

2020 Legislative Updates Animal Control Officers

Effective July 1, 2020, the following changes will be made to the Code of Virginia's Comprehensive Animal Care laws as a result of the 2020 Virginia General Assembly session. **Please familiarize yourself with the full text of these changes as they appear in Code** and contact your department's legal advisor with any questions regarding how the changes will affect your duties.

Section(s)	Topic	Summary of changes	Full Text
§3.2-6500	Tethering animals; Adequate shelter and space	<ul style="list-style-type: none">- Provides that the outdoor tethering of an animal does not meet the requirement of adequate shelter during a hurricane warning or tropical storm warning or if the animal is not safe from predators or well suited or equipped to tolerate its environment. The bill provides that unless an animal control officer has inspected an animal's individual circumstances and determined it to be safe from predators and well suited and equipped to tolerate its environment, no such outdoor tethering during a heat advisory, a severe weather warning, or a period when the temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower shall constitute the provision of adequate shelter.- The measure increases the minimum tether length required to constitute adequate space to 15 feet in length or four times the length of the animal, whichever is greater. Current law requires the tether to be at least 10 feet in length or three times the length of the animal, whichever is greater.	https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb272

<p>§3.2-6500 (cont.)</p>	<p>Tethering animals; Adequate shelter and space (cont.)</p>	<ul style="list-style-type: none"> - The bill provides an exception for a case in which an animal control officer, having inspected an animal's individual circumstances, determines that a shorter tether of at least 10 feet or three times the length of the animal makes the animal safer, more suited, and better equipped to tolerate its environment than a longer tether would. 	
<p>§3.2-6403</p>	<p>Domesticated Animal Pathogen Liability</p>	<ul style="list-style-type: none"> - Provides that no owner or operator of a domesticated animal premises, defined in the bill, shall be liable for damages arising from a claim by a person visiting such premises alleging injury or death caused by a domesticated animal pathogen if the owner or operator took reasonable precautions to prevent the transmission of such pathogen. - The bill also requires the posting of a warning sign and the provision of a hand-washing station at the premises and provides that liability may arise if the person proves that no warning sign was posted or hand-washing station provided as required. - The provision of the bill protecting the owner or operator from liability shall not apply if the transmission of the pathogen was due to the owner's or operator's gross negligence, willful and wanton conduct, or intentional act. 	<p>https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb764</p>

<p>§3.2-6546</p>	<p>Animal shelters; housing conditions</p>	<ul style="list-style-type: none"> - Requires certain housing, space, and care conditions for an animal that is confined by the operator or custodian of a public or private animal shelter or releasing agency during an applicable stray hold period. - The bill requires different conditions after such stray hold period ends, including requirements related to materials and construction of facilities, indoor and outdoor enclosures, and separation of certain animals. - The bill also requires any regulation by the Board of Agriculture and Consumer Services that applies to an animal not subject to a stray hold period to not be so restrictive as to fail to allow for adequate care, exercise, and space, including meaningful indoor and outdoor recreation for the animal. 	<p>https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb786</p>
<p>§3.2-5901.1 §3.2-6500 §3.2-6501.1</p>	<p>Animal welfare regulations; keeping of animals; State Animal Welfare Inspector</p>	<ul style="list-style-type: none"> - Directs the Board of Agriculture and Consumer Services to adopt comprehensive regulations governing the keeping of dogs and cats by any pet shop by July 1, 2022. The regulations are to require a \$250 annual registration fee for any private, for-profit entity required to register, and, where necessary, shall establish standards that apply only to a particular category of currently unregulated entity. - Creates the position of State Animal Welfare Inspector as an employee of VDACS and directs the Inspector (or representative) to conduct at least one unannounced, annual inspection of each pet shop. 	<p>https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb891</p>

<p>§3.2-6587 §18.2-403.1 §18.2-403.3</p>	<p>Rabid animals</p>	<ul style="list-style-type: none"> - Makes it a Class 1 misdemeanor for an owner of a dog or cat who permits such dog or cat to stray from his premises when he knows or has been told by the local health department, law-enforcement agency, animal control agency, or any other person who has a duty to control or respond to a risk of rabies exposure that the dog or cat is suspected of having rabies. 	<p>https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=hb1573</p>
<p>§3.2-6594 §3.2-6595 §3.2-6596</p>	<p>Dangerous captive animal exhibits; penalty</p>	<ul style="list-style-type: none"> - Prohibits a keeper of dangerous captive animals, defined in the bill, from providing or offering to provide to any member of the public, for free or for a cost, direct contact with such dangerous captive animal. - The bill provides that a violation is a Class 3 misdemeanor and that the keeper is subject to a fine of not more than \$500. - The bill has a delayed effective date of July 1, 2021. 	<p>https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb1030</p>
<p>§3.2-6513.1 §3.2-6514 §3.2-6515 §3.2-6519 §59.1-200</p>	<p>Comprehensive animal care; enforceable under Virginia Consumer Protection Act</p>	<ul style="list-style-type: none"> - Subjects certain animal care statutes to enforcement under the Virginia Consumer Protection Act (§ 59.1-196 et seq.). These statutes relate to the posting of information about dogs and to written notice of consumer remedies required to be provided by pet shops, pet dealers, and animal boarding establishments. 	<p>https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb114</p>

§3.2-6511.2	Import and sale of dogs from certain breeders; penalty	<ul style="list-style-type: none"> - Prohibits any dealer or commercial dog breeder from importing for sale, selling, or offering for sale any dog bred by a person who has received certain citations pursuant to enforcement of the federal Animal Welfare Act. A violation is a Class 1 misdemeanor. 	https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb303
§3.2-6513.2	Rental or lease of dog or cat prohibited; civil penalty	<ul style="list-style-type: none"> - Prohibits the rental or lease of a dog or cat to a consumer, including by a purported sale of the animal in a manner that vests less than full equity in the consumer at the time of the purported sale. - The bill prohibits the sale of a dog or cat in which the animal is subject to repossession upon default of the agreement and prohibits any financial institution from offering a loan for which the animal is subject to repossession upon default of the loan. - The bill provides that a violation of the provisions of the bill is a violation of the Consumer Protection Act and a business that violates the provisions of the bill may also have its retail license suspended or revoked. - The bill exempts certain animals from its prohibitions, including purebred dogs leased for breeding; dogs or cats used in spectator events, motion pictures, racing, or other entertainment; and service dogs, guide or leader dogs, security dogs, law-enforcement dogs, military working dogs, and certified facility dogs. The bill has a delayed effective date of January 1, 2021. 	https://lis.virginia.gov/cgi-bin/legp604.exe?ses=201&typ=bil&val=sb742