

3/28 RETURNED TO HOUSE NOT CONCURRED

HB 432 INTRODUCED BY HARPER, ET AL.
IMPOUNDED PET ACT

1/24 INTRODUCED

1/24 REFERRED TO BUSINESS & LABOR

2/05 HEARING

2/06 COMMITTEE REPORT--BILL NOT PASSED AS AMENDED

2/07 ADVERSE COMMITTEE REPORT ADOPTED 71 24

1 *House* BILL NO. *432*
 2 INTRODUCED BY *Wayne Vincent* *Abby Stratford*
 3 *Proctor* *Raymond* *Richard E. Manning* *M. Hanson* *Mullen* *Shelby*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE TRANSFER TO
 5 OF IMPOUNDED ANIMALS FROM SHELTERS AND POUNDS TO DEALERS OR
 6 RESEARCH FACILITIES." *Camei* *J. Brown* *Miles*
 7 *Whalen* *Karen* *Blaylock*
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Purpose. The purpose of [this act] is to
 10 prevent the transfer of impounded animals from animal
 11 shelters and pounds to dealers, pet shops, or research
 12 facilities; to prevent the importation and exportation of
 13 impounded animals for the purpose of research, testing, or
 14 experimentation; to provide enforcement mechanisms; and to
 15 provide penalties for violation of the provisions of
 16 [sections 3 through 10].

17 Section 2. Definitions. As used in [this act]:

18 (1) "Animal" means all nonhuman species and individual
 19 members of the kingdom Animalia.

20 (2) "Animal shelter" or "pound" means a facility
 21 operated by a person, including but not limited to a
 22 municipality, humane society, or society for the prevention
 23 of cruelty to animals, that cares for lost, stray, unwanted,
 24 or homeless animals or animals held because of a violation
 25 of a law or ordinance.

1 (3) "Cat" means a domestic cat of the species Felis
 2 domestica.

3 (4) "Dealer" means a person who directly or indirectly
 4 delivers for transportation, transports, boards, trades,
 5 buys, sells, or in any other manner procures animals for
 6 purposes of research, testing, or experimentation.

7 (5) "Dog" means a domestic dog of the species Canis
 8 familiaris.

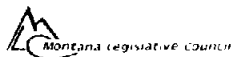
9 (6) "Person" means a human individual, group of
 10 individuals, corporation, firm, association, partnership,
 11 institution, or legal entity.

12 (7) "Pet shop" means a place or establishment where
 13 animals are bought, sold, exchanged, or offered for sale to
 14 the general public. The term does not include an
 15 establishment or person whose total sales are the offspring
 16 of canine or feline females maintained on and sold from the
 17 premises.

18 (8) "Research facility" means a public or private
 19 medical, educational, agricultural, or scientific
 20 establishment, or person who in any capacity uses or intends
 21 to use animals for purposes of research, testing, or
 22 experimentation.

23 Section 3. Disposition. All dogs and cats coming into
 24 the possession of an animal shelter or pound must be either:

25 (1) returned to their original owners upon being



1 reclaimed by them;

2 (2) adopted by qualified individuals; or

3 (3) humanely euthanized.

4 Section 4. Transfer for research prohibited. (1) No
5 animal shelter or pound may sell, give, transfer, trade,
6 supply, or otherwise provide an animal coming into its
7 possession to a dealer, pet shop, or research facility.

8 (2) No dealer or research facility may purchase or
9 accept without fee an animal from any:

10 (a) animal shelter, pound, or pet shop in this state
11 or in any other state, territory, the District of Columbia,
12 or foreign country; or

13 (b) dealer if that animal was a stray or was obtained,
14 directly or indirectly, from an animal shelter or pound in
15 this state or in any other state, territory, the District of
16 Columbia, or foreign country.

17 (3) No dealer or pet shop may sell, give, transfer,
18 trade, supply, or otherwise provide to a dealer or research
19 facility an animal that was a stray or was obtained,
20 directly or indirectly, from an animal shelter or pound in
21 this state or in any other state, territory, the District of
22 Columbia, or foreign country.

23 Section 5. Unlawful obtainment or possession. A dealer
24 or research facility may not obtain, buy, procure in any
25 way, or knowingly possess an animal obtained in violation of

1 [sections 3 through 10].

2 Section 6. Remedy of removal. An animal in possession
3 of a dealer or research facility in violation of [this act]
4 must be immediately transferred into the care and custody of
5 an animal shelter or pound for disposition as provided by
6 [section 3].

7 Section 7. Ban on import and export. No dealer,
8 research facility, or other person may transport or cause to
9 be transported into or out of this state an animal obtained
10 from an animal shelter or pound in this state or in any
11 other state, territory, the District of Columbia, or foreign
12 country for purposes of research, experimentation, or
13 testing.

14 Section 8. Fraudulent procurement. No person who
15 obtains an animal from an animal shelter or pound may sell,
16 give, transfer, trade, or otherwise provide such animal to a
17 dealer, pet shop, or research facility.

18 Section 9. Penalties. (1) Any person convicted of
19 violating a provision of [sections 3 through 8] is guilty of
20 a misdemeanor.

21 (2) A second or subsequent conviction for violation of
22 a provision of [sections 3 through 8] is punishable as a
23 felony.

24 (3) Each violation of [sections 3 through 8] is a
25 separate offense for each animal handled in violation of the

1 provisions of [sections 3 through 8].

2 Section 10. Civil action. Any person may bring a civil
3 action to obtain injunctive relief against a violation of
4 [sections 3 through 8] or to compel enforcement of a
5 provision of [sections 3 through 8].

6 Section 11. Severability. If a part of this act is
7 invalid, all valid parts that are severable from the invalid
8 part remain in effect. If a part of this act is invalid in
9 one or more of its applications, the part remains in effect
10 in all valid applications that are severable from the
11 invalid applications.

-End-