

COMMITTEE ON HEALTH, HOSPITALS,
AND HUMAN SERVICES

BILL NO. 32-0197

Thirty-Second Legislature of the Virgin Islands

April 20, 2018

An Act amending Title 19 V.I.C. by adding a new chapter 68 entitled ‘Animal Shelters’ providing a minimum standard of care for sheltered animals

PROPOSED BY: Senator Nereida Rivera-O’Reilly

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 V.I.C. is amended by adding chapter 68 “to read as follows;

“Chapter 68. “Animal Shelters”

§ 2801. Purpose of chapter.

To promote the public health, safety and welfare by regulating the welfare and care of companion animals in a shelter environment, it is declared that there must be uniform minimum standards of care for the physical, mental and behavioral needs of animals in animal shelters in the Virgin Islands. The Commissioner, with advice from the Virgin Islands Board of Veterinary Medicine may, where necessary, issue regulations or amend existing rules and regulations to regulate the welfare and care of animals in a shelter environment.

§ 2802. Definitions.

When used in this chapter, these words and phrases have the following meaning:

(a) “Ambient temperature” means the temperature of the environment surrounding an animal.

(b) “Commissioner” means the Commissioner of the Virgin Islands Department of Agriculture or the Commissioner’s authorized representative.

(c) Commissioner Licensing means the Commissioner of the Department of Licensing and Consumer Affairs or the Commissioners authorized representative.

(d) “Companion animal” means a domesticated animal that serves as a companion in the home of its owner.

(e) “Department” means the Virgin Islands Department of Agriculture.

(f) “Housing facility” means a room, building, or area used to contain a primary enclosure or enclosures.

(g) “Licensee” means a person, corporation, or company licensed as a pet shop, pet groomer or animal shelter under this chapter.

(h) “Primary enclosure” means a structure used to immediately restrict one or more animals to a limited space, such as a room, pen, run, cage, or compartment.

(i) “Registrant” means an animal shelter licensed and registered under this chapter.

(j) “Sanitize” means to make physically clean.

(k) “Standards” means the requirements with respect to the humane handling, care, treatment, and transportation of animals by the licensee and registrant.

§ 2803. Scope.

The Commissioner may confer with the owner or operator of any pet shop, pet groomer, or animal shelter that is licensed in the Virgin Islands at any time necessary in the administration of this chapter.

§ 2804. Pet shop, pet groomer and animal shelter licenses.

(a) A person operating or desiring to operate a pet shop, pet grooming company, or animal shelter business must be licensed by the Department of Licensing and Consumer Affairs to operate in the Virgin Islands. Those businesses that qualify as Virgin Islands not-for-profit corporations are not required to be licensed but must provide a copy of their not-for-profit status to the Commissioner of the Department of Licensing and Consumer Affairs. Licenses are not transferable.

(b) Upon issuance, the Department of Licensing and Consumer Affairs shall provide a copy of every pet shop, pet groomer, and animal shelter license to the Commissioner of the Virgin Islands Department of Agriculture.

(c) A copy of the standards set forth in this chapter must be furnished with each license. The applicant must acknowledge receipt of the standards and agree to comply with them by signing a form provided for this purpose.

(d) An applicant must demonstrate that the applicant's facilities comply with the standards required in this chapter. If the applicant's facilities do not comply with the standards, the Commissioner of Licensing must advise the applicant in writing of the deficiencies and the corrective measures that must be taken before facilities will meet compliance standards.

(e) Upon written agreement of the parties, the Commissioner may issue a temporary permit for a period not to exceed 60 days for the owner to bring the facility into compliance; if the facility is in compliance with the sanitation rules set forth in this chapter.

(f) A licensee shall promptly notify the Department and the Commissioner of Licensing of any change in name, address, management, or substantial control or ownership of his business or operation.

§ 2805. Animal shelter, pet shop, pet groomer registrations.

(a) Every animal shelter, pet shop, and pet grooming business, whether for profit or not-for-profit, must register with the Department by completing and filing a properly executed form furnished by the Department upon request. The registration form and a copy of the business license must be filed with the Department.

(b) The Department shall provide a copy of the standards set forth in this chapter with each registration form. The registrant must acknowledge receipt of the documents and agree to comply with them by signing a form provided by the Department.

(c) A registrant must demonstrate that the registrant's facilities comply with the standards set forth in this chapter. If the registrant's facilities do not comply with the standards, The Department shall advise the registrant in writing of deficiencies and the corrective measures that must be taken before the facilities are in compliance with the standards. All rules of sanitation must be complied with as set forth in this chapter.

§ 2806. Records.

(a) For each animal purchased or otherwise acquired, held, groomed, transported, sold, or otherwise disposed of, the management of a pet shop, pet grooming business, or animal shelter shall keep and maintain the following information in a manner prescribed by the Department:

(1) name and address of the person from whom the animal was acquired and the name and address of the person who purchased or who disposed of the animal;

(2) date of acquisition;

(3) description and identification of the animal, including the breed, sex, color, and approximate weight; and

1 (4) date, nature, and method of disposition; for example, sale, death,
2 euthanasia, or donation.

