

SUMMARY and WEBSITES for the following:

Act

Animal Health and Protection Act

<http://www.assembly.nl.ca/legislation/sr/statutes/a09-1.htm>

Proclamation of the Act

<http://www.assembly.nl.ca/legislation/sr/lists/proclamations/p2010a09-1.pdf>

Regulations

Animal Health Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120033.htm>

Animal Reportable Diseases Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120037.htm>

Animal Protection Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120035.htm>

Animal Protection Standards Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120036.htm>

Fur Farming Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120038.htm>

Nuisance Animals Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120041.htm>

Newfoundland Pony Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120039.htm>

Animal Health and Protection Act Ticket Offences Regulations

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120034.htm>

Orders

Newfoundland Pony Designation Order

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120040.htm>

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Designation of Inspectors Order Repeal Order

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120042.htm>

Amendments

Provincial Offences Ticket Regulations (Amendments)

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120043.htm>

Wild Life Regulations (Amendments)

<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120044.htm>

ANIMAL HEALTH AND PROTECTION ACT

INTERPRETATION

2. (g) "distress" means the state of being in need of proper care, water, food or shelter, Being sick, injured, abused or in pain or of suffering undue or unnecessary hardship, privation or neglect;
- (k) "injured" and "injuries" includes injuries caused by wounding, worrying, terrifying or pursuing;
- (s) "nuisance" as applied to animals means an animal which has
- (i) been shown to have trespassed upon land enclosed by a fence by breaking, going under or jumping over the fence, or
- (ii) caused a hazard to people, other animals, livestock operations, property or to the safe operation of motor vehicles;
- (t) "owner" when used with reference to an animal includes a person who has custody, charge or possession of that animal or who is the owner of property, a house, premises or part of a premises where an animal is kept or permitted to live or remain;

PART II ANIMAL PROTECTION

21. A person shall not transport, or permit to be transported, an animal in a motor vehicle outside the passenger compartment unless the animal is confined or secured in a body harness, or by means of another fastening, in a manner which is adequate to prevent the animal from falling off the vehicle or otherwise injuring itself or causing a hazard to other vehicles.
22. A person shall not confine, or permit to be confined, an animal in an enclosed space, including a motor vehicle, without adequate ventilation.

23. (1) A person shall not transport, or permit to be transported, an animal in the trunk of a motor vehicle.

(2) Subsection (1) does not apply to a station wagon, passenger van, sport-utility vehicle, hatchback or another type of motor vehicle that does not have a trunk.

24. (1) A person shall not permit an animal to be hitched, tied or fastened to a fixed object where a choke collar or choke chain forms part of the securing apparatus.

(2) A person shall not permit an animal to be hitched, tied or fastened to a fixed object by means of a rope or cord tied around the animal's neck.

25. A person shall not cut, or permit to be cut, the solid part of the tail of a horse, commonly known as "docking", unless in the course of an accepted activity.

26. A person shall not cut or crop, or permit to be cut or cropped, the ear of a dog, unless in the course of an accepted activity.

27. (1) A veterinarian who, in the course of practising veterinary medicine, believes on reasonable grounds that an animal has been or is subject to neglect or abuse that compromises the animal's health, other than in the course of an accepted activity, shall promptly

(a) report his or her belief to the Chief Veterinary Officer; and

(b) provide information respecting the matter that the Chief Veterinary Officer requests.

(2) An action shall not lie against a person for reporting anything under subsection (1) unless the reporting is done falsely and maliciously.

28. (1) A person who, while operating a bicycle or a motor vehicle, injures an animal shall, where reasonably possible, stop and provide the care and attention to the animal that is necessary to relieve its pain and help its recovery.

(2) A person who, while operating a bicycle or a motor vehicle, kills an animal, shall as soon as reasonably possible, notify an inspector of that fact and provide the information that the inspector requires.

Conflict

30. (1) Where there is a conflict between this Part and Part I of this Act, Part I prevails.

(2) Where there is a conflict between this Part and Part III of this Act, Part III prevails.

