

CHAPTER 189**(SB 133)**

AN ACT relating to animals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 258 IS CREATED TO READ AS FOLLOWS:

Gunshot shall not be used as a routine method of euthanasia in animal shelter settings. This prohibition shall not apply in animal shelter settings if an animal presents a threat to the health or safety of anyone lawfully on the premises of the shelter. The prohibition against gunshot shall also not apply to peace officers or animal control officers outside animal shelter situations if an animal:

- (1) Cannot be seized;***
- (2) Presents a threat to the health or safety of the general public; or***
- (3) Has an injury or physical condition which causes the animal to suffer.***

Section 2. KRS 258.005 is amended to read as follows:

As used in KRS 258.005 to ~~258.087~~~~[258.085 and subsections (1) and (2) of KRS 258.990]~~, unless the context requires otherwise:

- (1) "Dog" means any canine three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine***~~[member of the canine family];~~
- "Owner"***~~[,] means any person owning, keeping, or harboring a dog, cat, or ferret in Kentucky~~~~[when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him];~~
- "Veterinarian" means a licensed practitioner of veterinary medicine;***
- "Qualified person" means a person granted a permit by the secretary for health services to vaccinate his own dog***~~[animals] against rabies~~~~[and may include owners or operators of licensed kennels];~~~~[and]~~
- "Vaccination" means the administration***~~[injection] by a veterinarian or other qualified person of rabies vaccine approved by~~~~[,] and administered in accordance with administrative~~~~[the] regulations promulgated by~~~~[of] the secretary for health services;~~
- "Cat " means any feline three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine;***
- "Animal control officer" means an individual who is employed or appointed by, or has contracted with:***
 - (a) A city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, and local animal control ordinances; or***
 - (b) An entity that has contracted with a city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the***

provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, and local animal control ordinances;

- (8) *"Ferret" means any musteline three (3) months of age or older for which there exists a United States Department of Agriculture approved rabies vaccine; and*
- (9) *"Quarantine" means the confinement of an animal for observation of clinical signs of illness indicating rabies infection, and the prevention of escape or contact with any person or other animal.*

Section 3. KRS 258.015 is amended to read as follows:

- (1) Every owner shall have his dog, *cat, or ferret* initially vaccinated *against rabies* by the age of four (4) months and revaccinated~~[-against rabies]~~ at the expiration of the immunization period as certified by the veterinarian. The veterinarian~~[-or qualified person]~~ who vaccinates a dog, *cat, or ferret* shall issue to the owner~~[-thereof]~~ a vaccination certificate on a form *approved*~~[-prescribed and supplied]~~ by the Cabinet for Health Services. The vaccination certificate shall be prepared and issued in *duplicate*~~[-triplicate]~~, one (1) copy to be retained by the issuing veterinarian *and*~~[-or other qualified person,]~~ one (1) copy to be given to the owner of the dog, *cat, or ferret* vaccinated~~[-, and one (1) copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the Department for Public Health]~~. Each certificate shall bear the name and address of the veterinarian~~[-or qualified person]~~ who issued it. The veterinarian~~[-or qualified person]~~ shall also furnish each *dog* owner with a *rabies*~~[-metal]~~ tag bearing a serial number *corresponding to the vaccination certificate with*~~[-and after January 1, 1980,]~~ the year of~~[-expiration of the]~~ immunization~~[-period]~~. The tag~~[- may bear the name of the veterinarian or qualified person issuing it. It shall be affixed by the owner to a collar or harness furnished by him and]~~ shall be *affixed to a collar or harness furnished by the owner and shall be* worn by the dog for which the *tag*~~[-certificate]~~ was issued. No one except the owner or his duly authorized agent shall remove the *tag*~~[-collar with the attached tag from the dog. Prior to their initial officially recorded vaccination against rabies, all dogs shall be confined to the premises of the owner]~~.
- (2) *Every qualified person who vaccinates his own dog shall comply with the vaccination certificate and tag requirement provisions of subsection (1) of this section.*
- (3) *Every owner of a cat or ferret shall show proof of a valid rabies vaccination upon request of an animal control officer or peace officer.*
- (4) *Any person with feral cats on his premises shall make a reasonable effort to capture or vaccinate the cats.*

Section 4. KRS 258.035 is amended to read as follows:

Any owner who has had his dog, *cat, or ferret* vaccinated against rabies in another state by the proper authority~~[-therein]~~ shall not be required to have *the*~~[-such]~~ dog, *cat, or ferret* revaccinated when brought into this state provided the requirements of *the*~~[-such]~~ state under which the vaccination was made were of a standard not lower than those required in this state, and provided further that *the*~~[-such]~~ dog wears a tag affixed to *its*~~[-his]~~ collar or harness bearing the *year*~~[-date]~~ of *the*~~[-such]~~ vaccination *and the owner of the cat or ferret shows proof of a valid rabies vaccination*. One (1) year after the date of *the*~~[-such]~~ vaccination *the*~~[-such]~~ dog, *cat, or ferret shall*~~[-must]~~ be revaccinated unless provided otherwise by *administrative*~~[-the rules and]~~ regulations *promulgated by*~~[-of]~~ the secretary for health services. The secretary for health services may *promulgate administrative*~~[-make rules and]~~ regulations governing the matter of reciprocity with other states.

