shall not release an animal that has not received a rabies
189 vaccination in accordance with the Centers for Disease Control and Prevention’s rabies
190 vaccination schedule.

191 “(2) Paragraph (1) of this subsection shall not apply to puppies or kittens
192 under 4 months of age.”.

193 (i) Section 9 (D.C. Official Code § 8-1808) is amended to read as follows:

194 “(a) An owner or custodian of an animal shall not allow the animal to go at large.

195 “(b) A person shall not knowingly and falsely deny ownership or custodianship of
196 any animal.

197 “(c)(1) An owner or custodian of an animal shall not leave the animal outdoors
198 and unattended for more than 15 minutes during periods of extreme weather, unless the
199 age, condition, size, and type of animal allows the animal to withstand extreme weather.

200 “(2) Paragraph (1) of this subsection shall not apply to cats.

201 “(d) A person shall not remove the license of a dog without the permission of its
202 owner.

203 “(e) A dog shall not be permitted on any school ground or on any public
204 recreation area, other than a dog park, unless the dog is on a leash, tether, or under other
205 means of adequate physical control.

206 “(f)(1) A person shall not separate a puppy or a kitten from its mother until the
207 puppy or kitten is at least 6 weeks of age.

208 “(2) Paragraph (1) of this subsection shall not apply in cases where a
209 mother poses a danger to its offspring.

210 “(g) A person shall not sell or offer for sale a puppy or kitten under 6 weeks of
211 age, unless the puppy’s or kitten’s mother is sold to the same person as the puppy or
212 kitten.

213 “(h) A person shall not change the natural color of a baby chicken, duckling, other
214 fowl, or rabbit.

215 “(i) A person shall not sell or offer for sale a baby chicken, duckling, other fowl,
216 or rabbit that has had its natural color changed.

217 “(j) A person shall not sell or offer for sale a rabbit under the age of 16 weeks or a

218 chick or duck under the age of 8 weeks except for agricultural or scientific purposes.

219 “(k)(1) Except as provided in this subsection, a person shall not import into the
220 District, possess, display, offer for sale, trade, barter, exchange, or adoption, or give as a
221 household pet any living member of the animal kingdom including those born or raised in
222 captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes,
223 or jackals), domestic cats (excluding hybrids with ocelots or margays), domesticated
224 rodents and rabbits, captive-bred species of common cage birds, non-venomous snakes,
225 fish, and turtles, traditionally kept in the home for pleasure rather than for commercial
226 purposes, ferrets, and racing pigeons (when kept in compliance with permit
227 requirements).

228 “(2) A person may offer the species enumerated in paragraph (1) of this
229 subsection to a public zoo, park, or museum for exhibition purposes.

230 “(3) This section shall not apply to federally-licensed animal exhibitors;
231 however, the Mayor shall retain the authority to restrict the movement of any prohibited
232 animal into the District and the conditions under which those movements are made.

233 “(4) The Mayor may allow a licensed wildlife rehabilitator, a licensed
234 veterinarian, or a licensed animal shelter to maintain an animal prohibited in this
235 subsection for treatment or pending appropriate disposition.

236 “(l) A person shall not sponsor, promote, train an animal to participate in,
237 contribute to the involvement of an animal in, or attend as a spectator any activity or
238 event in which any animal engages in unnatural behavior, is wrestled or fought, mentally
239 or physically harassed, or displayed in such a way that the animal is struck, abused, or
240 mentally or physically stressed or traumatized, or is induced, goaded, or encouraged to

241 perform or react through the use of chemical, mechanical, electrical, or manual devices in
242 a manner that will cause, or is likely to cause, physical or other injury or suffering. This
243 prohibition applies to any event or activity at a public or private facility or property and is
244 applicable regardless of the purpose of the event or activity and regardless of whether a
245 fee is charged to spectators.

246 “(m)(1) An owner or custodian of a dog shall not direct, encourage, cause, allow,
247 aid, or assist that dog to threaten, charge, bite, or attack a person or other animal, except
248 that a person may keep a properly trained dog on private property to defend the property
249 and its occupants from intruders, and may order a dog to defend a person under attack.

250 “(2) Paragraph (1) of this subsection shall not apply to dogs that work for
251 the Metropolitan Police Department or any other law enforcement agency.

252 “(n) A person shall not display, exhibit, or otherwise move animals in the District
253 of Columbia as part of a circus, carnival, or other special performance or event, without
254 first obtaining a permit, issued by the Mayor, that governs the care and management of
255 the animals.

256 “(o) An owner or custodian of an animal shall not neglect to provide the animal
257 with adequate care, adequate feed, adequate shelter, adequate space, and adequate water.

258 “(p) A person shall not take actions that intentionally harm, or that the person
259 should know is likely to cause harm, to an animal.”

260 (j) Section 9a(a) (D.C. Official Code § 8-1808.01(a)) is amended by striking the
261 phrase “District-owned” and inserting the phrase “District-operated” in its place.

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

263 (1) Strike the word “mammals” wherever it appears and insert the word

264 “animals” in its place.

