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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 391

02/06/2013 Authored by Benson, J.,
The bill was read for the first time and referred to the Committee on Agriculture Policy

1.1 A bill for an act
1.2 relating to companion animals; adopting the Minnesota Companion Animal
1.3 Protection Act; proposing coding for new law in Minnesota Statutes, chapter 346.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. [346.60] TITLE.

1.6 Sections 346.60 to 346.71 shall be known as the "Minnesota Companion Animal
1.7 Protection Act."

1.8 Sec. 2. [346.61] DEFINITIONS.

1.9 Subdivision 1. Scope. The definitions in this section apply to sections 346.60 to
1.10 346.71.

1.11 Subd. 2. Animal. "Animal" means a living creature of a species normally kept
1.12 as a pet.

1.13 Subd. 3. Dangerous dog. "Dangerous dog" means a dog adjudicated to be vicious
1.14 under section 347.50 by a court of competent jurisdiction after all appeals of that judicial
1.15 determination have been unsuccessful.

1.16 Subd. 4. Healthy animal. "Healthy animal" means an animal that is not sick or
1.17 injured.

1.18 Subd. 5. Impounded animal. "Impounded animal" means an animal that enters a
1.19 public or private sheltering agency or rescue group regardless of whether the animal is a
1.20 stray, owner-relinquished, seized, taken into protective custody, transferred from another
1.21 private or public sheltering agency, or is an animal whose owner requests that the animal
1.22 be killed, except for an animal presented to a medical clinic associated with such agencies
1.23 for purposes of preventative or rehabilitative medical care or sterilization.

2.1 Subd. 6. **Irremediably suffering animal.** "Irremediably suffering animal" means
2.2 an animal with a medical condition that has a poor or grave prognosis for being able to
2.3 live without severe, unremitting pain as determined by a veterinarian licensed to practice
2.4 in this state.

2.5 Subd. 7. **Non-rehabilitatable animal.** "Non-rehabilitatable animal" means an
2.6 animal with severe illness or injury whose prognosis for rehabilitation is either poor or
2.7 grave as determined by a veterinarian licensed to practice in this state.

2.8 Subd. 8. **Private sheltering agency.** "Private sheltering agency" means a shelter,
2.9 society for the prevention of cruelty to animals, humane society, or animal adoption group
2.10 designated as a nonprofit under section 501 (c)(3), of the Internal Revenue Code, that:

2.11 (1) does not receive public funding or has a contract with a city, town, or
2.12 municipality under which it accepts stray or owner-relinquished animals;

2.13 (2) accepts animals into a physical facility other than a private residence; and

2.14 (3) places into new homes stray or owner-relinquished animals or animals who have
2.15 been removed from a public or private sheltering agency.

2.16 Subd. 9. **Public sheltering agency.** "Public sheltering agency" means a public
2.17 animal control shelter or private shelter, society for the prevention of cruelty to animals,
2.18 humane society, or any person or group that receives funding or has a contract with a city,
2.19 town, or municipality under which it accepts stray or owner-relinquished animals.

2.20 Subd. 10. **Rescue group.** "Rescue group" means a collaboration of individuals not
2.21 operated for a profit, whose primary stated purpose is animal adoption or animal rescue, or
2.22 which is formed for the prevention of cruelty to animals.

2.23 Subd. 11. **Savable animal.** "Savable animal" means any animal that is either
2.24 healthy or treatable and is not a dangerous dog.

2.25 Subd. 12. **Stray animal.** "Stray animal" means an animal that is impounded without
2.26 a known owner present at impound who is voluntarily relinquishing custody.

2.27 Subd. 13. **Treatable animal.** "Treatable animal" means an animal that is sick or
2.28 injured, whose prognosis for rehabilitation of that illness or injury is excellent, good, fair,
2.29 or guarded as determined by a veterinarian licensed to practice in this state.

2.30 Subd. 14. **Unweaned animal.** "Unweaned animal" means a neonatal animal that,
2.31 in the absence of its mother, requires supplemental bottle feeding by humans in order to
2.32 survive. In the case of puppies and kittens, unweaned animals are animals that fit the
2.33 above description and are no more than four weeks of age.

2.34 Subd. 15. **Vicious dog.** "Vicious dog" means a dog that exhibits aggression to
2.35 people even when the dog is not hungry, in pain, or frightened, and whose prognosis for

3.1 rehabilitation of that aggression is poor or grave as determined by a trained behaviorist
3.2 who is an expert on canine behavior.