Section 5. KRS 258.043 is amended to read as follows:

- (1) ~~[Whenever a local board of health determines or is notified by the Cabinet for Health Services that the rabies immunization level among dogs is low in the county or any portion thereof, the]~~ A local health department *may*~~[shall]~~ sponsor mass *rabies* immunization clinics *and*~~[at strategic locations and intervals throughout the area designated. The local health department]~~ shall contract with local veterinarians to administer the *rabies* vaccine. If the services of veterinarians are not available in the area, the local health department may contract with other veterinarians~~[or qualified persons designated by the Cabinet for Health Services]~~. A reasonable fee *to be charged to the owner of each dog, cat, or ferret shall be determined by the local health department*, not to exceed five dollars (\$5),~~[designated by the local board of health may be collected from each owner]~~ to help defray the cost of the clinic~~[program]~~.
- (2)~~[Vaccination and licensing procedures may be jointly conducted at the clinics.]~~
- ~~(3)]~~ No owner shall be required to have his dog, *cat, or ferret* vaccinated at a public clinic if he elects to have his dog, *cat, or ferret* vaccinated privately by a veterinarian of his choice.
- (3) *No owner shall be required to have his dog vaccinated at a public clinic if he is a qualified person and elects to vaccinate his dog himself.*

Section 6. KRS 258.055 is amended to read as follows:

~~If~~~~[Whenever]~~ a local board of health has reason to believe or has been notified by the Cabinet for Health Services that there is danger that rabies may spread within the county~~[or any portion thereof]~~, the board shall publish a notice requiring owners of~~[dogs or other]~~ specified animals in the *affected area of the county*~~[designated]~~ to confine the animals for *any*~~[such]~~ periods *that*~~[as]~~ may be necessary to prevent the spread of rabies. If it is deemed advisable in the interest of public health, the local board of health shall order all *specified animals*~~[dogs]~~ in the *affected area to be vaccinated*~~[revaccinated]~~ against rabies, *except animals that have been vaccinated within the past six (6) months under the provisions of KRS 258.005 to 258.087.*~~[and]~~ If the local board fails or neglects to *order a vaccination*~~[do so]~~, the Cabinet for Health Services *shall do so*~~[may order the revaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six (6) months under the provisions of KRS 258.005 to 258.085]~~. The Cabinet for Health Services may aid the local health department in the execution of *any*~~[such]~~ emergency vaccinations.

Section 7. KRS 258.065 is amended to read as follows:

- (1) *Except as provided in subsection (2) of this section*, every physician shall, within twelve (12) hours after his first professional attendance of a person bitten by a dog, cat, *ferret*, or other animal, report to the local health department the name, age, sex,~~[color,]~~ and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.
- (2) *If the local health department is closed when a physician, parent, guardian, or other adult attends to a bitten person, the physician, parent, guardian, or other adult shall report the incident on the next working day of the health department.*

Section 8. KRS 258.075 is amended to read as follows:

The secretary for health services may administer the provisions of KRS 258.005 to ~~258.087~~~~[258.085 and subsections (1) and (2) of KRS 258.990]~~ through the local health

departments and may *promulgate any administrative*~~[make such rules and]~~ regulations and employ such personnel as are necessary to effectuate the purposes of KRS 258.005 to ~~258.087~~~~[258.085 and subsections (1) and (2) of KRS 258.990].~~

Section 9. KRS 258.085 is amended to read as follows:

- (1) (a) A health officer or his agent shall have the authority to quarantine for a period not to exceed one hundred eighty (180) days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed ten (10) days any *dog, cat, or ferret*~~[animal]~~ which has bitten a human being or which exhibits symptoms of rabies.~~[An animal so quarantined may be confined by the health officer at a designated place at the owner's expense.]~~
- (b) *In lieu of the quarantines provided in paragraph (a) of this subsection, a health officer or his agent may order an animal to be destroyed and tested for rabies.*
- (c) *If a wild or exotic animal bites a human being or exhibits symptoms of rabies, that animal shall be destroyed and tested for rabies.*
- (2) *If an animal*~~[Whenever a dog]~~ dies with rabies,~~[or]~~ is suspected of having died with rabies, or is destroyed because of having been suspected of being rabid, the owner, *if known*~~[thereof]~~, whether the *animal*~~[dog]~~ had been previously quarantined or not, shall~~[at his own expense]~~ send the head of *the animal*~~[such dog]~~ to a laboratory approved by the secretary for health services *to be tested for rabies*~~[in the manner prescribed by the rules and regulations of the secretary for health services].~~
- (3) (a) *The owner of any animal quarantined or tested under this section shall be liable for any expenses incurred as a result of the quarantine or testing.*
- (b) *Any owner who destroys or disposes of an animal that has bitten a human being shall be liable for any rabies postexposure treatment if the animal is destroyed or disposed of in a manner that does not allow for rabies testing or quarantine.*

Section 10. KRS 258.087 is amended to read as follows:

Any city, *county, urban-county, charter county, or consolidated local government*~~[legislative body or fiscal court]~~ may, by the adoption of an appropriate ordinance or resolution, provide for more stringent regulation of rabies control in dogs, cats, *ferrets*, and other animals than set forth in ~~KRS 258.005 to 258.087~~~~[this chapter].~~

Section 11. KRS 258.095 is amended to read as follows:

As used in KRS 258.095 to ~~258.500~~~~[258.365 and KRS 258.990(3) and (4)]~~, unless the context requires otherwise:

- (1) "Department" means the Department of Agriculture;
- (2) "Commissioner" means the Commissioner of Agriculture;
- (3) *"Board" means the Animal Control Advisory Board created by Section 12 of this Act*~~["Committee" means the advisory committee created by KRS 258.115];~~
- (4) "Dog" means any *domestic*~~[member of the]~~ canine~~[family]~~, six (6) months of age or *older*~~[over]~~;
- (5) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;

