

PRESERVING LIFE

**PROTECTING
FAMILIES**



**Model Legislation for Smart,
Flexible Shelter Holding Periods**

A PUBLICATION OF THE NO KILL ADVOCACY CENTER

THE KEY TO SMART SHELTER HOLDING PERIODS?

BIFURCATION

Excluding laws mandating holding periods, shelter directors in this country have virtually unlimited discretion as to how they operate their facilities. If a shelter director decides to kill each and every animal even if there are empty cages, it is legal for them to do so. If a non-profit rescue organization wants to save an animal on death row at a shelter, the shelter director has the authority to deny the group the ability to do so, and they frequently do. Likewise, shelter directors can kill orphaned kittens and puppies rather than work with volunteers who want to provide foster care. They can ban volunteers from walking dogs and socializing animals. And they can limit the number of hours they are open to the public for adoptions, or have hours that make it difficult for working people to reclaim their lost animals or adopt new ones.

In short, there are very few checks and balances to ensure that our shelters are run in line with the most up-to-date sheltering policies and procedures. Instead, our shelters are run on the honor system, and

Eliminating or reducing holding periods would not only seriously limit and even eliminate the opportunity for animals to get adopted or people to reclaim their lost animals, it would mean quicker and often immediate killing for many animals; often before a family even knows he/she is missing.

it is a discretion shelter directors abuse time and again by failing to implement readily available lifesaving alternatives or to work cooperatively with those who want to help them save lives. In many shelters, holding periods are often the only thing standing between life and death for an animal.

Tragically, animal shelters across the county are seeking to eliminate or reduce holding periods, even though doing so loses sight of what is, in fact, one of the primary functions and mandates of a taxpayer funded, municipal animal shelter: to provide a safe haven for the lost animals of local people and a place where they can go to find them.

Although billed as an effort to get animals adopted faster, experience proves it has the opposite effect: allowing more animals to be killed and to be killed quicker. Nothing in the proposals require shelters to make animals available for adoption after the shortened (and in some cases eliminated) holding period, but they give the shelters full authority to kill them and that is what many will do. How do we know? Because that is what these shelters are already doing to animals who are not subject to holding periods in most states, such as animals surrendered by their families and stray animals after their already minimal holding periods expire. This is not only a betrayal to animals, but to their families and to the taxpayers who fund these institutions in order to provide a safety net for stray and lost animals.

Mandated, bifurcated holding periods, by contrast, allow animals to be adopted out more quickly, allow animals to be transferred to rescue groups

immediately, free up cage and kennel space, and reduce costs, without eviscerating the minimal protections animals and their human families have in holding periods.

A mandated, bifurcated holding period allows animals to be adopted out more quickly, allows animals to be transferred to rescue groups immediately, frees up cage and kennel space, and reduces costs, all without eviscerating the minimal protections animals and their human families have in holding periods.



MODEL HOLDING PERIOD LEGISLATION

Without breaking up families and putting animals in mortal peril, the No Kill Advocacy Center's Model Holding Period Legislation accomplishes each of the goals below. Similar laws in other states have reduced killing by over 20% and increased rates of lifesaving to 90% or better.

- ✓ ALLOWS ANIMALS TO BE TRANSFERRED TO RESCUE GROUPS AND FOSTER HOMES IMMEDIATELY
- ✓ ALLOWS QUICKER ADOPTIONS
- ✓ INCENTIVIZES STERILIZATION
- ✓ INCREASES LIFESAVING
- ✓ FREES UP KENNEL AND CAGE SPACE
- ✓ REDUCES LENGTH OF STAY
- ✓ REDUCES COSTS OF CARE

(A) No animal impounded by an animal shelter, society for the prevention of cruelty to animals, humane society, pound, dog control officer, government entity, or contractor for a government entity shall be euthanized prior to the expiration of seven business days from impoundment of the animal, not including the date of impoundment, except as follows:

(1) Subsection A does not apply to an animal who is irremediably physically suffering, upon a

determination made in writing and signed by a veterinarian licensed to practice medicine in this state. "Irremediably physically suffering" means an animal who has a poor or grave prognosis for being able to live without severe, unremitting pain even with prompt, necessary, and comprehensive veterinary care.

