

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; 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; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law specifies standards for the care of dogs and cats by kennel and  
2 cattery operators, cat and dog breeders and sellers, and operators of animal shelters.  
3 (NRS 574.360-574.440) **Section 1** of this bill requires the board of county  
4 commissioners of each county and the governing body of each incorporated city to  
5 adopt an ordinance requiring each person who operates a commercial establishment  
6 engaged in the business of breeding dogs or cats for sale or trade to obtain an  
7 annual permit to do so from the board or governing body or from the animal control  
8 agency of the applicable county or city. **Section 1** also requires the applicable  
9 authority to issue the permit and assign a permit number to each breeder who  
10 applies for a permit, pays any prescribed fee and complies with any other  
11 requirement established by the ordinance. Each permit issued must specify the  
12 premises at which the person may act as a breeder, and the number of the permit



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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** also authorizes an authorized 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** 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. **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 standards.

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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:

*1. In addition to any ordinance adopted pursuant to NRS 244.189 or 244.359, the board of county commissioners of each county 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, 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.*



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

5       6. *For the purpose of enforcing the provisions of NRS*  
6 *574.360 to 574.440, inclusive, as those provisions apply to*  
7 *breeders, any authorized agent of the issuing authority may enter*  
8 *and inspect the premises specified on the permit at any reasonable*  
9 *hour.*

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

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

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

19      574.210 As used in NRS 574.210 to 574.510, inclusive, *and*  
20 *section 1 of this act*, unless the context otherwise requires, the  
21 words and terms defined in NRS 574.220 to 574.330, inclusive,  
22 have the meanings ascribed to them in those sections.

23      **Sec. 3.** NRS 574.290 is hereby amended to read as follows:

24      574.290 "Operator" means a person responsible for the  
25 operation of ~~§~~:

26 ~~1. A) a~~ cattery, kennel or commercial establishment engaged in  
27 the business of selling animals. ~~§; or~~

28 ~~2. An animal shelter. §~~

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

30      574.310 "Primary enclosure" means a structure used to restrict  
31 the immediate movement of ~~{a dog or cat}~~ *an animal* to a limited  
32 amount of space, such as a room, pen, run, cage, compartment or  
33 hutch ~~{§}~~, *and in which an animal is regularly so restricted for*  
34 *more than 7 hours during a 24-hour period.*

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

36      574.340 The provisions of NRS 574.210 to 574.510, inclusive,  
37 *and section 1 of this act* do not apply to:

38      1. The exhibition, production, marketing or disposal of any  
39 livestock, poultry, fish or other agricultural commodity.

40      2. Activities for which a license is required by the provisions of  
41 chapter 466 of NRS.

42      3. The housing of domestic cats or dogs kept as pets or cared  
43 for, without remuneration other than payment for reasonable  
44 expenses relating to the care of the cats or dogs, on behalf of another  
45 person in a home environment.



4. The exhibition of dogs or cats.

**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 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.

**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



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1 kept must not be allowed to fall below 50 degrees Fahrenheit, unless  
2 each ~~{eat or dog}~~ **animal** is acclimated to a lower temperature.

3 (c) Provide adequate ventilation at all times to maintain the  
4 health and comfort of the ~~{dogs or cats}~~ **animals** inside. The system  
5 of ventilation must provide fresh air by means of windows, doors,  
6 vents or air-conditioning, and be designed to maintain drafts, odors  
7 and the condensation of moisture at a minimum. If the ambient  
8 temperature reaches 85 degrees Fahrenheit or greater, air-  
9 conditioning, exhaust fans and vents, or other auxiliary ventilation  
10 must be provided.

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

12 574.380 If ~~{dogs or cats}~~ **animals** are kept outdoors, an  
13 operator shall:

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

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

18 (a) Remain dry from rain and snow;

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

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

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

26 (e) Remain warm when the atmospheric temperature falls below  
27 50 degrees Fahrenheit. If the ambient temperature falls below ~~{the  
28 temperature to which a dog or cat is acclimated,}~~ **50 degrees  
29 Fahrenheit**, the operator shall provide such an additional amount of  
30 clean bedding material or other protection as necessary for the ~~{dog  
31 or cat}~~ **animal** to remain warm.

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

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

36 574.390 An operator shall ensure that a primary enclosure ~~{is}~~ :

37 1. *Has a solid floor;*

38 2. *Is not stacked on top of another primary enclosure; and*

39 3. *Is constructed and maintained in such a manner as to:*

40 ~~{1-}~~ (a) Protect ~~{the dogs or cats}~~ **each animal** inside from  
41 injury;

42 ~~{2-}~~ (b) Prevent ~~{the dogs or cats}~~ **each animal** inside from  
43 escaping;

44 ~~{3-}~~ (c) Keep other ~~{dogs or cats}~~ **animals** out;



1 ~~[4.]~~ (d) Allow ~~[the dogs or cats]~~ *each animal* inside convenient  
2 access to food and water;

3 ~~[5.]~~ (e) Enable ~~[the dogs or cats]~~ *each animal* inside to remain  
4 clean and dry; ~~and~~

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

8 (g) *Prevent each animal inside from biting, stinging, or*  
9 *otherwise harming an animal or person outside of the primary*  
10 *enclosure.*

11 **Sec. 11.** NRS 574.430 is hereby amended to read as follows:  
12 574.430 An operator shall ensure that:

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

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

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

20 (a) Excreta are removed ~~[from primary enclosures]~~ at least once  
21 daily to prevent contamination and to reduce to a minimum odors  
22 and the risk of disease ~~[. A primary enclosure must be]~~; *and*

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

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

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

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

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

41 (c) Cleaning all soiled surfaces with live steam.

42 6. Pens or runs with gravel, sand or dirt surfaces are cleaned as  
43 often as necessary by removing and replacing the soiled gravel, sand  
44 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*.

**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.

**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.