- (6) ~~"Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, and confined and domesticated hares and rabbits;~~
- (7) ~~"Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;~~
- (8) ~~"Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;~~
- (9) ~~"Livestock fund" means the fund created by KRS 258.125 for the purpose of administering its provisions;~~
- (10) "Attack" means a dog's attempt to bite or successful bite of a human being. This definition shall not apply to a dog's attack of a person who has illegally entered or is trespassing on the dog owner's property in violation of KRS 511.060, 511.070, 511.080, or 511.090;
- (7)(11) "Vicious dog" means any individual dog declared by a court to be a vicious dog;
- (8) ***"Animal control officer" means an individual who is employed or appointed by, or has contracted with:***
- (a) ***A city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, and local animal control ordinances; or***
- (b) ***An entity that has contracted with a city, county, urban-county, charter county, or consolidated local government to enforce the provisions of this chapter, the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, and local animal control ordinances;***~~(12) *"Animal control officer" means an individual employed by a city, county, urban-county government, or charter county government who enforces the provisions of this chapter and local dog control ordinances; and*~~
- (9)(13) "Designated license facility" means any person, facility, or business designated by resolution of the ***governing body of the county***~~[fiscal court]~~ to collect license fees under KRS 258.135;
- (10) ***"Cat" means any domestic feline three (3) months of age or older;***
- (11) ***"Ferret" means any domestic musteline three (3) months of age or older;***
- (12) ***"Euthanasia" means the act of putting an animal to death in a humane manner by methods specified as acceptable for that species by the most recent report of the American Veterinary Medical Association Panel on Euthanasia, subject to the requirements provided by Section 1 of this Act;***
- (13) ***"Animal shelter" means any facility used to house or contain animals, operated or maintained by a governmental body, an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization;***
- (14) ***"Quarantine" means the confinement of an animal for observation of clinical signs of illness indicating rabies infection, and the prevention of escape or contact with any person or other animal;***

- (15) *"Livestock" means poultry; ratites; and cervine, bovine, ovine, porcine, caprine, or equine animals that are privately owned and raised in a confined area for breeding stock, food, fiber, or other products; and*
- (16) *"Poultry" means chickens, ducks, turkeys, or other domestic fowl.*

Section 12. KRS 258.117 is amended to read as follows:

- (1) The Animal Control Advisory Board is hereby created for the purposes of ~~making recommendations to the commissioner relating to~~ evaluating applications for and reviewing disbursements from the animal control and care fund, ~~establishing shelter standards,~~ creating training programs, and other duties relating to animal control and care in the counties of the Commonwealth. ***The Animal Control Advisory Board shall promulgate administrative regulations to carry out the provisions of this section.***
- (2) The advisory board shall be attached to the Kentucky Department of Agriculture for administrative purposes.
- (3) The advisory board shall be composed of the following members appointed by the Governor as specified:
 - (a) Two (2) members selected from a list of three (3) submitted by the Kentucky Animal Control Association;
 - (b) Two (2) members selected from a list of three (3) submitted by the Kentucky Veterinary Medical Association;
 - (c) Two (2) members selected from a list of three (3) submitted by the Kentucky Farm Bureau;
 - (d) Two (2) members selected from a list of three (3) submitted by the Kentucky Association of Counties;
 - (e) Two (2) members selected from a list of three (3) submitted by the Kentucky Houndsmen Association; and
 - (f) Two (2) members selected from a list of three (3) submitted by the Kentucky League of Cities.
- (4) Appointed members shall serve for a term of four (4) years. Vacancies shall be filled in the same manner as the original appointment for the unexpired portion of the term.
- (5) Members of the advisory board shall receive one hundred dollars (\$100) per day for attendance at meetings and shall be entitled to reimbursement for expenses incurred for travel. No per diem or travel expenses shall be paid except for meetings of the full advisory board.
- (6) The advisory board shall elect one (1) of its members to serve as chair for a term of two (2) years.
- (7) The advisory board shall meet quarterly ***or upon the call of the chair.***
- ~~(8) The commissioner shall carry out the recommendations of the advisory board.~~

Section 13. KRS 258.119 is amended to read as follows:

- (1) The "Animal Control and Care Fund" is hereby created as a special fund in the State Treasury. The fund may also receive gifts, grants from public and private sources, state appropriations, and federal funds. Any unallotted or unencumbered balances in this fund

shall be invested as provided for in KRS 42.500(9). Income earned from the investments shall be credited to the fund. Any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year, and moneys in this fund shall be continuously appropriated only for the purposes specified in this section.

- (2) Moneys from the fund shall be used by the Animal Control Advisory Board for board expenses, for the creation and support of statewide programs related to animal control and care, and for training~~[dog wardens and]~~ animal control officers. "Statewide programs" includes, but is not limited to, the reimbursement of costs for preexposure rabies vaccinations for all animal control and care workers. When determining the distribution of the moneys relating to training, the need of the applicant shall be one (1) of the criteria considered by the board. Based on recommendations of the Animal Control Advisory Board, any moneys not expended under this subsection may be distributed annually as grants to counties with an established animal control and care program meeting the requirements of subsection (3) of this section or approved plan to establish an animal control and care program under subsection (4) of this section.
- (3) As used in this section, "animal control and care program" means a program in which the county:
- (a) Employs, *appoints, or contracts with*~~[a dog warden or]~~ an animal control officer, *or contracts with an entity that employs, appoints, or contracts with an animal control officer*, as required by KRS 258.195, who is a high school graduate and has completed the training requirements set forth by the Animal Control Advisory Board; and
 - (b) Maintains *an*~~[a dog pound or]~~ animal shelter, *enters into an intergovernmental agreement for the establishment of a regional animal shelter*, or contracts with an *entity authorized to maintain sheltering and animal control services*~~[adjoining county]~~, to provide services that:
 1. Segregate male and female animals *by species* in runs and holding areas;
 2. Provide separate runs or holding areas for ill or injured animals. *An ill or injured animal shall be treated with proper veterinary care or euthanized;*
 3. Provide quarantine for dogs and cats presented to the shelter when quarantine by the owner is not feasible or desirable, the cost of quarantine to be borne by the animal owner at the shelter's regular housing costs and fees. Quarantined dogs and cats shall be held in isolation for observation of symptoms of rabies for a period of ten (10) days from the date the dog or cat bit~~[or scratched]~~ a person. If the dog or cat dies or is euthanized while in quarantine, it shall be submitted to the local health department for testing for the presence of the rabies virus. The cost of the testing shall be borne by the animal owner or the local health department may bear the cost at its discretion;
 4. Provide holding areas with protection from the weather, including heated quarters during cold weather. *Holding areas shall be free of debris or standing water, shall provide adequate lighting, ventilation, and sanitary conditions to promote a safe, healthy environment, and shall provide adequate space to allow for normal movement, including standing to full height, sitting, turning, and lying down in a natural position without coming in contact with the top or sides of the enclosure or another animal;*