(3) Where this Part or the regulations conflict with the *City of St. John's Act*, the *City of Corner Brook Act*, the *City of Mount Pearl Act*, or the *Municipalities Act, 1999* or regulations or bylaws made under those Acts, the provisions of this Part shall prevail.

PART III NUISANCE ANIMALS

Duty of owner

31. The owner of a companion animal or livestock shall not permit the animal or livestock to cause a hazard to people, livestock operations, other animals, goods, property or the safe operation of motor vehicles.

Dogs to be penned up

- 32.** (1) An owner of a dog shall keep it safely tethered or penned up at all times.
- (2) Notwithstanding subsection (1), a dog need not be tethered or penned up, where
- (a) it is held on a leash by a person capable of restraining its movements;
 - (b) it is being used by a person for the purpose of lawful hunting;
 - (c) it is being used by a person to work in a lawful manner with sheep; or
 - (d) it is kept or used for a purpose and under the conditions prescribed by regulation.

Liability

34. (1) An owner of a companion animal or livestock shall be liable for damages or injury caused by that animal or livestock to a person, other animals, goods or property.

(2) Subsection (1) does not apply to damage caused by livestock to crops within 3 feet of a fence.

(3) It shall not be necessary for the plaintiff in an action taken in respect of damage or injury done by a companion animal or livestock to show a previous propensity in that animal or livestock or the owner's knowledge of that previous propensity or to show that the damage or injury was attributable to neglect on the part of the owner.

Animal may be destroyed

35. (1) Where a person finds a dog that is killing, maiming or pursuing natural persons or livestock, the person may

- (a) shoot or otherwise destroy the dog; or
- (b) lay a complaint before a Provincial Court judge.

(2) A Provincial Court judge before whom a complaint is laid under paragraph (1)(b) shall proceed promptly to hear the matter of the complaint, but shall first give the owner of the animal reasonable notice of the hearing.

(3) Upon hearing a complaint laid under paragraph (1)(b), a Provincial Court judge may, where satisfied that a dog has been found killing, maiming or pursuing natural persons or livestock, make an order that the owner of the animal destroy the animal or take such action that the Provincial Court judge considers necessary in the circumstances.

(4) An order made under this section is in addition to another available penalty.

Complaint before Provincial Court judge

36. (1) A person may lay a complaint before a Provincial Court judge that a companion animal or livestock is a nuisance and not kept under proper control or has bitten or attempted to bite a person or has injured, worried or pursued livestock or has injured other animals.

(2) A Provincial Court judge before whom a complaint is laid under subsection (1) shall proceed promptly to hear the matter of the complaint, but shall first give the owner of the animal reasonable notice of the hearing.

(3) Upon hearing a complaint laid under subsection (1), a Provincial Court judge may, where satisfied that a companion animal or livestock is a nuisance and not kept under proper control or has bitten or attempted to bite a person or has injured, worried or pursued livestock or has injured other animals, make an order that the owner of the animal destroy the animal or take such action that the Provincial Court judge considers necessary in the circumstances.

(4) An order made under this section is in addition to another available penalty

PART VIII OFFENCES AND PENALTIES

Offence

76. (1) A person who contravenes this Act or the regulations or an order, licence or permit made under this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding \$50,000 and, in default of payment, to a term of imprisonment not exceeding 6 months, or to both a fine and imprisonment.

(2) Every director or officer of a corporation who authorized, permitted or participated in the corporation's commission of an offence is also guilty of the offence and on conviction is liable to the same penalty to which a person is liable for the offence, whether or not the corporation has been prosecuted or convicted.

(3) Notwithstanding subsection (1), where, with respect to an offence under this Act or the regulations, a proceeding is commenced by means of a ticket in accordance with the *Provincial Offences*

Act, a person found guilty of that offence is liable on summary conviction to a fine that may be established by the regulations made under section 66.

