

Pet Care and Humane Treatment Study Committee



Interim Report

The Pet Care & Humane Treatment Study Committee was established by Act 274 (2016). The enabling action is as follows:

SECTION 5. (A) There is established the Pet Care and Humane Treatment Study Committee to review, study, and make recommendations concerning the need for improved oversight and regulation in the State.

(B) The study committee shall:

- (1) identify issues relating to pets including, but not limited to, breeding, adoption, purchase, veterinary care, transportation, and sale of pets out of this State;*
- (2) identify and categorize a statewide estimate of the historical and current private nonprofit animal shelters in this State, rescue shelters, county animal shelters, and municipal animal shelters;*
- (3) identify and categorize the range of services offered in an animal shelter including kenneling, grooming, and veterinary services;*
- (4) identify and categorize any limitations on services based on income status or other poverty measures;*
- (5) identify any underserved areas of the State for basic veterinary services;*
- (6) identify concerns related to unhealthy breeding practices;*
- (7) identify and quantify the sale of pets by animal shelters to out of state individuals or organizations;*
- (8) identify how animals are transported to other states and any regulation that might apply;*
- (9) review the animal cruelty laws and determine if the enforcement and penalties are working;*
- (10) review appointments to the Board of Veterinary Medical Examiners to determine if it needs any updating or structural change; and*
- (11) recommend changes to public policy, regulations, or statutes that would improve the overall health and safety of animal shelters, breeding practices, sale, and transportation of pets.*

(C) The study committee must be composed of eleven members.

(1) The Chairman of the Senate Agriculture and Natural Resources Committee shall appoint the following five members:

- (a) a member of the Senate;*
- (b) a licensed doctor of veterinary medicine residing in South Carolina;*
- (c) a representative from an animal shelter located in this State;*
- (d) a representative from the American Kennel Club; and*
- (e) a representative of the Municipal Association of South Carolina.*

(2) The Chairman of the House Agriculture, Natural Resources, and Environmental Affairs Committee shall appoint the following four members:

- (a) a member of the House of Representatives;*
- (b) a licensed doctor of veterinary medicine residing in South Carolina;*
- (c) a representative from the National Humane Society; and*
- (d) a representative of the South Carolina Association of Counties.*

(3) The Governor shall appoint one member to represent the South Carolina Department of Labor, Licensing, and Regulation.

(4) The Commissioner of Agriculture shall appoint one member.

(D) The appointed Senator shall serve as the study committee chairman. The members of the study committee shall serve without compensation and may not receive mileage or per diem. Staff from the Senate Agriculture and Natural Resources Committee and staff from the House Agriculture, Natural Resources, and Environmental Affairs Committee shall provide support for the study committee.

(E) The study committee shall make a report of its findings and recommendations to the General Assembly during the 2017 legislative session, at which time the study committee shall cease to exist.

Members of the study committee, appointed pursuant to Act 274, are as follows:

Senator Vincent Sheheen, Chairman
Representative Steve Moss
Marli Drum, City of Cola. Animal Services, Superintendent
Patricia Hill, DVM, SC Assn. of Veterinarians, Past President
Kim Kelly, Humane Society US, SC Director
Tim Loonam, DVM, Grace Animal Hospital, Clinical Director
Barbara Nelson, SPCA Albrecht Center, President
Josh Rhodes, SC Assoc. of Counties, Staff Attorney
Patty Van Sicklen, Am. Kennel Club, Legislative Analyst
Clint Leach, SC Dept. Of Agriculture, Asst. Commissioner
Rebecca Leach, SC Dept. of LLR, Dir. Of Bus. And Govt. Affairs

Staff members from the Senate Agriculture & Natural Resources Committee and the House Agriculture, Natural Resources & Environmental Affairs Committee provided administrative support to the study committee. They were also assisted in this endeavor by Senate Legal staff.