5. Provide runs and cages built of materials which can be readily cleaned and disinfected, including floors made of an impervious material~~[or a minimum of three (3) inches of gravel]~~;
 6. Provide access to the public for no less than twenty-four (24) hours in one (1) week, with the hours that the facility is open to the public posted in a visible location;
 7. Employ euthanasia methods *specified as acceptable for that species*~~[recommended]~~ by the *most recent report of the* American Veterinary Medical Association *Panel on Euthanasia*~~;~~~~and]~~;
 8. Provide *potable, uncontaminated water to every animal at all times, and palatable, uncontaminated food daily; and*
 9. *Maintain a record on each animal impounded. Records shall be maintained for a period of two (2) years and shall include:*
 - a. *Date impounded;*
 - b. *Location found or picked up;*
 - c. *Sex of animal and spay or neuter status, if known;*
 - d. *Breed or description, and color; and*
 - e. *Date reclaimed, adopted, or euthanized*~~[other minimum standards as developed by the Animal Control Advisory Board and approved by the commissioner].~~
- (4) Counties submitting plans proposing to establish an animal control and care program for approval by the Animal Control Advisory Board shall comply with the requirements of:
- (a) Paragraph (a) of subsection (3) of this section within twelve (12) months of the date the documentation is submitted; and
 - (b) Paragraph (b) of subsection (3) of this section within twenty-four (24) months of the date the documentation is submitted.
- (5) To be eligible for any moneys distributed as grants to counties under subsection (2) of this section, counties shall submit an application to the commissioner, on a form prescribed by the Department of Agriculture, by July 15 of each year. Moneys shall be used for construction, equipment, educational supplies, and other uses or programs approved by the advisory board, but shall not be used to increase wages of *animal control officers*~~[dog wardens]~~ or other personnel. Counties receiving money from the Department of Agriculture shall comply with the terms of the plan or program. If the terms of the plan or program are not complied with, the county shall refund the money to the Department of Agriculture.
- ~~[(6) The commissioner shall promulgate administrative regulations that relate to the animal control and care fund provisions of this section.]~~

Section 14. KRS 258.135 is amended to read as follows:

- (1) *The governing body of each county may establish an animal licensing program by ordinance. It shall be the responsibility of each county to administer and enforce its licensing program*~~[On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six (6) months old or over shall apply to the dog warden or designated license facility of the county in which he resides for a license for each dog~~

~~owned or kept by him. The application shall be accompanied by a license fee of one dollar and fifty cents (\$1.50) for each dog, except as provided in KRS 258.500. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens and designated license facilities shall be agents of the Commonwealth in the collection of the license fees, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the fee, dog wardens or designated license facilities shall be allowed to retain the sum of twenty five cents (\$0.25) for each license. The balance of the license fee collected shall be paid to the department quarterly and shall be credited to the livestock fund. If the committee finds it to be in the interest of maximum enforcement of this chapter to permit certain other portions of the license fee to be retained by the respective counties for use in enforcement, the department may allow these portions of the license fee to be so retained by the counties].~~

- (2) *In addition to the licensing program provided in subsection (1) of this section, any city[~~county~~] may establish an animal licensing program by ordinance. It shall be the responsibility of the city to administer and enforce its licensing program[~~choose to issue additional licenses in conjunction with effective dates of a valid rabies vaccination, provided the dog shall be licensed each fiscal year~~].*

Section 15. KRS 258.195 is amended to read as follows:

- (1) *The governing body[~~On or before July 1, 1954, the fiscal court~~] of each county shall employ, appoint, or contract with an animal control officer, or shall contract with an entity that employs, appoints, or contracts with an animal control officer, and[~~a dog warden. On or before July 1, 1955, the fiscal court of each county~~] shall establish and maintain an animal shelter[~~a dog pound~~] as a means of facilitating and administering KRS 258.095 to 258.500. One (1) or more counties may enter into intergovernmental agreements for the establishment of regional animal shelters, or may contract with entities authorized to maintain sheltering and animal control services. Animal shelters shall meet the standards provided by subsection (3)(b) of Section 13 of this Act within three (3) years after the effective date of this Act. Governing bodies may adopt additional standards and ordinances related to public health, safety, enforcement, and the efficient and appropriate operation of their shelters and their animal control programs[~~administration of this chapter. In counties of small population, arrangements may be made for the joint establishment and operation of dog pounds by two (2) or more counties on a mutually satisfactory basis. Instead of setting up pounds, one (1) or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, cities, humane societies, or other organizations or individuals. Fiscal courts may adopt and enforce regulations relative to pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan~~].*
- (2)[~~As a means of providing a portion of the funds for setting up and operating dog pounds, fifty cents (\$0.50) out of the one dollar and fifty cents (\$1.50) paid for every dog license sold in each county shall be credited by the department to a special enforcement fund to be refunded to the respective counties on a pro rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the dog warden and the dog pound plan.~~

- ~~(3) Dog wardens may be designated as agents of the department for purposes of appraising livestock losses pursuant to KRS 258.275.~~
- (4) Cities~~, counties, urban county governments, or charter county governments~~ may employ, *appoint, or contract with* animal control officers, *or may contract with an entity that employs, appoints, or contracts with animal control officers*, for the enforcement of this chapter and local *animal*~~[dog]~~ control ordinances within their corporate limits. Cities~~, urban county governments, or charter county governments~~ may enter into agreements with the counties for the enforcement of the county's *animal control* ordinances. The agreement shall include, but shall not necessarily be limited to, setting out the jurisdiction and the duties of the *animal control* officer~~[or warden]~~ respective to the agreement.
- ~~(3)(5)~~ ~~[Dog wardens and]~~ Animal control officers shall have the authority to issue uniform citations, *local citations, or local notices*~~[only]~~ for the enforcement of the provisions of this chapter, *the provisions of the Kentucky Revised Statutes relating to cruelty, mistreatment, or torture of animals, and animal*~~[or dog]~~ control ordinances in their respective jurisdictions.

