

## CHAPTER 343

### PREVENTION OF CRUELTY

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#### 343.01 PURPOSES; POWERS; COUNTY ORGANIZATION.

Subdivision 1. The Minnesota humane society is hereby confirmed and continued, with all existing powers, for the purpose of inculcating humane principles, the enforcement of law, and the prevention of cruelty, especially to animals. The Minnesota humane society may make reasonable rules governing the humane care, treatment, transportation, and in extreme cases the disposition by death or sale of animals as it deems expedient to accomplish its purposes. It may appoint representatives in any county where no active county society exists, for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to carry out the work of the society throughout the state. This society and all county societies may appoint agents for the purpose of investigating or otherwise assisting lawfully empowered officials in the prosecution of persons charged with cruelty to animals. Branches of the society, consisting of not less than ten members, may be organized in any part of the state to prosecute the work of the society in their several localities under rules established by it. It may make rules and bylaws as are necessary to implement the provisions of this chapter.

Subd. 2. It shall be unlawful for any organization, association, firm or corporation not authorized by this chapter to refer to itself as or in any way to use the names Minnesota society for the prevention of cruelty, the Minnesota humane society, or any combination of words or phrases using the above names which would imply that it represents, acts in behalf or is a branch of said society.

Subd. 3. The society must be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education, and the attorney general, or their designees shall serve as ex officio, nonvoting members of the board. The membership terms, compensation, removal, and filling of vacancies of board members other than ex officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chairman and other officers as deemed necessary. Meetings must be called by the chairman or at least two other members. The governor shall appoint an executive director who shall serve in the unclassified civil service at the governor's pleasure for a term coterminous with that of the governor. The executive director may employ other staff who shall serve in the unclassified civil service. The commissioner of administration upon request of the executive director shall supply the board with necessary

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office space and administrative services, and the board shall reimburse the commissioner for the cost.

**History:** *RL s 3125; 1971 c 85 s 1; 1975 c 369 s 1; 1977 c 264 s 1; 1983 c 293 s 97 (7927)*

**343.02** [Repealed, 1977 c 264 s 5; 1977 c 332 s 17]

**343.03** [Repealed, 1977 c 264 s 5; 1977 c 332 s 17]

**343.04** [Repealed, 1977 c 264 s 5]

**343.05** [Repealed, 1977 c 264 s 5]

## 343.06 DUTIES.

It shall be the duty of the Minnesota humane society to secure the enforcement of the laws for the prevention of wrongs to animals; to assist in the organization of district and county societies and the appointment of local and state agents, and give them representation in the state society; to aid such societies and agents in the enforcement of the laws for the prevention of wrongs to animals which may now or hereafter exist, and to promote the growth of education and sentiment favorable to the protection of animals.

**History:** *1905 c 274 s 3; 1975 c 369 s 4; 1977 c 264 s 2 (7930)*

**343.07** [Repealed, 1977 c 264 s 5]

## 343.08 BIENNIAL REPORT.

The board of directors of the state society shall make a biennial report by November 15 in each even numbered year, to the governor and to the legislature, describing its budget, expenditures, and activities for the two preceding fiscal years, including statistics showing its work.

**History:** *1905 c 274 s 5; 1955 c 847 s 26; 1975 c 369 s 6; 1977 c 332 s 14; 1978 c 674 s 37*

**343.09** [Repealed, 1977 c 264 s 5]

## 343.10 COUNTY SOCIETIES.

County societies for the prevention of cruelty to animals may be formed in any county by not less than seven incorporators, and the members, at a meeting called for that purpose, may elect not less than three of their number directors, who shall continue in office until their successors have qualified.

**History:** *RL s 3126; 1975 c 369 s 7 (7934)*

## 343.11 ACQUISITION OF PROPERTY, APPROPRIATIONS.

Every county society for the prevention of cruelty to animals may acquire, by purchase, gift, grant, or devise, and hold, use, or convey, real estate and personal property, and lease, mortgage, sell, or use the same in any manner conducive to its interest, to the same extent as natural persons. The county board of any county, or the council of any city, in which such societies exist, may, in its discretion, appropriate for the maintenance and support of such societies in the transaction of the work for which they are organized, any sums of money not otherwise appropriat-

ed, not exceeding \$4,800 in any one year; provided, that no part of the appropriation shall be expended for the payment of the salary of any officer of the society.

