

SENATE FILE NO. SF0133

Pet Animal Care and Facilities Act.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to domestic animals; creating the Wyoming
2 Pet Animal Care and Facilities Act; providing definitions;
3 providing for pet animal facility licenses; providing for
4 animal holding periods; providing for disposition of
5 unclaimed animals; providing for rulemaking; providing for
6 bird leg bands; requiring recordkeeping; providing for
7 inspections and investigations; establishing an advisory
8 committee; creating a pet animal care and facility account;
9 requiring a report; providing for enforcement; providing
10 penalties; providing a sunset date; authorizing positions;
11 providing an appropriation; and providing for an effective
12 date.

13

14 *Be It Enacted by the Legislature of the State of Wyoming:*

15

16 **Section 1.** W.S. 11-48-101 through 11-48-121 and
17 18-2-116 are created to read:

1

2

CHAPTER 48

3

PET ANIMAL CARE AND FACILITIES ACT

4

5

11-48-101. Short title.

6

7 This chapter shall be known and may be cited as the "Pet
8 Animal Care and Facilities Act".

9

10

11-48-102. Definitions.

11

12

(a) As used in this chapter:

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23

(i) "Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody or any other person having possession of the animal;

(ii) "Animal shelter" means a public or private facility licensed pursuant to this chapter and the rules and regulations adopted pursuant to this chapter;

1 (iii) "Bird hobby breeder facility" means any
2 facility engaged in the operation of breeding and raising
3 birds for the purpose of personal enjoyment that does not
4 transfer more than thirty (30) birds per year;

5

6 (iv) "Board" means the Wyoming livestock board;

7

8 (v) "Canine hobby breeder facility" means any
9 facility which transfers no more than twenty-four (24) dogs
10 per year or breeds no more than two (2) litters per year,
11 whichever is greater;

12

13 (vi) "Director" means the director of the Wyoming
14 livestock board;

15

16 (vii) "Committee" means the pet animal advisory
17 committee created by W.S. 11-48-119;

18

19 (viii) "Dispose" or "disposition" means adoption
20 of a pet animal, return of a pet animal to the owner,
21 release of a pet animal to a rescue group licensed pursuant
22 to this chapter, release of a pet animal to another pet
23 animal facility licensed pursuant to this chapter or to a
24 rehabilitator licensed by the Wyoming game and fish

1 department or the United States fish and wildlife service
2 or euthanasia;

3

4 (ix) "Dog breeder" means any firm, person or
5 corporation which is engaged in the operation of breeding
6 and raising dogs for the purpose of selling, trading,
7 bartering, giving away, or otherwise transferring dogs,
8 excluding racing greyhounds that are not intended to be
9 companion pets;

10

11 (x) "Dog breeder, large scale operation" or
12 "large scale operation dog breeder" means a dog breeder
13 that transfers at least one hundred (100) dogs per year,
14 excluding racing greyhounds that are not intended to be
15 companion pets;

16

17 (xi) "Dog breeder, small scale operation" or
18 "small scale operation dog breeder" means a dog breeder
19 that transfers at least twenty-five (25) but no more than
20 ninety-nine (99) dogs per year;

21

22 (xii) "Euthanasia" means to produce a humane
23 death by techniques accepted by the American veterinary
24 medical association;

1

2 (xiii) "Feline hobby breeder facility" means any
3 facility that produces or transfers no more than twenty-
4 four (24) cats per year or breeds no more than three (3)
5 litters per year;

6

7 (xiv) "Licensed veterinarian" means a person who
8 is licensed to practice veterinary medicine in this state
9 pursuant to W.S. 33-30-203;

10

11 (xv) "Livestock" means as defined in W.S.
12 11-6-302(a)(vi);

13

14 (xvi) "Pet animal" means dogs, cats, rabbits,
15 guinea pigs, hamsters, mice, ferrets, birds, fish,
16 reptiles, amphibians and invertebrates, or any other
17 species of wild or domestic or hybrid animal sold,
18 transferred or retained for the purpose of being kept as a
19 household pet, except livestock, as defined in paragraph
20 (xv) of this subsection. "Pet animal" does not include an
21 animal that is used for working purposes on a farm or
22 ranch;

23

1 (xvii) "Pet animal facility" means any place or
2 premise used in whole or in part, which part is used for
3 the keeping of pet animals for the purpose of adoption,
4 breeding, boarding, grooming, handling, selling,
5 sheltering, trading or otherwise transferring such animals.
6 "Pet animal facility" also includes any individual animal
7 kept by such a facility as breeding stock, such licensing
8 of individual breeding stock to be inclusive in the pet
9 animal facility license. "Pet animal facility" shall not
10 mean a common carrier engaged in intrastate or interstate
11 commerce. "Pet animal facility" shall not mean a
12 veterinary clinic, unless the veterinary clinic provides
13 commercial board or grooming services. For purposes of
14 this chapter, two (2) or more animal facilities that have
15 the same or a similar purpose and operate from one (1)
16 place or premise shall be considered a single pet animal
17 facility;