On Thursday, September 22, 2016, the study committee convened and, as of this report, has held six other meetings. While mindful of the totality of the requirements upon them, the study committee established a consensus of core concerns:

- *Mitigating the population of animals entering the shelter system through pet retention initiatives, as well as spay-neuter programs. Also of concern in this area is the plight of the animal separated from his owner and making sure he gets back home.*
- *Understanding the existing cruelty and neglect laws, as well as the enforcement thereof and recommending necessary changes.*
- *A shelter oversight platform utilizing standard operational procedures / best demonstrated practices.*
- *The wide spectrum of SC counties and their resources available for housing stray and lost animals. Consideration should be given to more efficient use of funds (benefitting animals and taxpayers), as well as minimizing the discrepancy between “have” and “have-not” counties.*
- *Quantifying the animal trafficking problem in terms of numbers and destination states, as well as developing regulations to curb substandard transports that relocate sick animals or cause death during transport.*

Public comment was invited, both for individuals wishing to address the study committee in person, as well as those desiring to submit electronic communication. Staff received over 60 e-mails related to the work of the study committee.

Additionally, invitations were extended to a dozen groups or individuals whose expertise was believed to be a good resource for the study committee. A total of 37 documents were transmitted to staff and have been posted to the study committee web page:

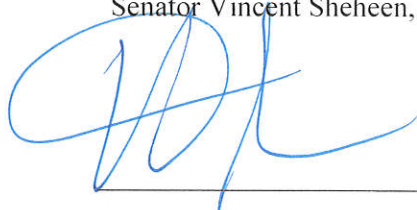
<http://www.scstatehouse.gov/CommitteeInfo/Joint%20Pet%20Care%20And%20Humane%20Treatment%20Study%20Committee/JointPetCareAndHumaneTreatmentStudyCommittee.php>

The web page referenced above also contains the full proceedings of the study committee, including a streaming video archive of all meetings.

The study of pet care and humane treatment is a wide scope and, accordingly, deserves thoroughness in deliberation. The energy and conscientiousness of the study committee, along with the excellent resources of invited guests and the concerns of public participants have given us much to consider; this is a good “problem” to have, yet we are mindful of our responsibility to the General Assembly, per Act 274. It is for this reason that we are submitting this Interim Report.

The following pages represent the work of the study committee thus far, specifically, draft legislation that has been considered by the study committee and revised as necessary. There are remaining amendments that members have submitted that need to be considered for possible inclusion in the final legislative draft, which will be the report to the General Assembly. The intent is for the study committee to reconvene soon after the close of the 2017 Legislative Session and bring this work to fruition.

Senator Vincent Sheheen, Chairman



WORKING DOCUMENT -- LAST AMENDED BY STUDY COMMITTEE 4/4/17

Shaded text reflects changes to draft by study committee or changes necessitated by proper organization of sections

**Part 2:
Animal Cruelty
Add Tethering Law with Definitions**

SECTION __. Section 47-1-10 of the 1976 Code is amended to read:

“Section 47-1-10. As used in this chapter:

- (1) ‘Animal’ means a living vertebrate creature except a homo sapien.
- (2) ‘Sustenance’ means adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.
- (3) ‘Shelter’ means ~~shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.~~ a covered structure that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

SECTION __. Chapter 1, Title 47 is amended by adding: *(doesn't fit code/ inappropriate to have penalty for something in a definitions sections; making cruel tethering own section here)*

“Section 47-1-215. (A) ‘Cruel tethering’ means confining an animal by attaching the animal to a stationary object by means of a chain, rope, cable, trolley, running line, or similar device in a manner that:

- (a) causes injury or illness to the animal as determined by a veterinarian;
- (b) utilizes a tether that exceeds one-eighth the body weight of the animal;
- (c) utilizes a tether that is too short for an unattended animal to move around or for the animal to urinate or defecate in a separate area from the area where the animal must eat, drink, or lie down;
- (d) does not permit the animal access to adequate **sustenance or shelter**; *(use these terms because already defined for the chapter in 47-1-10.)*

(B) A person who cruelly tethers an animal is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, imprisoned not more than ninety days, or both, for a first offense, and be fined not more than two thousand dollars, imprisoned more than two years, or both, for a second or subsequent offense.

SECTION __. **Section 22-1-17(A) of the 1976 Code is amended to read:**

“Section 22-1-17. (A) The South Carolina Court Administration is authorized to establish and determine the number of contact hours to be completed in a continuing education program of two years available to a magistrate who has successfully completed the certification examination. The program must provide extensive instruction in civil and criminal procedures and must encourage magistrates to develop contacts and resources of information in conjunction with their instructors and fellow magistrates. The program must also require two hours of continuing education in the area of animal cruelty.”