**History:** *RL s 3127; 1913 c 31 s 1; 1955 c 366 s 1; 1973 c 123 art 5 s 7; 1973 c 187 s 1; 1975 c 369 s 8*

### 343.12 DUTIES OF PEACE OFFICERS.

Upon application of any appointed agent at large or county agent in his county of appointment, it shall be the duty of, any sheriff or his deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county for custody and care.

**History:** *RL s 3128; 1975 c 369 s 9; 1977 c 332 s 15 (7936)*

## CRUELTY TO ANIMALS

### 343.20 DEFINITIONS.

Subdivision 1. **Application.** Except as otherwise indicated by the context, for purposes of sections 343.20 to 343.36, the terms defined in this section have the meanings given them.

Subd. 2. **Animal.** "Animal" means every living creature except members of the human race.

Subd. 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Subd. 4. **Impure milk.** "Impure and unwholesome milk" means all milk obtained from diseased or unhealthy animals, or from animals fed on any substance which is putrefied or fermented.

**History:** *RL s 5151; 1981 c 53 s 1 (10442)*

### 343.21 OVERWORKING OR MISTREATING ANIMALS; PENALTY.

Subdivision 1. **Torture.** No person shall overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to himself or to another person.

Subd. 2. **Nourishment; shelter.** No person shall deprive any animal over which he has charge or control of necessary food, water, or shelter.

Subd. 3. **Enclosure.** No person shall keep any cow or other animal in any enclosure without providing wholesome exercise and change of air.

Subd. 4. **Low feed.** No person shall feed any cow on food which produces impure or unwholesome milk.

Subd. 5. **Abandonment.** No person shall abandon any animal.

Subd. 6. **Temporary abandonment.** No person shall allow any maimed, sick, infirm, or disabled animal to lie in any street, road, or other public place for more than three hours after receiving notice of the animal's condition.

Subd. 7. **Cruelty.** No person shall wilfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

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Subd. 8. **Caging.** No person shall cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. The provisions of this subdivision do not apply to the Minnesota state agricultural society, the Minnesota state fair, or to the county agricultural societies, county fairs, to any agricultural display of caged animals by any political subdivision of the state of Minnesota, or to district, regional or national educational livestock or poultry exhibitions. The provisions of this subdivision do not apply to captive wildlife, the exhibition of which is regulated by section 97.611.

Subd. 9. **Penalty.** A person who fails to comply with any provision of this section is guilty of a misdemeanor.

**History:** *RL s 5152; 1959 c 571 s 1-2; 1974 c 3 s 2; 1981 c 53 s 2 (10443)*

## 343.22 INVESTIGATION OF CRUELTY COMPLAINTS.

Subdivision 1. **Reporting.** Any person who has reason to believe that a violation of section 343.21 has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses he produces and the court shall take his affidavit or their affidavits in writing. The affidavit or affidavits must set forth facts tending to establish the grounds for believing a violation of section 343.21 has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command him to proceed promptly to the location of the alleged violation, taking with him a doctor of veterinary medicine.

Subd. 2. **Police investigation.** The peace officer shall search the place designated in the warrant and, together with the veterinary doctor, shall conduct an investigation of the facts surrounding the alleged violation. The peace officer may retain in his custody, subject to the order of the court, any property or things which are specified in the warrant, including any animal if the warrant so specifies. The warrant shall contain the names of the persons presenting affidavits in support of the application and the grounds for its issuance. Service shall be made in accordance with the provisions of sections 626.13, 626.14, and 626.16. The warrant must be executed and returned to the court which issued the warrant within ten days after its date; after the expiration of that time the warrant, unless executed, is void. The officer executing the warrant shall promptly return the warrant to the court, and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer. The warrant and order for investigation issued pursuant to this section and section 343.23 shall have the same force as a warrant issued pursuant to chapter 626.