3.3 **Sec. 3. [346.62] STRAY ANIMAL HOLDING PERIODS.**

3.4 (a) The required holding period for a stray animal impounded by a public or private
3.5 sheltering agency is five business days, not including the day of impoundment, unless
3.6 otherwise provided in this section.

3.7 (b) Stray animals without any form of identification and without a known owner
3.8 must be held for owner redemption during the first two days of the holding period, not
3.9 including the day of impoundment, and must be available for owner redemption, transfer,
3.10 and adoption for the remainder of the holding period.

3.11 (c) Stray animals may be adopted into new homes or transferred to a rescue group or
3.12 private sheltering agency for the purpose of adoption after the first two days of the holding
3.13 period, not including the day of impoundment, except as provided in paragraphs (d) to (g).

3.14 (d) If a stray animal is impounded with a license tag, microchip, or other form of
3.15 identification, or belongs to a known owner, the animal must be held for owner redemption
3.16 during the first three days of the holding period, not including the day of impoundment,
3.17 and must be available for owner redemption, transfer, and adoption for the remainder of
3.18 the holding period.

3.19 (e) Stray animals may be transferred to a private sheltering agency or rescue group
3.20 immediately after impound, subject to the same rights of redemption by the owner.

3.21 (f) Irremediably suffering animals must be euthanized without delay, upon a
3.22 determination made in writing and signed by a veterinarian licensed to practice medicine
3.23 in this state. That certification must be made available for free public inspection for at
3.24 least three years.

3.25 (g) Unweaned animals impounded without their mother may be killed so long as
3.26 the shelter has exhausted efforts to place the animals in foster care, made an emergency
3.27 appeal under the requirements of section 346.65, and certified that it is unable to provide
3.28 the needed care and feeding in its facility. That certification must also state in clear and
3.29 definitive terms why the agency is unable to place the animals in foster care, which private
3.30 sheltering agencies and rescue groups it made an appeal to, what would be required in the
3.31 future in order to provide the needed care and feeding in foster care or its facility, what
3.32 steps are being taken to do so, and a reasonable time frame for doing so. This certification
3.33 must be made in writing, signed by the director of the agency or by a veterinarian licensed
3.34 to practice medicine in the state, and be made available for free public inspection for
3.35 at least three years.

4.1 Sec. 4. **[346.63] HOLDING PERIOD; OWNER-RELINQUISHED ANIMAL.**

4.2 The required holding period for an owner-relinquished animal impounded by a
4.3 public or private sheltering agency is three days, not including the day of impoundment,
4.4 with the same duties as those owed to stray animals, except as follows:

4.5 (1) any owner-relinquished animal that is impounded must be held in the event of a
4.6 change of mind by the owner, for adoption into a new home, and for transfer to a private
4.7 sheltering agency or rescue group for the entirety of the holding period; and

4.8 (2) owner-relinquished animals may be adopted into new homes or transferred to a
4.9 private sheltering agency or rescue group at any time after impoundment.

4.10 Sec. 5. **[346.64] ANIMAL CARE STANDARDS.**

4.11 (a) Except as otherwise provided in this section, public and private sheltering
4.12 agencies must provide all animals during the entirety of their shelter stay with fresh food,
4.13 fresh water, environmental enrichment to promote their psychological well-being such
4.14 as socialization, toys and treats, and exercise as needed, but never less than once daily,
4.15 except that vicious dogs, unsocial cats, or dangerous dogs are not required to be exercised
4.16 during the holding period.

4.17 (b) Notwithstanding paragraph (a), public and private sheltering agencies must work
4.18 with a veterinarian licensed to practice medicine in this state to develop and follow a
4.19 care protocol that is for animals with special needs such as, but not limited to, nursing
4.20 mothers, unweaned animals, sick or injured animals, geriatric animals, or animals needing
4.21 therapeutic exercise. This care protocol must specify any deviation from the standard
4.22 requirements of paragraph (a) and the reasons for the deviation.

