

Amendment No. 426

Senate Amendment to Senate Bill No. 299

(BDR 50-388)

Proposed by: Senate Committee on Natural Resources**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will:

(1) MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 299 (§ 3).

(2) MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 299 (§ 3).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

CAF/JRS



Date: 4/21/2011

S.B. No. 299—Revises provisions relating to the care of animals. (BDR 50-388)



SENATE BILL NO. 299—SENATOR MANENDO (BY REQUEST)

MARCH 21, 2011

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the care of animals. (BDR 50-388)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring the board of county commissioners of each county and the governing body of each incorporated city to adopt an ordinance requiring ~~certain~~ commercial breeders of dogs or cats to obtain a permit to act as a breeder ~~and~~ under certain circumstances; setting forth the requirements for the issuance of those permits; ~~removing operators of animal shelters from the group of persons who must comply with certain standards of care for certain animals; providing that certain standards of care for animals apply to the care for all animals kept by certain persons;~~ making various ~~other~~ changes to the standards of care for ~~those animals;~~ dogs and cats; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies standards for the care of dogs and cats by kennel and cattery operators, cat and dog breeders and sellers, and operators of animal shelters. (NRS 574.360-574.440) **Section ~~1.3~~ 1.3** of this bill **defines “breeder” as a person who operates a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. Section 1.6 of this bill** requires the board of county commissioners of each county and the governing body of each incorporated city to adopt an ordinance requiring each ~~person who operates a commercial establishment engaged in the business of breeding dogs or cats for sale or trade;~~ **breeder** to obtain an annual permit to do so from the board or governing body or from the animal control agency of the applicable county or city. **Section ~~1.6~~ 1.6** also requires the applicable authority to issue the permit and assign a permit number to each breeder who applies for a permit, pays any prescribed fee and complies with any other requirement established by the ordinance. Each permit issued must specify the premises at which the person may act as a breeder, and the number of the permit assigned to a breeder must be displayed in all advertising in which the breeder offers a dog or cat for sale or trade and on any receipt of sale of a dog or cat sold by the breeder. **Section ~~1.6~~ 1.6** also authorizes an ~~authorized~~ **animal control** agent of the applicable board or governing body or animal control agency to enter and inspect the specified premises of a breeder during any reasonable hour for the purpose of enforcing the animal care provisions of chapter 574 of NRS. Finally,

section ~~(1.6)~~ 1.6 authorizes the ordinances required pursuant to this bill to provide for the suspension, revocation or denial of a permit for violating those animal care provisions.

~~[Section 3 of this bill removes operators of animal shelters from the group of persons who must comply with the standards of care specified in NRS 574.360-574.440.] Section 1.9 of this bill prohibits a breeder from selling a dog or cat unless a registered microchip has been subcutaneously inserted into the dog or cat and the dog or cat has had its required vaccination for rabies. In addition, section 1.9 prohibits a breeder from selling a dog or cat without a written sales contract and further prohibits a breeder from breeding a female dog before she is 18 months old or more than once a year. Sections 4 and 8-13 of this bill [provide that certain standards of care apply to the care of all animals, not just dogs and cats, and also] make various changes to ~~[those]~~ certain standards ~~[.]~~ of care for dogs and cats.~~

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

Section 1. Chapter 574 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 1.3, 1.6 and 1.9 of this act.

Sec. 1.3. “Breeder” means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade.

Sec. 1.6. 1. In addition to any ordinance adopted pursuant to NRS 244.189 or 244.359, the board of county commissioners of each county, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder in an unincorporated area of the county to obtain an annual permit to act as a breeder issued by the board or by the animal control agency of the county, if any.

2. In addition to any ordinance adopted pursuant to NRS 266.325, the city council or other governing body of each incorporated city, whether organized under general law or special charter, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder in the incorporated area of the city to obtain an annual permit to act as a breeder issued by the city council or other governing body or by the animal control agency ~~[of the city]~~ if any.

3. After a board of county commissioners or a city council or other governing body of an incorporated city adopts an ordinance pursuant to subsection 1 or 2, as applicable, the board or governing body shall issue a permit and assign a permit number to each breeder who:

(a) Submits an application on a form and in the manner prescribed by the ordinance;

(b) Pays a fee ~~[, not to exceed \$50,]~~ prescribed by the ordinance; and

(c) Complies with any other requirements prescribed by the ordinance.

4. Each permit issued pursuant to subsection 3 must specify the address of the premises at which the person may act as a breeder.

5. The number of the permit assigned to a breeder pursuant to subsection 3 must be displayed in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale of a dog or cat sold by the breeder.

6. For the purpose of enforcing the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders, any ~~[authorized]~~ animal control agent of the issuing authority may enter and inspect the premises specified on the permit at any reasonable hour.

7. An ordinance adopted pursuant to subsection 1 or 2 may provide for the suspension, revocation or denial of a permit for a violation of the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders.