Subd. 3. **Disposal of certain animals.** Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to this section may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment.

**History:** *1971 c 647 s 1; 1974 c 299 s 1; 1981 c 53 s 3*

## 343.23 EXPENSES OF INVESTIGATION.

The expenses of the investigation authorized by section 343.22, including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to an investigation, and all other expenses

reasonably incident to the investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 343.21 is found guilty of the violation, the county shall have judgment against the guilty person for the amount of the expenses.

**History:** 1971 c 647 s 2; 1977 c 332 s 16; 1981 c 53 s 4

#### **343.24 CRUELTY IN TRANSPORTATION.**

Subdivision 1. **Penalty.** Any person who does any of the following is guilty of a misdemeanor: (a) Carries or causes to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which the animals can both stand and lie down during transportation and while awaiting slaughter; (b) Carries or causes to be carried, upon a vehicle or otherwise, any live animal having feet or legs tied together, or in any other cruel or inhuman manner; (c) Transports or detains livestock in cars or compartments for more than 28 consecutive hours without unloading the livestock in a humane manner into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours, unless requested to do so as provided in subdivision 2, or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight; or (d) Permits livestock to be crowded together without sufficient space to stand, or so as to overlie, crush, wound, or kill each other.

Subd. 2. **Exception.** A person or corporation engaged in transporting livestock may confine livestock for 36 consecutive hours if the owner or person with custody of that particular shipment of livestock requests in writing that an extension be allowed. That written request shall be separate from any printed bill of lading or other railroad form.

**History:** RL s 5153; 1921 c 186 s 1; 1981 c 53 s 5 (10444)

#### **343.25 DOCKING HORSES; PENALTY.**

A person who cuts the bony part of a horse's tail for the purpose of docking it, or who causes or knowingly permits the same to be done upon premises of which he is owner, lessee, or user, or who assists in the cutting is guilty of a misdemeanor. When a horse is found so cut, upon the premises or in the custody of any person, and the wound resulting is unhealed, that fact shall constitute prima facie evidence that the offense was committed by him. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals for any offense specified in this section shall be paid to the society whose officer or agent made the complaint.

**History:** RL s 5154; 1981 c 53 s 6 (10445)

#### **343.26 CLIPPED ANIMALS; PENALTY.**

No person who has custody of any animal which has had its hair removed by clipping or shearing shall cause or permit the animal to stand on a road, street, or other unsheltered place between November 1 and May 1 within 60 days after the clipping or shearing, unless the animal is blanketed. Violation of this section is a misdemeanor.

**History:** RL s 5155; 1981 c 53 s 7 (10446)

**343.27 POISONING ANIMALS.**

Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits it to be done, or unjustifiably exposes that drug or substance with intent that the drug be taken by any animal, whether the animal is the property of himself or another, is guilty of a gross misdemeanor.

**History:** *RL s 5157; 1979 c 102 s 13; 1981 c 53 s 8 (10448)*

**343.28 ANIMAL WITH INFECTIOUS DISEASE.**

An owner or person having charge of any animal who knows the animal has any infectious or contagious disease, or knows the animal has recently been exposed to an infectious or contagious disease, who sells or barter the animal, or knowingly permits the animal to run at large or come into contact with any other animal, or with another person without that person's knowledge and permission shall be guilty of a misdemeanor.

**History:** *RL s 5159; 1980 c 467 s 36; 1981 c 53 s 9 (10450)*

**343.29 EXPOSURE OF ANIMALS; DUTY OF OFFICERS.**

Subdivision 1. **Delivery to shelter.** Any sheriff, constable, statutory city marshal, police officer, or any agent of the Minnesota society or other societies for the prevention of cruelty, may remove, shelter, and care for any horse or other animal found exposed to the weather and not properly blanketed, or any animal remaining more than one hour without attention in cold or inclement weather, or any animal not properly fed and watered, or provided with suitable food and drink. When necessary, a sheriff, constable, marshal, police officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified, and the officer, or the person having possession of the animal, shall have a lien thereon for its care and keeping, the reasonable value of the food and drink furnished, and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within five days after notice, redeem the animal by paying the expenses incurred pursuant to this subdivision, the animal may be treated as an estray.