(B) An animal impounded as a stray with identification or whose owner has been identified

shall be made available for owner reclamation for a period of four business days, not including the date of impoundment.

(C) An animal impounded as a stray without identification and whose owner has not been identified shall be made available for owner reclamation for a period of three business days, not including the date of impoundment.

(D) At any time, an animal impounded as a stray may be placed in foster care or transferred to an IRC Section 501(c)(3) not-for-profit organization that is a (i) private animal shelter, (ii) animal rescue group, or (iii) organization formed for the prevention of cruelty to animals, subject to the following:

(1) An animal transferred under this subsection remains subject to reclamation by its owner pursuant to Subsection (B) and (C).

(2) Documentation of an animal transferred under this subsection, including a photograph of the animal and relevant information pertaining to the animal's impoundment and transfer, shall be maintained in physical or electronic form, reviewable by the public, at the shelter or on the shelter's website during the time period relevant under Subsection (B) and (C).

(3) An owner that satisfies a shelter's reclaim requirements during the time period relevant under

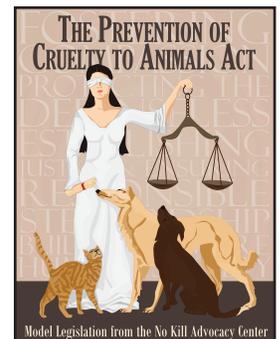
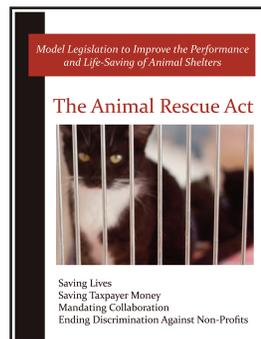
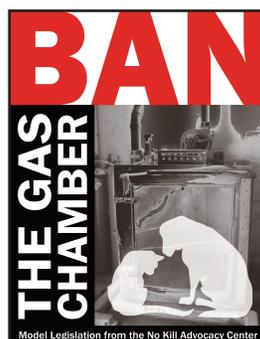
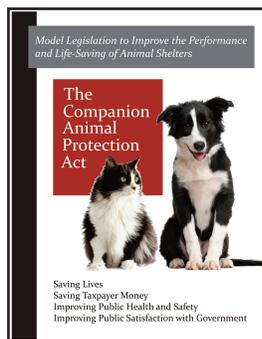
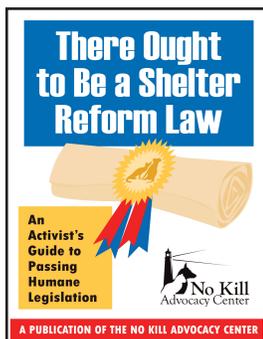
Subsection (B) and (C) is entitled to reclaim the animal even if the animal has been transferred pursuant to Subsection (D) and is no longer physically in the shelter's custody. At the owner's discretion, the owner has the right to physically redeem the animal at the shelter.

(E) An animal who is impounded upon being surrendered by the animal's owner shall be subject to reclaim by that person, upon having a change of heart, for a period of three business days, not including the date of impoundment, so long as the animal has not been adopted or transferred to a (i) private animal shelter, (ii) animal rescue group, or (iii) organization formed for the prevention of cruelty to animals.

(F) The holding periods mandated by this Section do not apply to an animal who is impounded solely for the purpose of sterilization.

(G) An animal shall not be sold or transferred, with or without consideration, to any person, hospital, educational or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research, study, or experimentation of any kind.

To download additional model animal protection legislation and our guide to the legislative process, visit the No Kill Advocacy Center website.



nokilladvocacycenter.org

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