~~8. As used in this section, "breeder" means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade.~~

Sec. 1.9. A breeder shall not:

1. Sell a dog or cat:

(a) Unless the dog or cat has had:

(1) A registered microchip subcutaneously inserted into the dog or cat; and

(2) All its required vaccinations for rabies; or

(b) Without providing a written sales contract to the purchaser; or

2. Breed a female dog:

(a) Before she is 18 months old; or

(b) More than once a year.

Sec. 2. NRS 574.210 is hereby amended to read as follows:

574.210 As used in NRS 574.210 to 574.510, inclusive, and ~~section 1.1~~ sections 1.3, 1.6 and 1.9 of this act, unless the context otherwise requires, the words and terms defined in NRS 574.220 to 574.330, inclusive, and section 1.3 of this act have the meanings ascribed to them in those sections.

Sec. 3. ~~[NRS 574.290 is hereby amended to read as follows:~~

~~574.290 "Operator" means a person responsible for the operation of [~~

~~1. A] a cattery, kennel or commercial establishment engaged in the business of selling animals. [; or~~

~~2. An animal shelter.] (Deleted by amendment.)~~

Sec. 4. NRS 574.310 is hereby amended to read as follows:

574.310 "Primary enclosure" means a structure used to restrict the immediate movement of a dog or cat ~~[an animal]~~ to a limited amount of space, such as a room, pen, run, cage, compartment or hutch ~~[; and in which an animal is regularly so restricted for more than 7 hours during a 24-hour period.]~~

Sec. 5. NRS 574.340 is hereby amended to read as follows:

574.340 1. The provisions of NRS 574.210 to 574.510, inclusive, and ~~section 1.1~~ sections 1.3, 1.6 and 1.9 of this act do not apply to:

~~[(a)]~~ (a) The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity. ~~;~~

~~2.]~~ or animal.

(b) Activities for which a license is required by the provisions of chapter 466 of NRS.

~~[(c)]~~ (c) The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

~~[(d)]~~ (d) The exhibition of dogs or cats.

2. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 564.010.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 6. NRS 574.350 is hereby amended to read as follows:

574.350 No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive ~~[(; and section 1.1) sections 1.3, 1.6 and 1.9 of this act.]~~

Sec. 7. ~~[NRS 574.360 is hereby amended to read as follows:~~

~~574.360 An operator shall ensure that~~

~~1. The buildings and grounds at all locations where [dogs or cats] **animals** are kept;~~

~~(a) Are clean and in good repair; and~~

~~(b) Do not become accumulated with trash.~~

~~2. Housing facilities:~~

~~(a) Are constructed and maintained in such a manner as to:~~

~~(1) Protect the [dogs or cats] **animals** inside from injury;~~

~~(2) Prevent the [dogs or cats] **animals** inside from escaping; and~~

~~(3) Restrict the entrance of other [dogs and cats.] **animals**.~~

~~(b) Have adequate and reliable sources of electrical power and potable water available.] **(Deleted by amendment.)**~~

Sec. 8. ~~[NRS 574.370 is hereby amended to read as follows:~~

~~574.370 An operator shall:~~

~~1. Provide all [dogs and cats] **animals** with primary enclosures located indoors, except [dogs and cats] **animals** that are acclimated to the outdoor environment;~~

~~2. Ensure that the interior of a housing facility for indoor primary enclosures is constructed and maintained in such a manner as to be substantially impervious to moisture and to facilitate regular cleaning;~~

~~3. Provide a suitable method to eliminate excessive water from the interior of a housing facility for indoor primary enclosures. Any drains must be constructed and maintained in such a manner as to avoid foul odors. Any closed system for drainage must be equipped with traps that prevent the release of sewage into the housing facility;~~

~~4. Ensure that indoor primary enclosures are constructed and maintained in such a manner as to:~~

~~(a) Protect the [dogs or cats] **animals** inside from excessive illumination while providing an ample amount of light, by natural or artificial means, or both, of a sufficient distribution and intensity to allow for routine inspection and cleaning;~~

~~(b) Provide a sufficient amount of heat when necessary to protect the [dogs or cats] **animals** inside from cold and to maintain their health and comfort. The ambient temperature of an indoor primary enclosure in which one or more [cats or dogs] **animals** are kept must not be allowed to fall below 50 degrees Fahrenheit, unless each [cat or dog] **animal** is acclimated to a lower temperature;~~

~~(c) Provide adequate ventilation at all times to maintain the health and comfort of the [dogs or cats] **animals** inside. The system of ventilation must provide fresh air by means of windows, doors, vents or air conditioning, and be designed to maintain drafts, odors and the condensation of moisture at a minimum. If the ambient temperature reaches 85 degrees Fahrenheit or greater, air conditioning, exhaust fans and vents, or other auxiliary ventilation must be provided.] **(Deleted by amendment.)**~~

Sec. 9. NRS 574.380 is hereby amended to read as follows:

574.380 If ~~dogs or cats~~ **animals** are kept outdoors, an operator shall:

1. Provide a suitable method for the rapid drainage of surface water from the area where each ~~dog or cat~~ **animal** is kept.