Subd. 2. **Disposal of animals.** Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of section 343.23.

**History:** *RL s 5160; 1907 c 398 s 1; 1973 c 123 art 5 s 7; 1974 c 299 s 2; 1981 c 53 s 10 (10451)*

**343.30 INJURY TO BIRDS.**

A person who in any manner maliciously maims, kills, or destroys any bird designated as unprotected by section 100.26, subdivision 2, or who maliciously destroys the nests or eggs of any such bird shall be guilty of a petty misdemeanor.

**History:** *RL s 5156; 1981 c 53 s 11 (10447)*

**343.31 ANIMAL FIGHTS PROHIBITED.**

Any person who (1) promotes or engages in, or is employed at the activity of cock-fighting, dog-fighting, or violent pitting of one domestic animal against another

of the same or a different kind; or (2) receives money for the admission of any person to any place used, or about to be used, for that activity; or (3) wilfully permits any person to enter or use for that activity premises of which he is the owner, agent, or occupant; or (4) uses, trains or possesses a dog or other animal for the purpose of participating in, engaging in or promoting that activity is guilty of a felony. Any person who purchases a ticket of admission or otherwise gains admission to that activity is guilty of a misdemeanor.

**History:** *RL s 5158; 1981 c 22 s 1 (10449)*

### **343.32 ARTIFICIALLY COLORED ANIMALS; SALE.**

No chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially may be sold or offered for sale; raffled; offered or given as a prize, premium, or advertising device; or displayed in any store, shop, carnival, or other public place.

**History:** *1965 c 620 s 1*

### **343.33 USE AS ADVERTISING DEVICES.**

Chicks, ducklings, and goslings younger than four weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device, in quantity of fewer than twelve birds to an individual person unless sold by a person, firm, partnership or corporation engaged in the business of selling chicks, ducklings, and goslings for agricultural or wildlife purposes.

**History:** *1965 c 620 s 2; 1981 c 53 s 12*

### **343.34 CARE OF ANIMALS USED AS ADVERTISING DEVICES.**

Stores, shops, vendors, and others offering chicks, ducklings, or goslings for sale; raffle; or as a prize, premium, or advertising device; or displaying chicks, ducklings, or goslings to the public; shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

**History:** *1965 c 620 s 3; 1981 c 53 s 13*

### **343.35 VIOLATIONS.**

A violation of sections 343.32 to 343.34 is a petty misdemeanor; provided that, after any violation has been called to the attention of the violator by any law enforcement officer, each day on which the violation continues or is repeated constitutes a separate offense.

**History:** *1965 c 620 s 4; 1981 c 53 s 14*

### **343.36 GREASED PIG CONTESTS AND TURKEY SCRAMBLES.**

No person shall operate, run or participate in a contest, game, or other like activity, in which a pig, greased, oiled or otherwise, is released and wherein the object is the capture of the pig, or in which a chicken or turkey is released or thrown into the air and wherein the object is the capture of the chicken or turkey. Any violation of this section is a misdemeanor.

**History:** *1971 c 649 s 1; 1981 c 53 s 15*

## DOG HOUSES

**343.40 DOG HOUSES.**

Subdivision 1. **In general.** A person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

Subd. 2. **Building specifications.** The shelter shall include a moistureproof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible windproof material or a self-closing swinging door. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

Subd. 3. **Shade.** Shade from the direct rays of the sun, during the months of June to September shall be provided.

Subd. 4. **Farm dogs.** In lieu of the requirements of subdivisions 2 and 3, a dog kept on a farm may be provided with access to a barn with a sufficient quantity of loose hay or bedding to protect against cold and dampness.

Subd. 5. **Zoning.** All shelters required by this section shall be subject to all building or zoning regulations of any city, township, county, or state.

Subd. 6. **Penalty.** Whoever violates the provisions of this section is guilty of a petty misdemeanor.

**History:** 1959 c 571 s 2; 1965 c 764 s 1; 1973 c 123 art 5 s 7; 1981 c 53 s 16