Section 16. KRS 258.215 is amended to read as follows:

- (1) Peace officers~~, dog wardens,~~ or animal control officers shall seize and impound any dog which does not bear a *valid rabies*~~[proper license]~~ tag or other legible identification which is found running at large~~, but if an officer, dog warden, or animal control officer, after diligent effort to do so, should fail to seize the dog, it shall then become his duty to destroy the dog by any reasonable and humane means~~. Any dog which an officer~~, dog warden,~~ or animal control officer seizes shall be impounded *in the designated animal shelter of the county and confined in a humane manner. If, after a reasonable effort, the seizure of an unrestrained dog cannot be made, or the dog presents a hazard to public safety or property or has an injury or physical condition which causes the dog to suffer, the animal control officer or peace officer may immediately destroy the dog by the most reasonable and humane means then available.*
- (2) (a) *Impounded dogs shall be kept for not less than*~~[a period of] five (5)~~~~[or seven (7)]~~ days, *unless reclaimed by their owners. Dogs not reclaimed and those not placed in suitable new homes may be humanely euthanized after the five (5) day holding period, unless the dog has an injury or physical condition which causes it to suffer. In those cases the animal shelter may immediately euthanize the dog, and if a human being has been bitten by the dog, the dog shall be tested for rabies.*
- (b) *If an owner is identified, the impounding agency shall immediately notify the owner of the impoundment by the most expedient means available*~~[to be determined by the local animal shelter. If the dog is not claimed by the owner or sold in accordance with other provisions of this chapter, then the dog may be destroyed in some humane manner]~~.
- (c) Any animal shelter, public or private, which takes in stray *animals*~~[dogs]~~ and does not have regular hours for public access, shall post semimonthly either in a local newspaper or the newspaper with the highest circulation in the county, the shelter location, hours of operation, the period that impounded *animals*~~[dogs]~~ shall be held, and a contact number.
- (3) *Upon reclaiming an impounded dog, cat, or ferret, the owner shall show proof of a valid rabies vaccination. If proof of the vaccination cannot be provided, the owner shall*

purchase a vaccination voucher from the animal shelter. The voucher shall be valid for ten (10) days from the date of issuance and shall be used in the prescribed time period. The animal shelter shall reimburse the veterinarian for the amount of the voucher upon presentation to the shelter by the administering veterinarian.

- (4) *The owner of an impounded animal is responsible for all fees associated with the impoundment of the animal. If the owner can be identified, the fees are due even if the owner does not reclaim the animal.*
- (5) *Dogs, cats, or ferrets which have bitten a person shall be maintained in quarantine by the owner for ten (10) days from the date of the bite. Owners who fail to properly quarantine their animals shall be subject to a citation for violation of this subsection and the dog, cat, or ferret shall be removed to the animal shelter for the remainder of the quarantine period. The owner shall be responsible for all associated fees of the quarantine and impoundment.*

- (6){(2)} A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, the owner or handler shall not be deemed to be in violation of the provisions of this section as a result of the dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

Section 17. KRS 258.225 is amended to read as follows:

- (1) It shall be unlawful for any peace officer~~[- dog warden,]~~ or animal control officer to refuse to perform his duties under the provisions of this chapter~~[- or to refuse to assist in the enforcement of this chapter upon request of the Commissioner].~~
- (2) It shall be unlawful for any person to interfere with any *peace* officer~~[- dog warden, or]~~ animal control officer, or agent in the enforcement of this chapter.

Section 18. KRS 258.235 is amended to read as follows:

- (1) Any person, *without liability*, may kill or seize any dog which *is observed attacking any person* ~~he sees in the act of pursuing or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this chapter. There shall be no liability on such person in damages or otherwise for killing, injuring from an attempt to kill, or for seizing the dog].~~
- (2) Any *livestock owner or his agent, without liability, may kill any dog trespassing on that owner's property and observed in the act of pursuing or wounding his livestock* ~~[unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field or inclosure, or his agent or servant, may kill or seize such dog while it is in the field or inclosure, without liability or responsibility of any nature for killing, injuring from an attempt to kill, or for seizing the dog].~~
- (3) Any dog *determined to be vicious by a court and allowed to be returned to an owner shall be confined in a locked enclosure at least seven (7) feet high or a locked kennel run with a secured top. The dog may leave the enclosure only to visit the veterinarian or to be turned in to an animal shelter. The dog shall be muzzled if leaving the enclosure for either of these purposes* ~~[deemed in violation of this section and seized by a property owner~~

or his agent shall be surrendered over to the dog warden, animal control officer, or a peace officer for impoundment as stipulated in KRS 258.215].