265 (2) Subsection (a) is amended by striking the phrase “permit: EXCEPT,”
266 and inserting the phrase “permit; provided,” in its place.

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

268 “(f) A holder of an animal hobby permit shall provide his or her animals with
269 adequate care, adequate feed, adequate shelter, adequate space, adequate water, and
270 appropriate veterinary care.”.

271 (4) Subsection (g) is amended by striking the word “mammal” and
272 inserting the word “animal” in its place.

273 (l) Section 11(2) (D.C. Official Code § 8-1810(2)) is amended to read as follows:

274 “(2) An educational program for animal owners regarding pet care and safety,
275 specifically in extreme weather conditions or emergencies, and the laws related to pet
276 ownership.”.

277 (m) A new section 11a is added to read as follows:

278 “Sec 11a. Abandonment of an animal.

279 “(a) An owner or custodian shall not abandon an animal in his or her possession.

280 “(b)(1) The Mayor shall deem abandoned any animal impounded for 7 days after
281 the animal’s owner receives notice if the animal is wearing identification.

282 “(2) The Mayor shall deem any animal impounded for 5 days abandoned if
283 the animal is not wearing identification.

284 “(3) An animal deemed abandoned shall be transferred to an animal
285 shelter and become the property of the Animal Care and Control Agency.

286 “(c) A person who transfers ownership of an animal or releases the animal to the

287 Animal Care and Control Agency shall not be liable for abandonment.”.

288 (n) Section 12 (D.C. Official Code § 8-1811) is amended to read as follows:

289 “(a) The Mayor, pursuant to the District of Columbia Administrative Procedures
290 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall
291 issue rules to set specific fine amounts for violations of each provision of this act;
292 provided, that the fines shall not exceed the following amounts:

293 “(1) \$500 for each offense, except as otherwise provided in paragraph (2)
294 of this section.

295 “(2) \$1000 for each offense for violations of sections 9(o), 9(p) or 11a.

296 “(b) Fines issued under this section shall not preclude any other criminal or civil
297 penalty or enforcement action provided by District law.”.

298 (o) Section 12a (D.C. Official Code § 8-1812) is repealed.

299 Sec. 3. Fiscal impact statement.

300 The Council adopts the fiscal impact statement of the Budget Director as the
301 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
302 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
303 206.02(c)(3)).

304 Sec. 4. Effective Date.

305 This act shall take effect following approval by the Mayor (or in the event of veto
306 by the Mayor, action by the Council to override the veto), and shall remain in effect for
307 no longer than 90 days, as provided for emergency acts of the Council of the District of
308 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved
309 December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



OFFICE OF THE GENERAL COUNSEL

Council of the District of Columbia
1350 Pennsylvania Avenue NW, Suite 4
Washington, DC 20004
(202) 724-8026

MEMORANDUM

TO: Councilmember Brandon T. Todd

FROM: John Hoellen, Deputy General Counsel *JAH*

DATE: July 10, 2017

RE: Legal Sufficiency Determination for B22-XXX, the Standard of Care for Animals Emergency Amendment Act of 2017

The measure is legally and technically sufficient for Council consideration.

The measure amends the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1801 *et seq.*), to provide animal standard-of-care requirements for owners and custodians, establish leashing and tethering requirements for animals, prohibit leaving an animal in a vehicle when doing so would endanger the animal and authorize officials to remove the animal in those circumstances, establish an Animal Outreach and Education Fund, provide for the protection of animals subjected to extreme cold or heat, update and add prohibited behaviors toward animals, and provide new penalties for violating provisions of the act. The emergency act incorporates amendments being made to the permanent, the Standard of Care for Animals Amendment Act of 2017 (Bill 22-64), which is scheduled for 1st reading at the July 11, 2017 legislative meeting.

I am available if you have any questions.

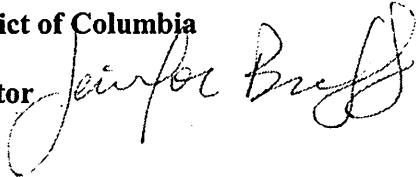
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff - Budget Director 

DATE: July 10, 2017

SHORT TITLE: "Standard of Care for Animals Amendment Emergency Act of 2017"

TYPE: Emergency

REQUESTED BY: Councilmember Brandon Todd

Conclusion

This emergency legislation will not have an adverse impact on the District of Columbia's budget and financial plan. It makes changes that do not bear a fiscal cost to legislation which the Office of the Chief Financial Officer (OCFO) determined will not impact the District's budget or financial plan.

Background

This emergency is substantially similar to the amendment in the nature of a substitute (ANS) to the permanent legislation. As such, the emergency legislation does not have an adverse impact on the District's budget and financial plan. For further information, please refer to the fiscal impact statement released by the OCFO on the permanent bill and the fiscal impact statement released by the Budget Director on the ANS.

Analysis of Impact on Spending

This amendment will not impact spending.

Analysis of Impact on Revenue

This amendment will not impact revenue.