18

19 (xviii) "Pet animal rescue" means any person
20 licensed pursuant to this chapter who accepts pet animals
21 for the purpose of finding permanent adoptive homes for
22 animals and does not maintain a central facility for
23 keeping animals, but rather uses a system of fostering in

1 private homes or boarding or keeping pets in licensed pet
2 animal facilities;

3

4 (xix) "Prospective owner" means a person who has
5 no prior rights of ownership to the pet animal to be
6 adopted;

7

8 (xx) "Release" means adoption, sale or other
9 transfer to the permanent custody of an owner by an animal
10 shelter or pet animal rescue;

11

12 (xxi) "Small animal breeder facility" means any
13 facility that transfers more small mammals than the maximum
14 number established by the board by rule for each particular
15 species;

16

17 (xxii) "Small animal hobby breeder facility"
18 means any facility that transfers a number of small mammals
19 that is less than the maximum number established by the
20 board by rule for each particular species;

21

22 (xxiii) "Sterilization" means the act of
23 permanently rendering an animal incapable of reproduction.
24 The term applies to surgical methods, including the

1 procedures commonly referred to as spay and neuter and
2 nonsurgical methods and technologies approved by the United
3 States food and drug administration, the United States
4 department of agriculture or other appropriate designated
5 federal authority.

6

7 **11-48-103. Powers and duties of the director; board.**

8

9 (a) The director is authorized to administer and
10 enforce the provisions of this chapter and any rules and
11 regulations adopted pursuant to this chapter.

12

13 (b) The board is authorized to adopt all reasonable
14 rules and regulations for the administration and
15 enforcement of this chapter, including, but not limited to:

16

17 (i) Minimum standards of physical facility,
18 sanitation, ventilation, heating, cooling, humidity,
19 spatial and enclosure requirements, nutrition, humane care,
20 medical treatment and method of operation, including the
21 minimum holding period for and disposition of stray or
22 abandoned pet animals that are, in the opinion of the
23 board, necessary to carry out the provisions of this

1 chapter, except that each holding period shall comply with
2 W.S. 11-48-107(a);

3

4 (ii) The minimum weight requirement for the
5 transfer of cats;

6

7 (iii) Maintenance of records concerning health
8 care, euthanasia and transactions involving pet animals;

9

10 (iv) The establishment of qualifications for any
11 applicant and standards of practice for any of the licenses
12 authorized under this chapter, including the establishment
13 of classifications and subclassifications for any license
14 authorized under this chapter;

15

16 (v) The issuance and reinstatement of any license
17 authorized under this chapter and the grounds for any
18 disciplinary actions authorized under this chapter,
19 including letters of admonition or the denial, restriction,
20 suspension or revocation of any license authorized under
21 this chapter; and

22

23 (vi) The amount of any license fee for a pet
24 animal facility license. Such license fee may be different

1 for different classifications and subclassifications of any
2 license authorized under this chapter.

3

4 (c) The director is authorized to conduct hearings
5 required under W.S. 11-48-115 and 11-48-117 pursuant to the
6 Wyoming Administrative Procedure Act and to use
7 administrative law judges to conduct such hearings when
8 their use would result in a net saving of costs to the
9 board.

10

11 (d) The board is authorized to determine the amount of
12 any licensing fee authorized under this chapter based on
13 the actual cost of administering and enforcing the chapter
14 and any rules and regulations adopted pursuant to this
15 chapter.

16

17 (e) The director is authorized to enter into
18 cooperative agreements with any agency or political
19 subdivision of this state or with any agency of the United
20 States government for the purpose of carrying out the
21 provisions of this chapter, receiving grants-in-aid and
22 securing uniformity of rules.

23

1 (f) The powers and duties vested in the director by
2 this chapter may be delegated to qualified employees of the
3 board.

4
5 (g) The board shall appoint an advisory committee
6 pursuant to W.S. 11-48-119.

7

8 **11-48-104. Scope.**

9

10 (a) Any person who operates a pet animal facility that
11 is licensed as of June 30, 2009, by the United States
12 department of agriculture shall not be subject to the
13 routine inspection provisions of this chapter but shall be
14 subject to all other provisions, including but not limited
15 to those concerning licensure and investigation of reported
16 violations.