- (4) *Any owner whose dog is found to have caused damage to a person, livestock, or other property shall be responsible for that damage*[Subsection (2) of this section shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of wounding or killing any livestock, or wounding or killing poultry, or attacking human beings].
- (5) (a) Any person who has been attacked by a dog, or anyone *acting on behalf of that*[~~for such~~] person, may make a complaint before the district court, charging the owner or keeper of *the*[~~such~~] dog with harboring a vicious dog. A copy of *the*[~~such~~] complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of *the*[~~such~~] complaint at a time fixed *in the complaint*[~~therein~~]. If *the*[~~such~~] person fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, the person shall be subject to the penalties set forth in KRS 258.990(3)(b), and the court shall further order the owner or keeper to[~~henceforth~~] keep the dog securely confined *as provided by subsection (3) of this section*[~~by chain-leash or enclosed pen of sufficient strength to securely restrain the dog from being a public threat~~], or the court may order the dog to be destroyed.
- (b) The[~~dog warden or duly appointed~~] animal control officer shall act as an officer of the court for the enforcement of any orders of the court in *his*[~~their~~] jurisdiction pertaining to this subsection.
- (6) For his services in *the*[~~such~~] proceedings, *a*[~~the~~] peace officer shall be entitled to the same fees to which he is entitled for performing similar services in civil cases. In all proceedings under this section, *the*[~~such~~] court shall place the costs upon either party as *it*[~~he~~] may determine.
- (7) It shall be unlawful for the owner or keeper of any vicious dog, after receiving an order under subsection (5) of this section, to permit *the*[~~such~~] dog to run at large, or to appear *in public except as provided in subsection (3) of this section*[~~on the public highways unless in leash~~]. Any *vicious*[~~such~~] dog found running at large may be killed by any[~~dog warden,~~] animal control officer[~~,~~] or peace officer without liability for damages for *the killing*[~~such killings~~].

Section 19. KRS 258.245 is amended to read as follows:

All *dogs that have a valid rabies vaccination and bear identification*[~~licensed dogs~~] are hereby declared to be personal property and subjects of larceny. Except as provided in KRS 258.235, it shall be unlawful for any person[~~,~~] except a peace officer[~~,~~ dog warden[~~,~~] or animal control officer to destroy, or attempt to destroy, any dog *that*[~~which~~] bears *identification*[~~a license tag for the current year~~].

Section 20. KRS 258.255 is amended to read as follows:

Every female dog in heat shall be confined in a building or secure enclosure in such a manner that the female dog cannot come in contact with a male dog except for a planned breeding[~~It~~]

~~shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash].~~

Section 21. KRS 258.265 is amended to read as follows:

- (1) ***An owner shall exercise proper care and control of his dog to prevent the dog from violating any local government nuisance ordinance***~~[The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog:

 - (a) ~~Confined within an inclosure from which it cannot escape, or~~
 - (b) ~~Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or~~
 - (c) ~~Under the reasonable control of some person or, when engaged in lawful hunting accompanied by an owner or handler. A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler].~~~~
- (2) Any peace officer~~[, dog warden,]~~ or animal control officer may seize or destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of *its* owner or handler. ~~[However,]~~A peace officer~~[, dog warden,]~~ or animal control officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner, or handler, and if he is reasonably sure that the dog is a hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing or wounding livestock, or wounding or killing poultry, or attacking human beings.
- (3) ***A hound or hunting dog may be unrestrained when engaged in lawful hunting activities while on private or public property designated or authorized for that purpose.***

Section 22. KRS 258.365 is amended to read as follows:

Nothing in this chapter shall be construed to prohibit or limit the right of any ***governing body***~~[city]~~ to pass or enforce any ordinance with respect to the regulation of dogs ***or other animals***, the provisions of which are not inconsistent with the provisions of this chapter. Nothing in this chapter shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the secretary for health services, or any health officer relating to ***rabid animals or animals***~~[mad dogs or dogs]~~ affected with any disease, or to prohibit the destroying of ***any animal***~~[licensed or unlicensed dogs]~~ in accordance with the provisions of any quarantine regulations, made in accordance with the provisions of any local or state health law.

Section 23. KRS 258.500 is amended to read as follows:

- (1) As used in subsections (1) to (11) of this section, "person" means a "person with a disability" as defined by KRS 210.770. "Person" also includes a trainer of an assistance dog.

- (2) If a person is accompanied by an assistance dog, neither the person nor the dog shall be denied admittance to any hotel, motel, restaurant, or eating establishment, nor shall the person be denied full and equal accommodations, facilities, and privileges of all public places of amusement, theater, or resort when accompanied by an assistance dog.
- (3) Any person accompanied by an assistance dog shall be entitled to full and equal accommodations on all public transportation, if the dog does not occupy a seat in any public conveyance, nor endanger the public safety.
- (4) No person shall be required to pay additional charges or fare for the transportation of any accompanying assistance dog.
- (5) No person accompanied by an assistance dog shall be denied admittance and use of any public building, nor denied the use of any elevator operated for public use.
- (6) Any person accompanied by an assistance dog may keep the dog in his immediate custody while a tenant in any apartment, or building used as a public lodging.
- (7) The provisions of this section shall not apply unless the assistance dog has been trained or is being trained by a recognized training agency or school, and is properly harnessed.
- (8) (a) Except as provided in paragraph (b) of this subsection, all persons accompanied by an assistance dog shall have in their personal possession a certificate issued by the assistance dog training agency or school establishing that their dogs have been so trained.
- (b) All trainers accompanied by an assistance dog shall have in their personal possession identification verifying that they are trainers of assistance dogs.
- (9) The provisions of this section shall not apply unless the person complies with the legal limitations applicable to nondisabled persons and unless all requirements of KRS 258.015 ~~and~~ 258.135 ~~and 258.145~~ have been complied with.
- (10) Assistance dogs are exempt from all state and local licensing fees.
- (11) Licensing authorities shall accept that the dog for which the license is sought is an assistance dog when a copy of the certificate, as required under subsection (8) of this section, is attached to the licensing form.
- (12) No person shall willfully or maliciously interfere with an assistance dog or the dog's user.