(4) Where a person is convicted of an offence, a Provincial Court judge may, in addition to another penalty, make an order

(a) prohibiting that convicted person and, if the convicted person is a corporation, the directors and officers of the corporation described in subsection (2), from having the ownership, care or custody of an animal, or of a number or type of animal specified in the order, for a period of time specified in the order, including in the case of an individual, for the remainder of the person's life and, in the case of a corporation, forever; and

(b) directing that an animal in the ownership or care of that convicted person be delivered into the custody of the SPCA or the minister.

(5) Where a person is convicted of an offence, the court making the conviction may, in addition to another penalty, make an order that the convicted person pay the whole or a part of the cost of providing transportation, food, care, shelter or treatment provided to, and where applicable, management or destruction of, an animal that was the subject of the offence of which the convicted person was convicted.

ANIMAL PROTECTION REGULATIONS

Definitions

2. In these regulations

(a) "animal shelter" means a place that provides stray, abandoned or abused animals a sanctuary or where permanent or temporary adoptive homes are sought for animals;

Inspection

4. (1) An animal shelter may be subject to an inspection under section 10 of the Act.

Destruction or disposal

5. (1) An animal may be destroyed or disposed of under paragraph 17(1)(c) of the Act, where an owner of the animal is not found within 5 days after the animal is delivered into the custody of the SPCA, a municipal authority or the minister.

Accepted activity - docking of horse's tail

6. An accepted activity in which the solid part of the tail of a horse may be cut or permitted to be cut is the surgical removal of the tail by a veterinarian as a result of an injury to the horse or other medical necessity as determined by a veterinarian.

Accepted activity - cropping of dog's ears

7. An accepted activity in which the ear of a dog may be cut or cropped or permitted to be cut or cropped is the surgical removal of part of a dog's ear by a veterinarian as a result of an injury to the dog or other medical necessity as determined by a veterinarian.

Prohibition - docking of tail of other animals

8. (1) A person shall not cut, or permit to be cut, the solid part of the tail of a dog, sheep or other animal, commonly known as "docking", unless

(a) docking is permitted in a code or standard adopted in the *Animal Protection Standards Regulations* respecting the care of that animal; or

(b) the tail is surgically removed as a result of an injury to the animal or other medical necessity as determined by a veterinarian.

Prohibition - cosmetic surgery

9. (1) Cosmetic surgery in domestic animals is prohibited unless it is permitted in a code or standard adopted in the *Animal Protection Standards Regulations* respecting the care of that animal.

(2) For the purpose of this section, "cosmetic surgery" means a non-therapeutic surgical procedure which alters the appearance of an animal for purely cosmetic purposes.

(3) The definition of "cosmetic surgery" in subsection (2) does not include

(a) surgery that is considered by a veterinarian to be necessary as a result of an injury to an animal or for another medical reason concerning the health of an animal;

(b) an onychectomy (declawing) in a cat; and

(c) dewclaw removal from a dog.

(4) This section does not apply to the docking of a tail of an animal or the cropping of the ears of a dog.

Declawing in a cat

10. (1) A person shall not conduct an onychectomy (declawing) in a cat.

(2) Notwithstanding subsection (1), a veterinarian or a person under the supervision of a veterinarian may conduct an onychectomy (declawing) in a cat.

Prohibited methods of euthanasia

11. (1) The following chemical methods of euthanasia are prohibited:
 - (a) the combination of embutramide, mebezonium and tetracaine when
 - (i) administered without sedation, or
 - (ii) administered other than by intravenous injection;
 - (b) chloral hydrate;
 - (c) nitrous oxide, when administered alone;
 - (d) ether;
 - (e) chloroform;
 - (f) cyanide;
 - (g) strychnine;
 - (h) neuromuscular blocking agents (nicotine, magnesium sulphate, potassium chloride, and all curariform agents);
 - (i) formalin; and
 - (j) household products and solvents.
- (2) The following mechanical methods of euthanasia are prohibited:
 - (a) air embolism on a conscious animal;
 - (b) burning;
 - (c) exsanguination of a conscious animal;
 - (d) decompression;
 - (e) drowning;
 - (f) hypothermia and rapid freezing;
 - (g) stunning by delivering a blow to the head by manual means;
 - (h) kill-trapping;
 - (i) electrocution of a conscious animal; and

(j) smothering.