4.23 (c) During the entirety of their shelter stay, animals must be provided prompt and
4.24 necessary cleaning of their cages, kennels, or other living environments no less than two
4.25 times per day, to ensure environments that are welcoming to the public, hygienic for
4.26 both the public and animals, and to prevent disease. This cleaning must be conducted
4.27 in accordance with a protocol developed in coordination with a veterinarian licensed
4.28 to practice medicine in this state, provided that animals must be temporarily removed
4.29 from their cages, kennels, or other living environments during the process of cleaning,
4.30 to prevent them from being exposed to water from hoses or sprays, cleaning solutions,
4.31 detergents, solvents, and chemicals.

4.32 (d) During the entirety of their shelter stay, all animals must be provided with prompt
4.33 and necessary veterinary care, including but not limited to preventative vaccinations,
4.34 cage rest, fluid therapy, pain management, and antibiotics, sufficient to alleviate any pain
4.35 caused by disease or injury, to prevent a condition from worsening, and to allow them

5.1 to leave the shelter in reasonable condition, even if the animals are not candidates for
5.2 redemption, transfer, or adoption.

5.3 (e) Public and private sheltering agencies must work with a veterinarian licensed
5.4 to practice medicine in this state to develop and follow a protocol to prevent the spread
5.5 of disease, including, but not limited to, appropriate evaluation and testing of newly
5.6 impounded animals, administration of vaccines, proper isolation and handling of sick
5.7 animals, and measures to protect those animals most vulnerable to infection.

5.8 **Sec. 6. [346.65] ADDITIONAL PROGRAMS AND DUTIES.**

5.9 (a) All public and private sheltering agencies that kill animals must maintain a
5.10 registry of organizations willing to accept animals as follows:

5.11 (1) public or private sheltering agencies, and rescue groups designated as nonprofits
5.12 by section 501(c)(3) of the Internal Revenue Code, must be immediately placed on this
5.13 registry upon their request, regardless of the organizations' geographical location or any
5.14 other factor listed in clause (5);

5.15 (2) the public or private sheltering agency may, but is not required to, include on
5.16 the registry any individual rescuers or rescue groups that are not designated as nonprofits
5.17 under section 501 (c)(3) of the Internal Revenue Code;

5.18 (3) the registry must include the following information as provided by the registered
5.19 organization: organization name, mailing address, and telephone number; Web site and
5.20 email address, if any; emergency contact information for the organization; the types of
5.21 animals about which the organization wishes to be contacted, including species and breed;
5.22 and whether or not the organization is willing and able to care for unweaned animals, sick
5.23 or injured animals, or aggressive animals;

5.24 (4) a public or private sheltering agency may refuse to include an organization on
5.25 the registry or delete it from the registry until such time as this is no longer the case, if any
5.26 of the organization's current directors, officers, staff or volunteers have been convicted in
5.27 a court of competent jurisdiction of a crime consisting of cruelty to animals or neglect
5.28 of animals; if such charges are pending; or if that organization is constrained by a court
5.29 order that prevents the organization from taking in or keeping animals. An agency may
5.30 require an organization to disclose any or all convictions, charges, and legal impediments
5.31 described in this clause;

5.32 (5) a public or private sheltering agency may require that registered organizations
5.33 provide the following summary information on no more than a monthly basis: the total
5.34 number of animals the organization has taken from the agency who have been adopted, died,

6.1 were transferred, were killed, and are still under the organization's care, which information
6.2 may be provided in an informal format, such as via electronic communication; and

6.3 (6) a public or private sheltering agency may not demand additional information,
6.4 other than that described in this section, as a prerequisite for including an organization on
6.5 the registry or for continuing to maintain that organization on the registry.

6.6 (b) No public or private sheltering agency may kill an animal unless and until the
6.7 agency has notified, or made a reasonable attempt to notify, all organizations on the
6.8 registry described in paragraph (a) that have indicated a willingness to take an animal of
6.9 that type. The notification must take place at least 24 hours prior to the killing of the
6.10 animal. At a minimum, the notification must include verifiable electronic communication.
6.11 Notification is considered complete as to each individual group when this has been
6.12 accomplished. No animal may be killed if an organization on the registry indicates, before
6.13 the killing of the animal, its willingness to take possession of the animal. The organization
6.14 agreeing to take possession of the animal must do so within two business days after
6.15 notifying the agency having possession of the animal. No fee may be assessed for animals
6.16 released to organizations listed on the registry.