17

18 (b) The provisions of this chapter shall not apply to:

19

20 (i) Any veterinary hospital that boards pet
21 animals for the purpose of veterinary medical care only and
22 does not actively solicit boarding business in any way;

23

1 (ii) Any research facility, circus or publicly or
2 privately owned zoological park or petting zoo licensed or
3 registered under the provisions of the federal "Animal
4 Welfare Act of 1970", 7 U.S.C. section 2131 et seq., as
5 amended;

6

7 (iii) Any bird hobby breeder facility, canine
8 hobby breeder facility, feline hobby breeder facility,
9 small animal hobby breeder facility or any other hobby
10 breeder facility as defined by the board which is specific
11 to other pet animal species;

12

13 (iv) Any pet animal training facility where the
14 pet animal owner or the owner's designee, other than a
15 training facility operator, is present during the duration
16 of the animal's stay;

17

18 (v) Any kennel operated for the breeding, sale or
19 racing of racing greyhounds that are not intended to be
20 companion pets;

21

22 (vi) Any wildlife regulated by the Wyoming game
23 and fish department;

24

1 (vii) Livestock, as defined in W.S.
2 11-48-102(a)(xv);

3

4 (viii) Any owner, breeder, handler, or trainer
5 while transporting a pet animal to or from or exhibiting or
6 competing at any event licensed, regulated or sanctioned by
7 the American kennel club, united kennel club or any other
8 nationally recognized registering organization.

9

10 (c) Any pet animal facility structure in existence and
11 licensed by the department of health through June 30, 2009
12 that was in compliance with the department of health's
13 regulations for such licenses shall be exempt from any
14 conflicting requirements of this chapter or rules and
15 regulations of the board concerning physical premises.

16

17 (d) Any laws or rules promulgated for pet animal
18 facilities shall not require the construction of any new
19 buildings or major reconstruction of the existing physical
20 premises or facilities specified in subsection (c) of this
21 section.

22

23 **11-48-105. Pet animal facility license.**

24

1 Any person operating a pet animal facility shall possess a
2 valid pet animal facility license issued by the board in
3 accordance with this chapter and any rules and regulations
4 adopted by the board in accordance with the provisions of
5 this chapter.

6

7 **11-48-106. Pet animal facility; license; application;**
8 **fees.**

9

10 (a) Each applicant for a pet animal facility license
11 shall submit an application providing all required
12 information in the form and manner required by the board.

13

14 (b) Each location of a pet animal facility shall be
15 separately licensed.

16

17 (c) If a pet animal facility operates under more than
18 one (1) business name from a single location:

19

20 (i) No additional pet animal facility license
21 shall be required for the different business names;

22

1 (ii) The pet animal facility operator must
2 maintain separate records pursuant to W.S. 11-48-110 for
3 each such business name; and

4
5 (iii) The name of each business providing
6 services that are related to those of a pet animal facility
7 shall be listed with the director in the form and manner
8 designated. The board may require that a separate fee be
9 paid for each such business name.

10

11 (d) Each applicant for a pet animal facility license
12 shall pay an annual license fee in the amount specified by
13 rule of the board, which amount shall not exceed three
14 hundred fifty dollars (\$350.00) per license.

15

16 (e) Each pet animal facility license shall expire on
17 March 1 of each year.

18

19 (f) Each licensee shall report to the board, in the
20 form and manner the board shall designate, any change to
21 the information provided in the application or reports
22 previously submitted within fifteen (15) days of any such
23 change.

24

1 (g) Licenses issued pursuant to this chapter shall not
2 be transferable.

3

4 **11-48-107. Pet animal facility license renewal.**

5

6 (a) Each pet animal facility shall apply to renew its
7 license on or before the first working day of March for the
8 year of renewal. The application shall be in the form and
9 manner prescribed by the board and shall be accompanied by
10 the required renewal fee.

11

12 (b) If the application for renewal is not postmarked
13 on or before the first working day of March for the year of
14 renewal, a penalty fee of ten percent (10%) of the renewal
15 fee shall be assessed. No license shall be renewed until
16 the renewal fee and any penalty fee are paid.

17

18 (c) If the application and fee for renewal are not
19 postmarked on or before April 1, the license shall not be
20 renewed and the pet animal facility shall apply for a new
21 license.

22

1 (d) The board may refuse to renew a license pursuant
2 to this section for failure to pay an outstanding civil
3 penalty imposed under W.S. 11-48-117.

4

5 **11-48-108. Animal holding periods; disposition of**
6 **unclaimed animals; immunity from actions over disposition**
7 **of a pet animal.**

8

9 (a) Any pet animal held by or in the custody of an
10 animal shelter licensed as a pet animal facility under this
11 chapter, whether public or private, and not reclaimed by
12 the owner shall be held by the animal shelter for a minimum
13 of five (5) days after acquisition by the animal shelter
14 before it may become available for adoption or otherwise
15 disposed of at the discretion of the animal shelter, except
16 that a shelter supervisor may determine that a pet animal
17 without identification, including but not limited to a
18 microchip or collar, may be disposed of in three (3) days
19 if the shelter supervisor determines the shelter has no
20 additional resources for the pet animal or determines that
21 the pet animal is dangerous. For purposes of this section,
22 "days" means days during which the shelter is open to the
23 public. If the animal shelter acquires the pet animal from
24 the owner or an authorized representative of the owner, the