Section 24. KRS 258.990 is amended to read as follows:

- (1) Any person who violates KRS 258.015, 258.035, 258.055, 258.065, or 258.085 ~~;~~ shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100). Each day of violation shall constitute a separate offense.
- (2) The owner of any dog, **cat, or ferret which bites a human being** ~~[not vaccinated according to the provisions of this chapter]~~ shall be liable to pay all damages for personal injuries resulting from the bite of **the** ~~[such]~~ dog, **cat, or ferret** ~~[if rabid]~~.
- (3) (a) Any person violating or failing or refusing to comply with KRS 258.095 to 258.365 ~~and subsections (3) and (4) of this section~~, except KRS 258.235(5)(a), shall, upon conviction, be fined not less than five dollars (\$5) ~~nor~~ ~~and not~~ more than one hundred dollars (\$100), or be imprisoned **in the county jail** for not less than five (5) nor more than sixty (60) days, or both ~~[so fined and imprisoned]~~.

(b) Any person violating KRS 258.235(5)(a) shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or by imprisonment in the county jail for not less than ten (10) nor more than sixty (60) days, or ~~by both fine and imprisonment~~.

(4) All fines collected under subsection (3) of this section shall after costs and commissions have been deducted, be paid to the department to be credited to the *Animal Control and Care Fund* ~~[livestock fund]~~.

Section 25. KRS 67.592 is amended to read as follows:

(1) The county judge/executive shall designate the sheriff of the county, or, if there is a county police department, may designate the chief of the county police, as custodian of all property:

- (a) Alleged to be or suspected of being the proceeds of crime; ~~or~~
- (b) Alleged to be or suspected of having been used to facilitate the commission of a crime; ~~or~~
- (c) Which is subject to confiscation or forfeiture, excluding property subject to forfeiture pursuant to KRS Chapter 218A, or both, under any provision of the Kentucky Revised Statutes; ~~or~~
- (d) Which is taken from the person of a prisoner, except for *any* ~~[such]~~ personal property *that* ~~[as]~~ may be in the custody of a prisoner upon his admission to jail, in which case all property which he is not permitted to retain upon admission to jail shall be placed in the custody of the jailer; ~~or~~
- (e) Which is lost or abandoned and taken into custody by any peace officer, or the courts; or
- (f) Which is taken from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves.

(2) Any peace officer, except for the Kentucky State Police, or court having custody of the property shall, as soon as practicable, deliver it into the custody of the property clerk.

(3) The sheriff or chief of county police designated as custodian of property shall appoint from persons on his staff, or may employ, a person to serve as property clerk and other persons necessary as deputy property clerks.

(4) All the property shall be particularly described and registered by the property clerk, or his deputy, in a book kept for that purpose, containing the name of the owner, if ascertained, the place where found, the name of the person from whom it was taken, with the general circumstances of its receipt, the name of the officer recovering the property, the names of all claimants *to the property* ~~[thereto]~~, and any final disposition of the property. The property clerk shall advertise the property, if it is not the subject of a forfeiture proceeding, as to the amount and disposition of the property.

(5) The fiscal court of the county may prescribe regulations in regard to the duties of the property clerk and his deputies, and require security for the faithful performance of the duties imposed by this section.

(6) All animals stolen, strayed, lost, or confiscated that come into the possession of the property clerk shall be sent to *an animal shelter* ~~[a public pound]~~ located within the county, if there is one, or if there is none to *an animal shelter* ~~[a public pound]~~ in another county.

- (7) No property shall be delivered to the property clerk or his deputy except as provided in this section.
- (8) No property shall be disposed of by the property clerk or his deputy except in the manner prescribed by law.
- (9) The provisions of this section shall apply in all unincorporated areas of a county and in all cities which do not appoint a property custodian pursuant to KRS 95.845.

Section 26. KRS 212.625 is amended to read as follows:

Each city-county board of health created by KRS 212.350 shall establish, maintain, and operate ***an animal shelter***~~[a public pound]~~ for animals in which, except as otherwise provided by law, shall be impounded all stray, vicious, or diseased animals taken up or collected in ***the***~~[such]~~ county, whether in incorporated or unincorporated areas, by any public officer or authority or by any other person. Each~~[such]~~ board shall, throughout the county, including all municipalities ***within the county***~~[therein]~~, enforce all statutes, ordinances of cities, orders or resolutions of the fiscal court of the county, and regulations of ***the***~~[such]~~ board or any other governmental body or agency authorized to ***promulgate***~~[adopt such]~~ regulations, relating to the taking up, collection, and impounding of stray, vicious, or diseased animals. Each~~[such]~~ board may promulgate and enforce reasonable and necessary~~[rules and]~~ regulations providing for the collection and impounding of~~[such]~~ animals and governing the use and operation of ***animal shelters***~~[such public pounds]~~.

Section 27. KRS 257.100 is amended to read as follows:

- (1) Any peace officer, ***animal control officer***, or any officer of the accredited Humane Society or Society for the Prevention of Cruelty to Animals may destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased, or suffering past recovery for any useful purpose.
- (2) Before destroying the animal the officer shall obtain the judgment to that effect of a veterinarian, or of two (2) reputable citizens called by him to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal.
- (3) (a) Any animal placed in the custody of a licensed veterinarian for treatment, boarding, or other care, which shall be unclaimed by its owner or his agent for a period of more than ten (10) days after written notice by certified mail, return receipt requested, is given the owner or his agent at his last known address, shall be deemed to be abandoned and may be turned over to the nearest humane society~~[, dog pound]~~ or animal shelter or disposed of as ***the***~~[such]~~ custodian may deem proper.
- (b) The giving of notice to the owner, or the agent of the owner of ***the***~~[such]~~ animal by the licensed veterinarian~~[, as provided herein]~~ shall relieve the licensed veterinarian and any custodian to whom ***the***~~[such]~~ animal may be given of any further liability for disposal.
- (4) For the purpose of this section, the term "abandon" ***means***~~[shall mean]~~ to forsake entirely, or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner, or his agent.~~[Such]~~ Abandonment shall constitute the relinquishment of all rights and claims by the owner to ***the***~~[such]~~ animal.