(3) Paragraph (2)(i) does not apply to the euthanasia of a fox that is conducted in accordance with a code or standard adopted in the *Animal Protection Standards Regulations*.

Euthanasia - accepted activity

12. (1) Euthanasia of a dog or cat is an accepted activity where it is conducted in accordance with one of the following methods:

(a) by injection or another method under the supervision or authority of a veterinarian;

(b) by shooting with a firearm;

(c) by means of a captive bolt gun; or

(d) by inhalation of compressed carbon monoxide, from which substantially all impurities have been removed, in a controlled gas chamber.

(2) Euthanasia of an animal is an accepted activity where it is conducted in accordance with a code or standard adopted in the *Animal Protection Standards Regulations* and applied to the animal that is the subject of that code or standard.

(3) Euthanasia of an animal is an accepted activity where it is conducted in accordance with the latest edition of the *Guidelines on Euthanasia*, published by the American Veterinary Medical Association.

(4) Where there is a conflict between a code or standard respecting euthanasia that is adopted in a regulation made under the Act and section 11, section 11 shall prevail.

(5) Notwithstanding subsection (4), where an animal is being used for research, teaching or testing and there is a conflict between a code or standard published by the Canadian Council on Animal Care that is adopted in the *Animal Protection Standards Regulations* and subsection (1), (2) or (3) or section 11, the code or standard published by the Canadian Council on Animal Care shall prevail.

Euthanasia - critical situation

13. Notwithstanding sections 11 and 12, euthanasia through delivery by manual means of a blow to the head of an animal is an accepted activity where

- (a) it is conducted in a critical situation where an animal is in such distress that it cannot be relieved of its distress or live without undue suffering, a veterinarian is unavailable and there is no other reasonable way to relieve the animal of its distress; or
- (b) it is conducted under paragraph 35(1)(a) or section 37 of the Act.

ANIMAL PROTECTION STANDARDS REGULATIONS

13. (1) An owner of a dog shall comply with the basic standards for dog care that are prescribed in Schedule B.

(2) An owner or operator of a kennel shall comply with the basic standards for dog care that are prescribed in Schedule B.

(3) Subsections (1) and (2) do not apply to a sled dog.

Sled dogs

14. (1) An owner of a sled dog shall provide a sled dog with

- (a) adequate veterinary attention; and
- (b) care that is necessary for the general welfare of the sled dog.

(2) An owner or operator of a kennel shall provide a sled dog with

- (a) adequate veterinary attention; and
- (b) care that is necessary for the general welfare of the sled dog.

Commencement

Schedule B

Basic Standards of Dog Care

Interpretation

1. The height of a dog in a standing position shall be measured from the top of the dog's shoulder to the ground.

2. The height of a dog in a sitting position shall be measured from the top of the dog's head to the ground.

3. The length of a dog shall be measured from the tip of the nose to the base of the tail of the dog.

Care

4. A dog shall be provided with the following:

(a) clean, fresh, unfrozen drinking water, at all times;

(b) sufficient quantity and quality of food to allow for normal, healthy growth and the maintenance of normal, healthy bodyweight;

(c) clean food and water receptacles located in a manner that prevents spillage and contamination by excreta;

(d) adequate veterinary attention when necessary; and

(e) care that is necessary for the general welfare of the dog.

5. A dog that is kept outside in weather conditions that may pose a risk to the health of the dog or that is housed outside shall be provided with a shelter in accordance with these standards.

Design of a basic shelter or dog house

6. A shelter for a dog shall be weather-proof, water-proof and insulated.

7. A shelter for a dog shall be sufficiently ventilated in a manner that prevents the accumulation of moisture and odours.