1 pet animal becomes the property of the animal shelter at
2 the time of transfer of the pet animal, and the pet animal
3 may be disposed of by and at the discretion of the animal
4 shelter. If the pet animal is abandoned, the pet animal
5 becomes the property of the animal shelter upon acquisition
6 and may be disposed of by and at the discretion of the
7 animal shelter. The animal shelter shall be the steward of
8 stray animals for the purposes of providing prophylactic
9 veterinary care under the written protocol and direction of
10 the shelter veterinarian. Pet animals, which in the
11 opinion of a veterinarian or the animal shelter supervisor,
12 if a veterinarian is not available, are experiencing
13 extreme pain or suffering, may be disposed of immediately
14 by the animal shelter through euthanasia after the animal
15 shelter has exhausted reasonable efforts to contact the
16 owner. For pet animals with identification, the animal
17 shelter shall exhaust reasonable efforts to contact the
18 owner for up to twenty-four (24) hours.

19

20 (b) An animal shelter and any employee thereof that
21 complies with the minimum holding period as set forth in
22 subsection (a) of this section or that disposes of a pet
23 animal in accordance with the provisions of subsection (a)
24 of this section for owner surrendered animals, abandoned

1 animals or suffering animals shall be immune from liability
2 in a civil action brought by the owner of a pet animal for
3 the shelter's disposition of a pet animal.

4

5 (c) Nothing in this section shall preclude a town,
6 city or county from adopting, maintaining or enforcing an
7 ordinance that exceeds the minimum holding period as set
8 forth in subsection (a) of this section. Nothing in this
9 section shall preclude an animal shelter licensed as a pet
10 animal facility under this chapter, whether public or
11 private, from adopting, maintaining or following a policy
12 that exceeds the minimum holding period as set forth in
13 subsection (a) of this section.

14

15 **11-48-109. Sterilization; rules; exceptions;**
16 **violations.**

17

18 (a) An animal shelter or pet animal rescue shall not
19 release a dog or cat to a prospective owner unless:

20

21 (i) The animal has been sterilized by a licensed
22 veterinarian; or

23

1 (ii) The prospective owner signs an agreement to
2 have the animal sterilized by a licensed veterinarian
3 within ninety (90) days after the date of release and
4 deposits a fee, in an amount specified by rule of the
5 board, with the animal shelter or pet animal rescue.

6

7 (b) Upon receiving a written statement from the
8 licensed veterinarian who performed the sterilization
9 procedure that the dog or cat has been sterilized, the
10 animal shelter or pet animal rescue shall refund the
11 deposit to the prospective owner.

12

13 (c) If the prospective owner fails to provide the
14 animal shelter or pet animal rescue with a written
15 statement from a licensed veterinarian stating that the
16 veterinarian performed a sterilization procedure on the dog
17 or cat within ninety (90) days after signing the agreement:

18

19 (i) The prospective owner shall forfeit the
20 deposit and the animal shelter or pet animal rescue shall
21 forward the amount of the deposit to a local dedicated spay
22 and neuter fund; and

23

1 (ii) The animal shelter or pet animal rescue may
2 promptly reclaim the animal from the prospective owner.

3

4 (d) If a licensed veterinarian declares in writing
5 that a sterilization procedure could jeopardize the life or
6 health of the dog or cat, the procedure may be delayed
7 until such time that a veterinarian determines that the dog
8 or cat is fit to undergo the sterilization procedure. At
9 such time, the prospective owner shall have the animal
10 sterilized. If the determination of unfitness for
11 sterilization has been made prior to release, the animal
12 shelter or pet animal rescue may release the dog or cat to
13 the prospective owner, subject to the provisions of this
14 subsection.

15

16 (e) This section shall not apply to:

17

18 (i) The release of a dog or cat to a person with
19 prior and continuing ownership rights to the dog or cat who
20 is reclaiming the animal from an animal shelter or pet
21 animal rescue;

22

1 (ii) The transfer of an animal from an animal
2 shelter or pet animal rescue to another animal shelter or
3 pet animal rescue or to a veterinarian;

4
5 (iii) Animal shelters or pet animal rescues with
6 existing sterilization programs that ensure that every dog
7 or cat is sterilized before being released; or

8
9 (iv) Public animal shelters eligible for waiver
10 of licensing fees pursuant to rules promulgated by the
11 board.

12
13 (f) Nothing in this section shall preclude a town,
14 city or county from adopting, maintaining or enforcing an
15 ordinance that exceeds the minimum requirements adopted by
16 the board in implementing and enforcing this section.
17 Nothing in this section shall preclude a licensed animal
18 shelter, whether public or private, from adopting,
19 maintaining or following a policy that exceeds the minimum
20 requirements adopted by the board in implementing and
21 enforcing this section.