3 (b) A pet shop, pet groomer, or animal shelter shall keep these records for two
4 years. The records must be made available to the Commissioner at the Commissioner's
5 request.

6 **§ 2807. Issuance of licenses and tags, collection of fees, and keeping of record.**

7 (a) An animal shelter acting on behalf of the Commissioner, and in
8 accordance with, chapter 66, section 2605 of this title shall diligently process applications
9 for dog licenses and issue tags for all dogs owned or harbored by residents of the island
10 on which they are located.

11 (b) The animal shelter shall collect all dog license fees and keep full and
12 accurate records of all persons to whom dog licenses and tags have been issued. The
13 animal shelter shall keep proper financial records to account for the money collected in
14 accordance with the Department of Finance regulations, including the bonding of any
15 officer or employee collecting or having custody of fees. The fee money remains with
16 the animal shelter that collected it to assist with operational expenses. The animal shelter
17 shall allow the Government, at all reasonable times, to inspect and audit these records.

18 **§ 2808. Facilities.**

19 (a) A housing facility for animals must be structurally sound and maintained
20 in good repair to protect the animals from injury, to contain the animals, and to restrict
21 the entrance of other animals.

22 (b) Adequate potable water must be available.

23 **§ 2809. Sanitation.**

24 (a) Supplies of food and bedding must be stored in facilities that adequately
25 protect them against infestation or contamination by vermin. Refrigeration must be provided
26 for supplies of perishable food.

1 (b) Provisions must be made for the removal and disposal of animal and food
2 wastes, bedding, dead animals, and debris. Disposal facilities must be provided and
3 operated as to minimize vermin infestation, odors, and disease hazards.

4 (c) Washrooms, basins, or sinks must be provided to maintain cleanliness of
5 the animal caretakers.

6 (d) The interior building surfaces of an indoor housing facility must be
7 constructed of a non-absorbent material that may be readily sanitized.

8 (e) A suitable method must be provided to eliminate excess water from an
9 indoor housing facility. Drains must be properly constructed and kept in good repair to
10 avoid the emission of foul odors. Closed drainage systems must be equipped with traps
11 and so installed as to prevent any backup on the floor.

12 **§ 2810. Heating and cooling, ventilating, and lighting of indoor facilities.**

13 (a) An indoor housing facility for animals must be sufficiently heated and
14 ventilated to protect the animals from cold and heat and to provide for their health and
15 comfort. The ambient temperature must not be allowed to fall below 50 degrees
16 Fahrenheit/10 degrees Celsius for animals.

17 (b) An indoor housing facility for animals must be adequately ventilated to
18 provide for the health and comfort of the animals at all times. The facility must be
19 provided with fresh air, either by means of windows, doors, vents, or air conditioning,
20 and shall be ventilated to minimize drafts, odors, and moisture condensation.

21 (c) An indoor housing facility for animals must have ample light of good
22 quality by natural or artificial means or both. The lighting must provide uniformly
23 distributed illumination of sufficient intensity to permit routine inspection and cleaning
24 during the entire working period. Primary enclosures must be so placed as to protect the
25 animals from excessive illumination.

1 **§ 2811. Shelter provided by outdoor facilities.**

2 (a) When sunlight is likely to cause overheating or discomfort, sufficient
3 shade must be provided to allow animals to protect themselves from the direct rays of the
4 sun.

5 (b) An access to shelter must be provided for animals to allow them to remain
6 dry and protected during rain or inclement weather.

7 (c) Outside shelters must be in an area which has suitable drainage.

8 **§ 2812. Primary enclosures.**

9 (a) A primary enclosure must be structurally sound and maintained in good
10 repair to protect the animals from injury, to contain them, to keep predators out and
11 enable animals to remain dry and clean.

12 (b) A primary enclosure must provide sufficient space to allow each animal to
13 turn about freely and to easily stand, sit and lie in a comfortable, normal position. Where
14 the primary enclosure is used for more than one cat, a resting perch for each cat must be
15 provided.

16 (c) A primary enclosure must be constructed and maintained so that animals
17 kept in the enclosure have convenient access to clean food and water.

18 (d) The floors of a primary enclosure must be constructed to protect the feet
19 and legs of the animals from injury.

20 (e) Adequate litter must be provided for cats.

21 (f) The number of animals in a primary enclosure may not exceed a number
22 that would prevent proper ventilation and sanitation.

23 (g) Female animals in estrus may not be housed in the same primary enclosure
24 as male animals.

25

26

§ 2813. Animal health and husbandry: feeding and water.

(a) Animals must be fed at least once each day except as circumstances otherwise require. The food must be free from contamination and must be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

(b) Food receptacles must be accessible to all animals and must be located to minimize contamination by excreta. Feeding pans must be durable and kept clean. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food and must be sanitized regularly to prevent molding, deterioration, or caking of food.