8. The size and design of a shelter for a dog shall be adequate and appropriate for the size of the dog.

9. A shelter for a dog shall

- (a) contain an entrance and a hallway that are separate from a sleeping area; and
- (b) have a canvas or rubber flap attached at the entrance.

10. The minimum floor space of the sleeping area in a shelter for a dog shall comprise 232 square centimetres for each 2.5 centimetres of the height of the dog in a standing position.

11. The minimum ceiling height of the sleeping area in a shelter for a dog shall be 5 centimetres greater than the height of the dog in a sitting position.

12. A shelter for a dog shall

- (a) be sufficiently elevated off the ground to ensure that the floor is kept dry; and
- (b) contain in the sleeping area bedding of sufficient depth to provide insulation from cold weather conditions.

13. Straw, woodchips, a blanket or other bedding in a shelter for a dog shall be changed every 7 to 14 days, or as otherwise required to keep the interior of the shelter clean and dry.

14. A mechanism outside of a shelter for a dog shall be provided to hold food and water receptacles in a manner that prevents spillage.

Basic requirements for a pen or enclosure

15. A pen or enclosure in which a dog is confined shall be in a good state of repair and made of materials that are not toxic to the dog.

16. The flooring of a pen or enclosure in which a dog is confined

(a) shall be made of a texture and design that prevents the dog from being injured;
and

(b) shall not be made of wire mesh, metal or wood.

17. A pen or enclosure in which a dog is confined shall not be stacked with another pen or enclosure.

18. The location of a pen or enclosure in which a dog is confined shall not pose a high risk of injury or other distress to the confined dog.

19. A pen or enclosure in which a dog is confined shall not contain more than 3 dogs.

20. A pen or enclosure in which a dog is confined shall not contain a dog that may pose a danger to another dog in the same pen or enclosure.

21. A pregnant or nursing dog that is confined in a pen or enclosure shall not be confined with a dog other than its nursing offspring.

22. Notwithstanding section 19 of this Schedule, there is no maximum number of its nursing offspring that may be confined in a pen or enclosure with a nursing dog.

23. The size of the floor of a pen or enclosure in which one dog is confined shall not be less than 9 square metres.

24. The length and width of a floor of a pen or enclosure in which more than one dog is confined shall each be increased by one metre for each additional dog.

25. The minimum height of a pen or enclosure shall be one metre greater than the height of the tallest dog in a standing position that is confined in that pen or enclosure.

26. A pen or enclosure shall contain at least one shelter for a dog that is designed, built and maintained in accordance with these standards.

27. A pen or enclosure in which a dog is confined shall have an area that provides the dog with shade at all times.

28. A pen or enclosure in which a dog is confined shall be cleaned and have excreta removed from it on a daily basis.

29. A dog that is confined to a pen or enclosure shall be provided

(a) daily social interaction with people or animals or both;

(b) toys and other enrichments that are appropriate for the dog's well-being; and

(c) daily access to exercise that is adequate and appropriate for that dog outside of the pen or enclosure.

Tethering

30. A dog that is tethered, unsupervised, outside shall be

(a) tethered in a location that does not pose a high risk of injury or other distress to the tethered dog; and

(b) tethered in an environment that is free of debris and does not cause harm or undue strain or stress on the tethered dog.

31. The area in which a dog is tethered, unsupervised, outside shall be cleaned and have excreta removed from it on a daily basis.

32. The restraining device used to tether a dog that is tethered, unsupervised, outside

(a) shall be at least 5 times the length of the dog;

(b) shall allow the dog to move in a manner that is safe and unrestricted excepted by its length; and

(c) shall not weigh more than 10 per cent of the dog's body weight.

33. A dog that is tethered, unsupervised, outside shall be provided

(a) daily social interaction with people or animals or both;

(b) toys and other enrichments that are appropriate for the dog's well-being; and

(c) daily access to exercise that is adequate and appropriate for that dog and that is unfettered from a fixed area.

34. A dog that is young, aged or infirm shall not be tethered, unsupervised, outside for an extended period of time.