2. Provide each ~~dog or cat~~ **animal** with a sufficient amount of shelter to:

(a) Remain dry from rain and snow;

(b) Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort; ~~and~~

(c) *Remain cool during a period for which the National Weather Service has issued a heat advisory;*

(d) *Protect the animal from wind which creates a wind chill below 50 degrees Fahrenheit or for which the National Weather Service has issued a high wind warning; and*

(e) Remain warm when the atmospheric temperature falls below 50 degrees Fahrenheit. If the ambient temperature falls below ~~{the temperature to which a dog or cat is acclimated.}~~ *50 degrees Fahrenheit*, the operator shall provide such an additional amount of clean bedding material or other protection as necessary for the ~~dog or cat~~ *{animal}* to remain warm.

3. After considering the ambient temperature, provide each ~~dog or cat~~ *{animal}* with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

Sec. 10. NRS 574.390 is hereby amended to read as follows:

574.390 1. An operator shall ensure that a primary enclosure ~~{is}~~ :

~~{1.}~~ *(a) Has a solid floor;*

~~{2.}~~ *(b) Is not stacked on top of another primary enclosure; and*

~~{3.}~~ *(c) Is constructed and maintained in such a manner as to:*

~~{1.}~~ ~~{(a)}~~ *(1) Protect the dogs or cats* ~~{each animal}~~ *inside from injury;*

~~{2.}~~ ~~{(b)}~~ *(2) Prevent the dogs or cats* ~~{each animal}~~ *inside from escaping;*

~~{3.}~~ ~~{(c)}~~ *(3) Keep other dogs or cats* ~~{animals}~~ *out;*

~~{4.}~~ ~~{(d)}~~ *(4) Allow the dogs or cats* ~~{each animal}~~ *inside convenient access to food and water;*

~~{5.}~~ ~~{(e)}~~ *(5) Enable the dogs or cats* ~~{each animal}~~ *inside to remain clean and dry;* ~~and~~

~~—6.}~~ ~~{(f)}~~ *(6) Provide sufficient space for each dog or cat* ~~{animal}~~ *inside to turn about freely and to stand, sit and lie in a comfortable, normal position* ~~{; and~~

~~{(g)}~~ *(7) Prevent* ~~{each animal}~~ *the dogs or cats inside from biting* ~~{; stinging; or otherwise harming an animal or person outside of the primary enclosure.}~~

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an animal shelter.

Sec. 11. NRS 574.430 is hereby amended to read as follows:

574.430 An operator shall ensure that:

1. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.

2. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.

3. *For primary enclosures used to restrict the immediate movement of a dog or cat:*

(a) Excreta are removed ~~{from primary enclosures}~~ at least once daily to prevent contamination and to reduce to a minimum odors and the risk of disease ~~{; and~~ *A primary enclosure must be}; and*

(b) *Each such primary enclosure is* disinfected at least once daily and before placing another dog or cat in the primary enclosure. If a hosing or flushing method of cleaning is used, all dogs and cats must be removed from the primary enclosure and adequate measures must be taken to protect the dogs and cats in other primary enclosures from being contaminated with water and other wastes.

4. ~~{Other}~~ *Primary enclosures used to restrict the immediate movement of an animal other than a dog or cat* are cleaned, washed and disinfected at least once every 2 weeks to prevent any accumulation of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.

5. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every 2 weeks by:

(a) Washing them with water of a temperature not less than 120 degrees Fahrenheit and with soap or detergent;

(b) Washing all soiled surfaces with a safe and effective disinfectant; or

(c) Cleaning all soiled surfaces with live steam.

6. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.

7. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from housing facilities regularly and disposed of properly.

8. Facilities for disposal are maintained in such a manner as to reduce to a minimum odors and the risk of disease or infestation by vermin.

9. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

Sec. 12. ~~[NRS 574.440 is hereby amended to read as follows:]~~

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

~~1. Each [dog and cat] animal is observed daily by the person directly responsible for its care, or by someone else under that person's direct supervision.~~

~~2. Blind, lame, injured, ill or diseased [dogs and cats.] animals are provided with the appropriate veterinary care that is consistent with the purposes for which [a dog or cat] an animal is being kept or humanely euthanized.~~

~~3. Any [dogs or cats.] animals under quarantine or being treated for a communicable disease are kept separate from other [dogs and cats.] animals.]~~

(Deleted by amendment.)

Sec. 13. ~~[NRS 574.500 is hereby amended to read as follows:]~~

~~574.500 A retailer, dealer, [or] operator or person responsible for the operation of an animal shelter shall not separate a dog or cat from its mother until it is 8 weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.]~~ **(Deleted by amendment.)**

Sec. 14. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.