22
23 **11-48-110. Psittacine bird leg band; fee.**

24

1 (a) Each applicant for a Wyoming psittacine bird leg
2 band shall be issued a bird leg band number by the director
3 after paying the required application fee, and each holder
4 of a bird leg band number shall pay an annual renewal fee
5 on or before October 1 of each year.

6

7 (b) The application and renewal fees described in
8 subsection (a) of this section shall be set forth in rule
9 adopted by the board.

10

11 **11-48-111. Recordkeeping requirements.**

12

13 Each pet animal facility shall keep and maintain records in
14 the form and manner designated by the board. The records
15 shall be retained for a period of two (2) years and shall
16 be kept at the address specified in the license application
17 for the pet animal facility.

18

19 **11-48-112. Unlawful acts.**

20

21 (a) Unless otherwise authorized by law, it is unlawful
22 and a violation of this chapter for any person or entity
23 to:

24

1 (i) Perform any of the acts of a pet animal
2 facility for which licensure is required without possessing
3 a valid license under this chapter;

4

5 (ii) Solicit, advertise or offer to perform any
6 of the acts for which licensure as a pet animal facility is
7 required without possessing a valid license to perform such
8 acts;

9

10 (iii) Refuse to comply with a cease-and-desist
11 order issued pursuant to W.S. 11-48-114;

12

13 (iv) Refuse or fail to comply with the provisions
14 of this chapter;

15

16 (v) Make a material misstatement in a license
17 application, a license renewal application or to the
18 director during an official investigation;

19

20 (vi) Impersonate any state, county or municipal
21 official or inspector;

22

1 (vii) Refuse or fail to comply with any rules or
2 regulations adopted by the board pursuant to this chapter
3 or any lawful order issued by the director;

4
5 (viii) Aid or abet another in any violation of
6 this chapter or any rule promulgated by the board under the
7 provisions of this chapter;

8
9 (ix) Import or have in such person's possession
10 for the purpose of selling, trading, giving or otherwise
11 transferring certain species of birds designated by the
12 board that have not been legally banded with a leg band
13 applied during the prefeathered stage of development and
14 appropriate to the size and species of the bird;

15
16 (x) Sell, barter, exchange or otherwise transfer,
17 possess, import or cause to be imported into Wyoming:

18
19 (A) Any type of turtle with a length in
20 carapace of less than four (4) inches; or

21
22 (B) Any species of nonhuman primate. Such
23 prohibitions, with respect to nonhuman primates, shall not
24 apply to a zoological park or a research institute licensed

1 or registered under the provisions of the federal "Animal
2 Welfare Act of 1970", 7 U.S.C. section 2131, et seq., as
3 amended, nor shall they apply to the keeping of a nonhuman
4 primate as a household pet by any person who owned such
5 primate on or before July 1, 1973 or to the keeping by a
6 disabled person of a nonhuman primate specially trained to
7 assist such person.

8

9 (xi) Sell, transfer or adopt dogs or cats under
10 the age of eight (8) weeks;

11

12 (xii) Transfer cats under the minimum weight
13 limit set by rule of the board;

14

15 (xiii) Sell, transfer or adopt guinea pigs,
16 hamsters or rabbits under the age of four (4) weeks and
17 such other pet animal species as may be specified by the
18 board; and

19

20 (xiv) Alter or falsify any certificate of
21 veterinary inspection or any other certificate of
22 veterinary health.

23

1 (b) Paragraphs (a)(ix), (x), (xi) and (xiii) of this
2 section shall apply to all persons and entities, including
3 those specifically exempted under W.S. 11-48-104(a),
4 (b)(i), (iii), (iv) and (v).

5

6 (c) It is unlawful and a violation of this chapter for
7 any person operating a pet animal facility to:

8

9 (i) Refuse to permit entry or inspection in
10 accordance with W.S. 11-48-113;

11

12 (ii) Sell, offer for sale, barter, exchange or
13 otherwise transfer immature domestic fowl in lots of less
14 than twenty-five (25) as pets;

15

16 (iii) Sell, offer for sale, barter, exchange or
17 otherwise transfer raccoons or other animal species of
18 wildlife that are prohibited to be kept as pets by the
19 Wyoming game and fish department;

20

21 (iv) Import or cause to be imported any pet
22 animal for the purpose of sale, resale, trade or barter by
23 a pet animal facility operator unless such operator is the

1 holder of a valid pet animal facility license issued
2 pursuant to this chapter;

3

4 (v) Allow a license issued pursuant to this
5 chapter to be used by an unlicensed person;

6

7 (vi) Make any misrepresentation or false promise
8 through advertisements, employees, agents or otherwise in
9 connection with the business operations licensed pursuant
10 to this chapter or for which an application for a license
11 is pending; and

12

13 (vii) Fail to take reasonable care to release for
14 sale, trade or adoption only those pet animals that are
15 free of undisclosed disease, injury or abnormality.