Part 3: Strays

Establish Efforts to Reduce the Homeless Dog Population; Amend Stray Hold Time For Shelters

SECTION __. Section 47-3-10 of the 1976 Code is amended to read:

“For the purpose of this article:

- (1) ‘Animal’ is defined as provided for in Chapter 1;
- (2) ‘Animal shelter’ includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article;
- (3) ‘Dog’ includes all members of the canine family, including foxes and other canines;
- ~~(4)~~(a) A dog is deemed to be ‘running at large’ if off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device;
- ~~(5)~~(b) A dog is deemed to be "under restraint" if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device;
- ~~(6)~~(4) ‘Cat’ includes all members of the feline family;
- (5) ‘Community cat’ means a feral or friendly free-roaming cat that is without discernable owner identification of any kind and has been sterilized, vaccinated, and ear-tipped;
- (6) ‘Ear-tipping’ is the removal of approximately one quarter-inch from the tip of a community cat’s left ear while the cat is anesthetized for sterilization;
- (7) ‘Litter’ means multiple offspring from one birth of an animal
- (8) ‘Trap-Neuter-Return’ means the method by which community cats are humanely trapped, spayed or neutered, vaccinated, ear-tipped, and returned to the location where they were living.
- ~~(7)~~(9) "Vicious dog" means any dog evidencing an abnormal inclination to attack persons or animals without provocation.”

SECTION __. Section 47-3-60 of the 1976 Code is amended to read:

“Section 47-3-60. (A) After any animal has been quarantined pursuant to South Carolina Rabies Control Act and is unclaimed by its owner, after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(B) A litter of dogs or cats four months of age or younger that are not identifiable may be disposed of by the shelter either by adoption, euthanasia, or turned over to any organization established for the purpose of caring for animals, such as the Humane Society, after seventy-two hours. Litters of dogs or cats up to five months of age without discernable owner identification of any kind may be adopted, fostered, or transferred to a private sheltering agency established for the purpose of caring for and adopting animals immediately seventy-two hours after impoundment for life saving purposes.

~~(B)~~(C) After any animal has been impounded for five days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47 3 540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(D) All healthy and unidentifiable cats found or picked up from an outside area and considered stray, may be sterilized within twenty-four hours and then returned to the area in which it was found twenty-four hours after surgery if sufficiently recovered. Community cats without discernable owner identification are eligible for Trap-Neuter-Return or a Community Cat Program.

~~(C)~~(E) Complete records must be kept by shelter officials as to the disposition of all animals impounded.”

Part 5: Miscellaneous

SECTION __. Chapter 1, Title 47 of the 1976 Code is amended by adding:

“Section 47-1-145. (A) Any person, organization, or other entity that is awarded custody of an animal under the provisions of Section 47-1-150 because of the arrest of a defendant for a violation of any provision of Chapter 1, Title 47 or Chapter 24, Title 16 and that provides services to the animal without compensation, may file a petition with the court requesting that the defendant, if found guilty, be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal pending the disposition of the litigation. In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, ‘court’ refers to municipal or magistrate’s court and ‘reasonable expenses’ includes the cost of providing food, water, shelter, and care, including medical care, but does not include extraordinary medical procedures.

(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal the custodian incurred pursuant to subsection (A). Either party may demand that the trial be given priority over other cases.

(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty, the custodian of the animal may then determine whether the animal is suitable for adoption and whether adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant’s household if the defendant was found guilty. If no adoption can be arranged after the forfeiture, or the animal is unsuitable for adoption, the custodian shall humanely euthanize the animal.

(D) Within thirty days of an animal’s impoundment, the animal’s custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:

(1) an estimate of the daily custodial costs required to care for the animal;

(2) a statement that the defendant, if found guilty, shall be required to pay for the animal’s care during impoundment; and

(3) a statement that the defendant at any time prior to final adjudication, has the right to forfeit ownership of the animal by paying only and avoid all accrued custodial costs related to the animal’s care accrued at the time of forfeiture.

(E) The remedy provided for in this section is in addition to any other remedy provided by law.”