(c) If potable water is not accessible to the animals at all times, potable water must be offered to them at least twice daily for periods of not less than one hour except as circumstances otherwise require. Watering receptacles must be kept clean.

§ 2814. Cleaning of primary enclosures.

Excreta must be removed from a primary enclosure as often as necessary to prevent contamination of the animals and to reduce disease hazards and odors. When a hosing or flushing method is used for cleaning a primary enclosure, animals contained in the primary enclosure must be removed during the cleaning process and adequate measures must be taken to protect the animals in other enclosures from being contaminated with waste water and/or other wastes.

§ 2815. Housekeeping.

(a) A primary enclosure for animals must be sanitized often enough to prevent an accumulation of debris or excreta or a disease hazard.

(b) All buildings and grounds included in the premises must be kept clean and in good repair to protect the animals from injury and to facilitate the prescribed

1 husbandry practices set forth in this chapter. The premises must remain free of
2 accumulated of debris.

3 (c) An effective program for the control of insects, ectoparasites, and avian
4 and mammalian pests must be established and maintained.

5 **§ 2816. Compatible animal groups.**

6 (a) Animals housed in the same primary enclosure must be maintained in
7 compatible groups.

8 (b) An animal exhibiting a vicious disposition must be housed individually in
9 a primary enclosure.

10 (c) Young animals must not be housed in the same primary enclosure with
11 adult animals other than their dams.

12 (d) No two species of animals may be housed in the same primary enclosure.

13 (e) Animals exhibiting symptoms of communicable disease must be separated
14 from all other susceptible species of animals in such a manner as to prevent spread of
15 such disease.

16 **SECTION 2.** Title 14 Virgin Islands Code, chapter 7, section 189 is amended in
17 the first sentence by inserting “For purposes of this chapter and in accordance with the 19
18 V.I.C., chapter 66,” at the beginning of the sentence and by inserting “public beaches”
19 after “alley”.

20 **SECTION 3.** Title 19 Virgin Islands Code, Part VII, chapters 63, 65, 66, 67 and
21 69, are amended by striking “the Commissioner of Economic Development and
22 Agriculture for the Virgin Islands” and by inserting “Commissioner of the Virgin Islands
23 Department of Agriculture”.

24 **SECTION 4.** This act takes effect 30 days after enactment and does not affect
25 any pending matters before the Board of Examiners for the Practice of Veterinary

1 Medicine, including penalties and proceedings in place prior to the effective date of this
2 act.

3

4 **BILL SUMMARY**

5 Section 1 amends title 19 V.I.C. by adding a new chapter 68 entitled “Animal
6 Shelters”.

7 Internal section 2801 sets forth the purpose of the chapter.

8 Internal section 2802 provides definitions for use in the chapter and establishes
9 uniform minimum standards for the care of animals by animal shelters, pet groomers and
10 pet shops. It sets forth rules and regulations to govern animal care to provide for the
11 optimal welfare of animals in shelter environments.

12 Internal section 2803 vests the Commissioner of Agriculture with the ability to
13 confer with owners or operators of animal facilities as necessary when administering this
14 chapter.

15 Internal section 2804 establishes the process for obtaining a license to operate a
16 pet shop, pet groomer or animal shelter business.

17 Internal section 2805 provides the process for registering a pet shop, pet grooming
18 or animal shelter business.

19 Internal section 2806 details the procedure for maintaining records of the subject
20 businesses.

21 Internal section 2807 describes the issuance of licenses and tags, collection of
22 fees, and the maintenance of records.

23 Internal section 2808 prescribes the requirements for animal facilities.

24 Internal section 2809 delineates sanitation requirements.

25 Internal section 2810 prescribes the heating, ventilation and lighting requirements.

26 Internal section 2811 describes minimum requirements for outdoor facilities.

1 Internal section 2812 sets forth the requirements for primary enclosures.

2 Internal section 2813 spells out the requirements for administering food and
3 water.

4 Internal section 2814 establishes requirements for cleaning primary enclosures.

5 Internal section 2815 sets forth housekeeping requirements.

6 Internal section 2816 mandates that only compatible animals may be housed
7 together.

8 Section 2 amends title 14 Virgin Islands Code, chapter 7, section 189 by adding
9 “public beaches” to the list of places unleashed dogs are prohibited.

10 Section 3 amends title 19 Virgin Islands code to replace “the Commissioner of
11 Economic Development and Agriculture” with “the Commissioner of the Virgin Islands
12 Department of Agriculture” wherever it appears in chapters 63, 65, 66, 67 and 69.

13 Section 4 sets forth the effective date of this legislation at 30 days after enactment
14 and exempts matters already before the Board of Examiners for the Practice of Veterinary
15 Medicine.

16

17 **BR18-0965/March 14, 2018/LHM**

18

19

20

21

22

23

24