16

17 (d) It is unlawful and a violation of this chapter for
18 any employee or official of the board or any person
19 designated by the board pursuant to W.S. 11-48-103(f) to
20 disclose or use for his own advantage any information
21 derived from any reports or records submitted to the
22 director pursuant to W.S. 11-48-113 or to reveal such
23 information to anyone except authorized persons, including

1 officials or employees of the state, the federal government
2 and the courts of this or other states.

3

4 (e) The failure by any person to comply with the
5 provisions of paragraph (a)(i) or (ii) of this section or
6 paragraph (c)(vi) of this section is a deceptive trade
7 practice and is subject to the provisions of the "Wyoming
8 Consumer Protection Act", W.S. 40-12-101 through 40-12-114.

9

10 **11-48-113. Inspections; investigations; access;**
11 **subpoena.**

12

13 (a) The director, upon his own motion or upon the
14 complaint of any person, may make any investigations
15 necessary to ensure compliance with this chapter.

16

17 (b) A complaint of record made to the director and the
18 results of its investigation may, in the discretion of the
19 director, be closed to public inspection, except to the
20 person in interest, as defined in W.S. 16-4-201(a)(iii), or
21 as provided by court order, during the investigatory period
22 and until dismissed or until notice of hearing and charges
23 are served on a licensee.

24

1 (c) At any reasonable time during regular business
2 hours, the director shall have free and unimpeded access
3 upon consent or upon obtaining an administrative search
4 warrant to:

5

6 (i) Those portions of all buildings, yards, pens
7 and other areas in which any animals are kept, handled or
8 transported for the purpose of carrying out any provision
9 of this chapter or any rule promulgated pursuant to this
10 chapter; and

11

12 (ii) All records required to be kept and may make
13 copies of the records for the purpose of carrying out any
14 provision of this chapter or any rule promulgated pursuant
15 to this chapter.

16

17 (d) After the denial, suspension or revocation of a
18 license for a pet animal facility, the director shall have
19 free and unimpeded access to the areas and records that are
20 reasonably necessary to verify that operation of the pet
21 animal facility has ceased. The director shall have such
22 access upon consent or upon obtaining a search warrant to
23 the following areas and records:

24

1 (i) To those portions of all buildings, yards,
2 pens and other areas in which animals are suspected of
3 being kept, handled or transported without the appropriate
4 license; and

5
6 (ii) To all records that are equivalent to those
7 required to be kept for the purpose of carrying out the
8 provisions of this chapter. The director may make copies
9 of the records for the purpose of carrying out any
10 provision of this chapter or any rule promulgated pursuant
11 to this chapter.

12
13 (e) The director shall have full authority to
14 administer oaths and take statements, issue subpoenas
15 requiring the attendance of witnesses before it, and
16 require the production of all books, memoranda, papers and
17 other documents, articles, instruments and to compel the
18 disclosure by witnesses of all facts known to them relative
19 to the matters under investigation. Upon the failure or
20 refusal of any witness to obey any subpoena, the director
21 may petition the district court, and upon a proper showing,
22 the court may enter an order compelling the witness to
23 appear and testify or produce documentary evidence.

1 Failure to obey such an order of the court shall be
2 punishable as a contempt of court.

3

4 **11-48-114. Enforcement.**

5

6 (a) The director shall enforce the provisions of this
7 chapter.

8

9 (b) Whenever the director has reasonable cause to
10 believe a violation of any provision of this chapter or any
11 rule promulgated pursuant to this chapter has occurred and
12 immediate enforcement is deemed necessary, he may issue a
13 cease and desist order, which may require any person to
14 cease violating any provision of this chapter or any rule
15 promulgated pursuant to this chapter. The cease and desist
16 order shall set forth the provisions alleged to have been
17 violated, the facts alleged to have constituted the
18 violation and the requirement that all actions cease
19 forthwith. At any time after service of the order to cease
20 and desist, the person may request a prompt hearing to
21 determine whether or not the violation has occurred. The
22 hearing shall be conducted pursuant to the Wyoming
23 Administrative Procedure Act and shall be determined
24 promptly.

1

2 (c) In the event that any person fails to comply with
3 a cease and desist order within twenty-four (24) hours, the
4 director may bring a suit for a temporary restraining order
5 and for injunctive relief to prevent any further or
6 continued violation of this chapter.

7

8 (d) No stay of a cease and desist order shall be
9 issued before a hearing thereon involving both parties.

10

11 (e) Whenever the director possesses sufficient
12 evidence satisfactorily indicating that any person has
13 engaged in or is about to engage in any act or practice
14 constituting a violation of any provision of this chapter
15 or any rule adopted under this chapter, the director may
16 apply to any court of competent jurisdiction to temporarily
17 or permanently restrain or enjoin the act or practice in
18 question and to enforce compliance with this chapter or any
19 rule or order issued under this chapter. In any such
20 action, the director shall not be required to plead or
21 prove irreparable injury or the inadequacy of the remedy at
22 law. Under no circumstances shall the court require the
23 director to post a bond.