6.17 (c) The following exceptions apply to the requirements of paragraph (b):

6.18 (1) irremediably suffering animals which must be euthanized without delay. The
6.19 determination that an animal is irremediably suffering must be made in writing, signed
6.20 by a veterinarian licensed to practice medicine in this state, and made available for free
6.21 public inspection for at least three years;

6.22 (2) dangerous dogs pursuant to section 347.50; and

6.23 (3) unweaned animals impounded without their mother, for which all public and
6.24 private sheltering agencies that have not placed the animals into foster care or are not
6.25 able to provide supplemental feeding must immediately make an emergency appeal to
6.26 organizations on the registry that have indicated that they are willing and able to care for
6.27 unweaned animals, and give those organizations a reasonable amount of time, but not less
6.28 than eight hours, to respond to the appeal.

6.29 **Sec. 7. [346.66] IDENTIFICATION.**

6.30 Public and private sheltering agencies must take appropriate action to ensure that
6.31 all animals are checked for all currently acceptable methods of identification, including
6.32 microchips, identification tags, and licenses. Public and private sheltering agencies must
6.33 maintain continuously updated lists of animals reported lost and match these lost reports
6.34 with animals reported found and animals in the shelter. The agencies must also post
6.35 notice of all stray animals on the Internet with sufficient detail and a photograph within 24

7.1 hours of being impounded to allow them to be recognized and claimed by their owners.
 7.2 If a possible owner is identified, the agency must undertake reasonable efforts to notify
 7.3 the owner or caretaker of the whereabouts of the animal and any procedures available for
 7.4 the lawful recovery of the animal. These efforts must include, but are not limited to,
 7.5 notifying the possible owner by telephone, mail, and personal service to the last known
 7.6 address. Upon the owner's or caretaker's initiation of recovery procedures, the agencies
 7.7 must retain custody of the animal for not less than the holding period to allow for the
 7.8 completion of the recovery process. Efforts to locate or contact an owner or caretaker and
 7.9 communications with persons claiming to be owners or caretakers must be recorded and
 7.10 be made available for free public inspection for at least three years.

7.11 **Sec. 8. [346.67] ADOPTION OR TRANSFER CRITERIA.**

7.12 No public or private sheltering agency shall ban, bar, limit, or otherwise obstruct the
 7.13 adoption or transfer of any animal based on arbitrary criteria, such as breed, age, color, or
 7.14 any other criteria except as to the individual animal's medical condition and aggression
 7.15 or the adopter's fitness to adopt.

7.16 **Sec. 9. [346.68] KILLING ANIMALS.**

7.17 (a) No savable animal in a public or private sheltering agency may be killed simply
 7.18 because the holding period has expired. Before an animal is killed, all of the following
 7.19 conditions must be met:

7.20 (1) there are no empty cages, kennels, or other living environments in the shelter;

7.21 (2) the animal cannot share a cage or kennel with another animal because the animal
 7.22 is aggressive to other animals, has a contagious illness the other animal does not have, or
 7.23 is injured and sharing the cage with another animal will aggravate the injury;

7.24 (3) a foster home is not available;

7.25 (4) organizations listed on the registry described in section 346.65 are not willing to
 7.26 accept the animal;

7.27 (5) all mandates, programs, and services of sections 346.60 to 346.71 have been
 7.28 met; and

7.29 (6) the director of the agency certifies there is no alternative.

7.30 (b) The determination that all conditions of paragraph (a) have been met must be
 7.31 made in writing, signed by the director of the agency, and be made available for free
 7.32 public inspection for at least three years.

7.33 **Sec. 10. [346.69] METHOD OF KILLING.**

8.1 (a) Animals impounded by a public or private sheltering agency or rescue group may
8.2 be killed, only when necessary and consistent with the requirements of sections 346.60 to
8.3 346.71, by lethal intravenous injection of sodium pentobarbital, except as follows:

8.4 (1) intraperitoneal injections may be used only under the direction of a licensed
8.5 veterinarian and only when intravenous injection is not possible for infant animals,
8.6 companion animals other than cats and dogs, or comatose animals with depressed vascular
8.7 function; and

8.8 (2) intracardiac injections may be used only when intravenous injection is not
8.9 possible for animals that are completely unconscious or comatose or for exotic animals
8.10 such as rats after proper sedation, and then only under the direction of a veterinarian.

8.11 (b) No animal may be allowed to witness another animal being killed or being
8.12 tranquilized or sedated for the purpose of being killed or see the bodies of animals that
8.13 have been killed.

