

ASSEMBLY BILL NO. 412—ASSEMBLYWOMAN TIFFANY

MARCH 16, 2001

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Revises provisions regarding treatment of certain animals in care of animal shelters. (BDR 50-75)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to animals; authorizing governing bodies of counties and cities to establish an advisory committee on animals; prescribing the duties of such an advisory committee; requiring certain animal shelters to observe certain animals perceived as dangerous to determine the appropriate disposition of the animals; requiring an animal shelter to report its determination regarding the appropriate disposition of an animal to the advisory committee under certain circumstances; providing limited immunity from civil or criminal liability under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 574 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *As used in sections 2, 3 and 4 of this act, “animal” has the*
4 *meaning ascribed to it in NRS 574.230.*

5 **Sec. 3.** *1. The board of county commissioners of any county may*
6 *establish an advisory committee on animals for the care and control of*
7 *animals within the jurisdiction of the board of county commissioners.*

8 *2. The governing body of any city may establish an advisory*
9 *committee on animals for the care and control of animals within the*
10 *jurisdiction of the city.*

11 *3. Upon establishing such an advisory committee, the board of*
12 *county commissioners or other governing body, as applicable, shall:*

13 *(a) Appoint the members and establish the terms of the members of*
14 *the advisory committee; and*

15 *(b) Appoint a chairman and vice chairman of the advisory committee*
16 *from among the membership of the committee.*

17 *4. Members of such an advisory committee must serve without salary*
18 *or other compensation, but may receive reimbursement for expenses, as*



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1 authorized by the board of county commissioners or other governing
2 body, as applicable.

3 5. Such an advisory committee shall:

4 (a) Recommend the appropriate disposition of animals whose status
5 has been referred to the advisory committee by an animal shelter
6 pursuant to section 4 of this act;

7 (b) Advise the body that created the advisory committee concerning
8 the review and development of rules, regulations and ordinances for the
9 care and control of animals within the jurisdiction of the county or city,
10 as applicable;

11 (c) Study and make recommendations to the body that created the
12 advisory committee regarding:

13 (1) The acquisition and provision of services and facilities for the
14 care and control of animals within the jurisdiction of the county or city,
15 as applicable;

16 (2) Methods to facilitate cooperation regarding the care and control
17 of animals within the jurisdiction of the county or city, as applicable,
18 among governmental entities, veterinarians, retailers and dealers of
19 animals, owners of animals and organizations for the humane treatment
20 of animals;

21 (3) The preparation and compilation of data and reports relating to
22 the care and control of animals within the jurisdiction of the county or
23 city, as applicable; and

24 (4) Methods to control the population of animals within the
25 jurisdiction of the county or city, as applicable; and

26 (d) Otherwise perform duties relating to the care and control of
27 animals within the jurisdiction of the county or city, as applicable,
28 pursuant to the direction of the body that created the advisory committee.

29 Sec. 4. 1. Except when the provisions of NRS 202.500 apply to a
30 dog and except for the impoundment of animals for the control of rabies,
31 if an animal:

32 (a) Is brought to an animal shelter because it is alleged that the
33 animal is dangerous or is perceived to be dangerous; or

34 (b) While in the custody of an animal shelter, is dangerous or
35 perceived to be dangerous,

36 the animal shelter shall observe the animal for 10 days to determine
37 whether the animal poses a continuing threat of danger.

38 2. If, after the 10-day period of observation, the animal shelter
39 determines that the animal does not pose a continuing threat of danger,
40 the animal shelter shall submit a written report of its finding to the
41 appropriate advisory committee on animals. If the animal shelter
42 determines that the animal poses a continuing threat of danger, the
43 animal shelter shall take appropriate action for the disposition of the
44 animal.

45 3. Upon receipt of a written report pursuant to subsection 2, the
46 chairman of the advisory committee shall, as soon as practicable, call a
47 meeting of the advisory committee. The advisory committee shall review
48 the written report of the animal shelter and determine whether the
49 animal poses a continuing threat of danger. Based upon its



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- 1 *determination, the advisory committee shall recommend that the animal*
2 *shelter:*
- 3 *(a) Return the animal to its owner;*
4 *(b) Secure the adoption of the animal to a person other than its*
5 *owner;*
6 *(c) Provide for the humane euthanasia of the animal; or*
7 *(d) Otherwise provide for the appropriate disposition of the animal.*
8 *4. An animal may not be found to pose a continuing threat of danger*
9 *pursuant to this section because the animal:*
10 *(a) Behaved defensively against a person who provoked the animal; or*
11 *(b) Exhibited dangerous behavior as a result of injury or other harm*
12 *inflicted upon or suffered by the animal immediately before the behavior.*
13 *5. If an animal shelter:*
14 *(a) Returns an animal to its owner;*
15 *(b) Provides for the adoption of an animal to another person; or*
16 *(c) Otherwise permits an animal to remain alive,*
17 *as a result of a recommendation of the advisory committee pursuant to*
18 *subsection 3, and the animal subsequently injures or causes harm to a*
19 *person, the body that created the advisory committee, the advisory*
20 *committee and the animal shelter are not subject to civil or criminal*
21 *liability for the injury or harm caused by the animal.*
22 *6. As used in this section:*
23 *(a) "Animal shelter" means a facility for receiving and holding*
24 *animals that is:*
25 *(1) Designated by a local government for that purpose; or*
26 *(2) Operated by a society for the prevention of cruelty to animals*
27 *in compliance with the provisions of NRS 574.010 to 574.040,*
28 *inclusive,*
29 *and is located in an area for which an advisory committee on animals*
30 *has been created pursuant to section 3 of this act.*
31 *(b) "Dangerous" means behaving menacingly or aggressively.*
32 *(c) "Provoked" means when the animal is tormented or subjected to*
33 *pain.*
34 **Sec. 5.** NRS 574.200 is hereby amended to read as follows:
35 574.200 The provisions of NRS 574.050 to 574.190, inclusive, and
36 574.210 to 574.510, inclusive, do not:
37 1. Interfere with any of the fish and game laws contained in Title 45 of
38 NRS or any laws for the destruction of certain birds.
39 2. ~~Interfere~~ *Except as otherwise provided in section 4 of this act,*
40 *interfere* with the right to destroy any venomous reptiles or animals, or any
41 animal known as dangerous to life, limb or property.
42 3. Interfere with the right to kill all animals and fowl used for food.
43 4. Prohibit or interfere with any properly conducted scientific
44 experiments or investigations which are performed under the authority of
45 the faculty of some regularly incorporated medical college or university of
46 this state.
47 5. Interfere with any scientific or physiological experiments conducted
48 or prosecuted for the advancement of science or medicine.



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1 6. Prohibit or interfere with established methods of animal husbandry,
2 including the raising, handling, feeding, housing and transporting of
3 livestock or farm animals.

4 **Sec. 6.** NRS 574.440 is hereby amended to read as follows:

5 574.440 An operator shall, with the approval of a veterinarian,
6 establish and maintain a program to control disease and care for the health
7 of dogs and cats. As part of this program, an operator shall ensure that:

8 1. Each dog and cat is observed daily by the person directly
9 responsible for its care, or by someone else under that person's direct
10 supervision.

11 2. Blind, lame, injured, ill or diseased dogs and cats are provided with
12 the appropriate veterinary care that is consistent with the purposes for
13 which a dog or cat is being kept or , *except in circumstances to which the*
14 *provisions of section 4 of this act apply*, humanely euthanized.

15 3. Any dogs or cats under quarantine or being treated for a
16 communicable disease are kept separate from other dogs and cats.