24

1 **11-48-115. Disciplinary actions; denial of license.**

2

3 (a) The board, pursuant to the Wyoming Administrative
4 Procedure Act, may issue letters of admonition or deny,
5 suspend, refuse to renew, restrict or revoke any license
6 authorized under this chapter if the applicant or licensee:

7

8 (i) Has refused or failed to comply with any
9 provision of this chapter, any rule adopted under this
10 chapter, or any lawful order of the board;

11

12 (ii) Has been convicted of cruelty to animals as
13 defined in W.S. 6-3-203 or any similar statute of any other
14 state;

15

16 (iii) Has had an equivalent license denied,
17 revoked or suspended by any authority;

18

19 (iv) Has refused to provide the director with
20 reasonable, complete and accurate information regarding the
21 care of animals when requested by the director; or

22

23 (v) Has falsified any information requested by the
24 director.

1

2 (b) In any proceeding held under this section, the
3 board may accept as prima facie evidence of grounds for
4 disciplinary action any disciplinary action taken against a
5 licensee from another jurisdiction if the violation which
6 prompted the disciplinary action in that jurisdiction would
7 be grounds for disciplinary action under this section.

8

9 (c) No licensee whose license has been revoked may
10 apply or reapply for a license under this chapter until two
11 (2) years from the date of the revocation.

12

13 **11-48-116. Denial of license; animal cruelty**
14 **conviction.**

15

16 (a) The board, pursuant to the Wyoming Administrative
17 Procedure Act, may deny, refuse to renew or revoke any
18 license authorized under this chapter if the applicant or
19 licensee has been convicted of cruelty to animals pursuant
20 to W.S. 6-3-203 or any similar statute of any other state.

21

22 (b) Notwithstanding subsection (a) of this section,
23 the board, pursuant to the Wyoming Administrative Procedure
24 Act, shall deny, refuse to renew or revoke any license

1 authorized under this chapter if the applicant or licensee
2 has been convicted, at any time, of one (1) or more
3 violations of W.S. 6-3-203, the underlying factual basis of
4 which has been found by the court to include the knowing or
5 intentional torture or torment of an animal which
6 needlessly injures, mutilates or kills an animal.

7

8 **11-48-117. Civil penalties.**

9

10 (a) Any person who violates any provision of this
11 chapter or any rule adopted pursuant to this chapter is
12 subject to a civil penalty, as determined by the board.
13 The maximum penalty shall not exceed one thousand dollars
14 (\$1,000.00) per violation.

15

16 (b) No civil penalty may be imposed unless the person
17 charged is given notice and opportunity for a hearing
18 pursuant to the Wyoming Administrative Procedure Act.

19

20 (c) If the director is unable to collect the civil
21 penalty or if any person fails to pay all or a set portion
22 of the civil penalty as determined by the board, the
23 director may:

24

1 (i) Bring suit to recover the amount of the civil
2 penalty plus costs and attorney fees by action in any court
3 of competent jurisdiction; or

4
5 (ii) Refuse to renew any license authorized under
6 this chapter that was issued to a person who has not paid
7 the civil penalty pursuant to W.S. 11-48-106(d).

8
9 (d) Before imposing any civil penalty, the board may
10 consider the effect of such penalty on the ability of the
11 person charged to stay in business.

12
13 **11-48-118. Criminal penalties.**

14
15 Any person who violates the provisions of W.S.
16 11-48-111(a)(i), (ii), (iii), (vi) or (xiv) commits a
17 misdemeanor and shall be punished as provided in W.S.
18 11-1-103.

19
20 **11-48-119. Advisory committee; sunset review; repeal.**

21
22 (a) There is hereby established a pet animal advisory
23 committee to advise the board in establishing regulations
24 under this chapter and to provide ongoing review of this

1 chapter. The members of the advisory committee shall be
2 reimbursed for per diem, mileage and expenses for attending
3 board meetings in the same manner and amount as state
4 employees. The advisory committee shall consist of sixteen
5 (16) persons appointed by the board as follows:

6

7 (i) One (1) person who represents animal rescue;

8

9 (ii) One (1) person who represents bird breeders;

10

11 (iii) One (1) person who represents small scale
12 operation dog breeders;

13

14 (iv) One (1) person who represents cat breeders;

15

16 (v) One (1) person who represents small animal
17 breeders;

18

19 (vi) One (1) person who represents boarding
20 kennels;

21

22 (vii) One (1) person who represents pet groomers;

23

1 (viii) One (1) person who represents pet animal
2 retailers;

3

4 (ix) One (1) person who represents pet animal
5 wholesalers;

6

7 (x) One (1) person who represents animal control
8 officers;

9

10 (xi) One (1) person who represents animal
11 shelters;

12

13 (xii) One (1) veterinarian licensed pursuant to
14 W.S. 33-30-203;

15

16 (xiii) Three (3) members of the general public,
17 none of whom shall represent or have a financial interest
18 in any of the groups listed in this subsection; and

19

20 (xiv) One (1) person who represents large scale
21 operation dog breeders.