8.14 (c) Animals may be sedated or tranquilized as necessary to minimize their stress
8.15 or discomfort or, in the case of vicious animals, to ensure staff safety, except that
8.16 neuromuscular blocking agents must not be used.

8.17 (d) Following their injection, animals must be lowered to the surface on which they
8.18 are being held and not be permitted to drop or otherwise collapse without support.

8.19 (e) An animal may not be left unattended between the time procedures to kill the
8.20 animal are commenced and the time death occurs, nor may the body be disposed of until
8.21 death is verified.

8.22 (f) Verification of death must be confirmed for each animal in all of the following
8.23 ways:

8.24 (1) by lack of heartbeat, verified by stethoscope;

8.25 (2) by lack of respiration, verified by observation;

8.26 (3) by pale, bluish gums and tongue, verified by observation; and

8.27 (4) by lack of eye response, verified if lid does not blink when eye is touched and
8.28 pupil remains dilated when a light is shined on it.

8.29 (g) The room in which animals are killed must be cleaned and regularly disinfected
8.30 as necessary, but no less than once per day on days the room is used, except that the area
8.31 where the procedure is performed must be cleaned and disinfected between each procedure.

8.32 (h) The room in which animals are killed must have adequate ventilation that
8.33 prevents the accumulation of odors.

8.34 (i) A veterinarian licensed to practice medicine in this state or a euthanasia technician
8.35 certified by the state certification program must perform the procedures in this section,

9.1 except that if a state certification program does not exist, the procedure may be performed
9.2 by a trained euthanasia technician working under the direction of a veterinarian.

9.3 Sec. 11. **[346.70] PUBLIC ACCOUNTABILITY.**

9.4 (a) A public or private sheltering agency must post, in a conspicuous place where
9.5 animals are being relinquished by owners, a sign that is clearly visible and readable from
9.6 any vantage point in the area that has all of the following information identified by species
9.7 and type:

9.8 (1) the number of animals impounded during the prior calendar year;

9.9 (2) the number of animals impounded during the prior calendar year that were
9.10 adopted;

9.11 (3) the number of animals impounded during the prior calendar year that were
9.12 transferred to other agencies;

9.13 (4) the number of animals impounded during the prior calendar year that were
9.14 reclaimed by their owners;

9.15 (5) the number of animals impounded during the prior calendar year that died, were
9.16 lost, or were stolen while under the direct or constructive care of the agency; and

9.17 (6) the number of animals that were impounded during the prior calendar year that
9.18 were killed by the agency, at the agency's discretion, with the agency's permission, or
9.19 by a representative of the agency.

9.20 (b) A public or private sheltering agency must provide a monthly summary for free
9.21 public inspection on request that includes the following information by species and type:

9.22 (1) the number of animals impounded during the previous month;

9.23 (2) the number of animals that were killed by the agency, at the agency's direction,
9.24 with the agency's permission, or by a representative of the agency during the previous
9.25 month;

9.26 (3) the number of animals that died, were lost, or were stolen while in the direct or
9.27 constructive care of the agency during the previous month;

9.28 (4) the number of animals that were returned to their owners during the previous
9.29 month;

9.30 (5) the number of animals that were adopted during the previous month; and

9.31 (6) the number of animals that were transferred to other organizations during the
9.32 previous month.

9.33 (c) A public or private sheltering agency must provide an annual summary for free
9.34 public inspection upon request that includes the following information by species and type:

9.35 (1) the number of animals impounded during the previous calendar year;

10.1 (2) the number of animals that were killed by the agency, at the agency's direction,
10.2 with the agency's permission, or by a representative of the agency during the previous
10.3 calendar year;

10.4 (3) the number of animals that died, were lost or were stolen while in the direct or
10.5 constructive care of such agency during the previous calendar year;

10.6 (4) the number of animals that were returned to their owners during the previous
10.7 calendar year;

10.8 (5) the number of animals that were adopted during the previous calendar year; and

10.9 (6) the number of animals that were transferred to other organizations during the
10.10 previous calendar year.

10.11 Sec. 12. **[346.71] ENFORCEMENT.**

10.12 A public or private sheltering agency or rescue group may compel a public or
10.13 private sheltering agency to comply with sections 346.60 to 346.71 through an action for
10.14 declaratory and injunctive relief or other appropriate remedies at law that will compel
10.15 compliance.

10.16 Sec. 13. **EFFECTIVE DATE.**

10.17 Sections 1 to 12 are effective the day following final enactment.