SECTION __. Section 56-3-9600(B) of the 1976 Code is amended to read:

“(A) The Department of Motor Vehicles may issue "No More Homeless Pets" special motor vehicle license plates to owners of private passenger motor vehicles as defined in Section 56-3-630 registered in their names, which may have imprinted on the plate "No More Homeless Pets". The special license plate must be issued or revalidated for a biennial period which expires twenty-four months from the month it is issued. The fee for this special license plate is the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title and a special motor vehicle license fee of seventy dollars.

(B) Notwithstanding another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167, an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. ~~Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's caseload in the preceding calendar year was of the total caseload of all applicants in that year.~~ Agencies may begin applying for grants at the beginning of each fiscal year. Grant applications cannot be for more than \$2,000 each. Total available grant funds will be based on the amount of funds collected each previous fiscal year. Grants must specify how many surgeries will be performed, broken down by species and gender. Agencies can only apply for one grant at a time. When a grant is fulfilled, an agency may apply for another grant as long as funds are available. Grants must be fulfilled within six months of receiving funds. Once completed, agencies must submit back to No More Homeless Pets / SCACCA an Excel spreadsheet listing: each citizen participating, type of eligibility for the program, spay or neuter, date of spay or neuter (and rabies if applicable), description of animal including gender and the appropriate amount charged toward the grant. The total should equal the amount requested on the grant. Any unused funds must be returned. If an co-pay was charged to participating individuals, that amount must also be included. The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations.

(C) Before the Department of Motor Vehicles produces and distributes a special license plate pursuant to this section, it must receive:

(1) four hundred or more prepaid applications for the special license plate or a deposit of four thousand dollars from the individual or organization seeking issuance of the license plate. If a deposit of four thousand dollars is made by an individual or organization pursuant to this section, the department must refund the four thousand dollars once an equivalent amount of license plate fees is collected for that organization's license plate. If the equivalent amount is not collected within four years of the first issuance of the license plate, the department must retain the deposit; and

(2) a plan to market the sale of the special license plate that must be approved by the department.

(D) If the department receives less than three hundred biennial applications and renewals for a particular special license plate authorized under this section, it shall not produce additional special license plates in that series. The department shall continue to issue special license plates of that series until the existing inventory is exhausted.

(E) The Department of Agriculture annually shall provide an accounting and summary of this program to the Chairman of the Senate Agriculture and Natural Resources Committee and to the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee before September first.

(F) A local private nonprofit animal spaying and neutering program that requests reimbursement for services related to this program shall provide to the SCACCA the name and address of each person who brought the animal to the program. Before the Department of Agriculture may send a reimbursement to the SCACCA, the SCACCA shall provide the Department of Agriculture a list of each individual who brought a pet in for spaying or neutering and the number of animals brought in by that individual for spaying or neutering.

SECTION __. Section 40-69-30 of the 1976 Code is amended to read:

“Section 40-69-30. (A) A person may not practice veterinary medicine without a license issued in accordance with this chapter, except as provided in subsection (B). A person who uses in connection with his name the words or letters ‘D.V.M.’, ‘V.M.D.’, ‘Doctor of Veterinary Medicine’, ‘Veterinary Medical Doctor’, or other letters, words, or insignia indicating or implying that one is engaged in the practice of veterinary medicine or who in any other way, orally or in writing or in print or by sign directly or by implication, represents oneself as engaged in the practice of a veterinary medicine without being licensed by the board is subject to the penalties provided for in this chapter.

(B) A veterinarian or veterinary technician that is not licensed in accordance with this chapter, but is licensed and in good standing in another jurisdiction, may practice veterinary medicine in this State during an emergency or natural disaster within the scope and location of assigned veterinary medical duties of the response efforts if:

(1) an official declaration of the disaster or emergency has been made by the Governor of this State or his delegated State official; and

(2) an official invitation has been extended to the veterinarian or veterinary technician for a specified time by the authority that has jurisdiction for coordinating animal and agricultural issues in the State during emergencies either within or outside the Emergency Management Assistance Compact.”

SECTION __. Section 47-3-470(3) of the 1976 Code is amended to read:

“(3) ‘Public or private animal refuge rescue organization’ means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.”