22

23 (b) All members of the advisory committee shall be
24 residents of Wyoming.

1

2 (c) In the event of a vacancy on the advisory
3 committee prior to the completion of the member's full
4 term, the board shall appoint a person to complete the
5 remainder of the term. Such person shall represent the
6 same group as the member he is replacing, pursuant to
7 subsection (a) of this section.

8

9 (d) The initial appointments of the animal rescue
10 representative, the small animal breeder, the pet animal
11 wholesaler, one (1) member from the general public and the
12 large scale operation dog breeder shall expire on July 1,
13 2010. The initial appointments of the bird breeder, the
14 representative of boarding kennels, the representative of
15 animal control officers, the small scale operation dog
16 breeder, and one (1) member from the general public shall
17 expire on July 1, 2011. The initial appointment of all
18 other members shall be for a term of three (3) years.
19 Thereafter, members of the advisory committee shall serve
20 for terms of three (3) years.

21

22 **11-48-120. Pet animal care and facility account; fees.**

23

1 There is created the pet animal care and facility account.
2 All fees and civil fines collected pursuant to this chapter
3 shall be transmitted to the state treasurer who shall
4 credit them to the pet animal care and facility account.
5 All monies credited to the account shall be a part of the
6 account and shall not be transferred or credited to the
7 general fund or to any other fund except as directed by the
8 legislature. Notwithstanding any provision to the
9 contrary, all interest derived from the deposit and
10 investment of this account shall be credited to the
11 account. The legislature shall make annual appropriations
12 from the fund to the board for direct and indirect expenses
13 incurred in carrying out the purposes of this section.

14

15 **11-48-121. Repeal; sunset review.**

16

17 This chapter is repealed effective July 1, 2019.

18

19 **18-2-116. Contracts for pet animal care and**
20 **facilities.**

21

22 A county may contract for the administration of pet animal
23 care services as provided in W.S. 11-18-101 through
24 11-18-121.

1

2 **Section 2.** W.S. 11-1-103 and 11-18-110 by creating a
3 new subsection (e) are created to read:

4

5 **11-1-103. Penalty for violations.**

6

7 A person who violates any of the following sections commits
8 a misdemeanor punishable by imprisonment for not more than
9 six (6) months, a fine of not more than seven hundred fifty
10 dollars (\$750.00), or both for the first offense, or by
11 imprisonment for not more than one (1) year, a fine of not
12 more than one thousand five hundred dollars (\$1,500.00), or
13 both for second or subsequent offenses: W.S. 11-6-210(a) or
14 (f), 11-18-112, 11-19-101, 11-19-102, 11-19-111, 11-19-401,
15 11-20-114, 11-20-117, 11-20-229, 11-20-230, 11-21-104,
16 11-22-118, 11-23-106, 11-23-207, 11-24-106, ~~and~~ 11-30-114
17 and 11-48-118. A person who violates board rules
18 promulgated pursuant to W.S. 11-18-103(a)(v) shall be
19 subject to the penalties specified in this section.

20

21 **11-18-110. Director; deputy directors; term; powers**
22 **and duties generally; orders subject to review.**

23

1 (e) The director shall appoint a deputy director for
2 the pet animal care and facilities program under W.S.
3 11-18-101 through 11-18-121. The deputy director shall
4 serve at the pleasure of the director and is responsible to
5 and under the control and supervision of the director.

6
7 **Section 3.** There is appropriated four hundred
8 seventy-five thousand dollars (\$475,000.00) from the
9 general fund to the Wyoming livestock board. This
10 appropriation shall be for the period beginning with the
11 effective date of this act and ending June 30, 2010. There
12 is authorized six (6) full-time positions, including a
13 deputy director, an administrative assistant and four (4)
14 regional pet animal inspectors. This appropriation shall
15 only be expended for the purpose of implementing the Pet
16 Animal Care and Facilities Act, including funding for the
17 new positions and for expenses of the advisory board.
18 Notwithstanding any other provision of law, this
19 appropriation shall not be transferred or expended for any
20 other purpose and any unexpended, unobligated funds
21 remaining from this appropriation shall not revert as
22 provided by law but shall remain in the account created by
23 W.S. 11-48-120. Six hundred thousand dollars (\$600,000.00)
24 shall be included in the Wyoming livestock board's 2011-

1 2012 standard biennial budget request to continue the Pet
2 Animal Care and Facilities Act.

3

4 **Section 4.** This act is effective July 1, 2009.

5

6

(END)