Section 28. KRS 321.181 is amended to read as follows:

As used in this chapter, unless the context requires otherwise:

- (1) "Board" means the Kentucky Board of Veterinary Examiners;
- (2) "Animal" means any animal, except human beings;
- (3) "Compensation" includes any gift, bonus, fee, money, credit, or other thing of value;
- (4) "Veterinarian" means a practitioner of veterinary medicine who is duly licensed in the Commonwealth of Kentucky;
- (5) "Practice of veterinary medicine" means:
 - (a) To diagnose, treat, correct, change, relieve, or prevent: animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above;
 - (b) To engage in veterinary surgery, obstetrics, embryo transfer, dentistry, acupuncture, manipulation, and all other branches or specialties of veterinary medicine and the prescribing, administering, or dispensing of drugs and medications for veterinary purposes, in accordance with the applicable federal statutes and regulations governing controlled prescription and legend drugs; and
 - (c) To use any title, words, abbreviation, or letters in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraphs (a) and (b) of this subsection;
- (6) "Embryo transfer" means to remove any embryo from any animal for the purpose of transplanting the embryo into another female animal or for the purpose of cryopreserving the embryo, or to implant the embryo into any animal, including food and companion animals;
- (7) "Chemical restraint" means the use of any prescription or legend drug that restrains or tranquilizes the animal;
- (8) "Direct supervision" means the veterinarian is on the premises, and is quickly and easily available, and the animal has been examined by a veterinarian at the times acceptable veterinary medical practice requires, consistent with the particular delegated animal health care tasks;
- (9) "Indirect supervision" means the veterinarian does not have to be on the premises as long as a valid veterinary/client/patient relationship has been established and the veterinary technologist, veterinary technician, or veterinary assistant has been instructed on the applicable animal health care tasks in accordance with KRS 321.441 and 321.443;
- (10) "Emergency" means the animal has been placed in a life threatening condition and immediate treatment is necessary to sustain life;
- (11) "Impaired veterinarian program" means the Kentucky Veterinary Medical Association sponsored program for the identification, intervention, and monitoring of veterinarians impaired as a result of alcoholism, chemical dependence, or drug abuse;
- (12) "Veterinary medical impairment committee" means a committee of the Kentucky Veterinary Medical Association, comprised of individuals who have expertise in the areas of alcoholism, chemical dependence, drug abuse, or physical or mental illness, that has been

designated by the Kentucky Veterinary Medical Association to perform activities related to the impaired veterinarian program;

- (13) "Veterinary technologist" means a person who has successfully completed an accredited program of veterinary technology approved by the board and who is registered in accordance with KRS 321.441;
- (14) "Veterinary technician" means a person who has an associate degree related to veterinary sciences, or its equivalent as approved by the board, and who is registered in accordance with KRS 321.441;
- (15) "Veterinary assistant" means a lay person employed by a licensed veterinarian in accordance with KRS 321.443;
- (16) "Certified animal control agency" means a county or municipal animal shelter~~[, dog pound,]~~ or animal control agency; private humane society; state, county, or municipal law enforcement agency; or any combination *of those entities*~~[thereof]~~ that temporarily houses stray, unwanted, or injured animals and that is certified under the provisions of KRS 321.207; and
- (17) "Certified animal euthanasia specialist" means a person employed by a certified animal control agency who is authorized by the board, under KRS 321.207, to humanely euthanize animals by administering drugs designated by the board for euthanasia.

Section 29. KRS 436.605 is amended to read as follows:

- (1) *Animal control officers*,~~[Dog wardens]~~ and officers and agents of humane societies *who are employed by, appointed by, or have contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services* shall have the powers of peace officers, *except for the power of arrest*, for the purpose of enforcing the provisions of the Kentucky Revised Statutes relating to cruelty,~~[and]~~ mistreatment, *or torture* of animals, provided they possess the qualifications required under KRS 61.300.
- (2) *When* any peace officer, *animal control officer*, or any officer or agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth *who is employed by, appointed by, or has contracted with a city, county, urban-county, charter county, or consolidated local government to provide animal sheltering or animal control services makes an*~~[, who shall make]~~ oath before any judge of a District Court that he has reasons to believe or does believe that an act of cruelty, *mistreatment, or torture of*~~[to]~~ animals is being committed in a building, barn, or other enclosure, the~~[said]~~ judge shall~~[thereupon on proof of demand having been made,]~~ issue a search warrant directed to *the*~~[any]~~ peace officer, *animal control officer*, or~~[any]~~ officer or agent of *the*~~[any]~~ society or association for the prevention of cruelty to animals~~[duly incorporated under the laws of this Commonwealth or other peace officer]~~ to search the~~[said]~~ premises.~~[, and]~~ If~~[upon such search]~~ *a peace officer finds*~~[it is found]~~ that an act of cruelty, *mistreatment, or torture of*~~[to]~~ animals is being perpetrated, *the offender or offenders shall be immediately arrested by the peace officer and brought before the*~~[to]~~ ~~forthwith arrest such offender or offenders and bring him or them before the said]~~ court for trial. *If an animal control officer or an officer or agent of a society or association for the prevention of cruelty to animals finds that an act of cruelty, mistreatment, or torture of animals is being perpetrated, the officer or agent shall summon a peace officer to arrest the offender or offenders and bring them before the court for trial.*

Section 30. KRS 436.610 is amended to read as follows:

All animals of the same species, which are on the property when an animal is caused to fight for pleasure or profit, in violation of the provisions of KRS 525.125 and 525.130, shall be confiscated and turned over to the county *animal control officer employed, appointed, or contracted with as provided by* ~~dog warden appointed pursuant to~~ KRS 258.195, if there are reasonable grounds to believe that ~~the~~ ~~such~~ animals were on the property for the purpose of fighting.

Section 31. The following KRS sections are repealed:

- 258.025 Secretary may exempt dogs from vaccination.
- 258.105 Enforcement by commissioner of agriculture -- Employment and powers of personnel.
- 258.115 Advisory committee.
- 258.125 Livestock fund created -- Expenditures -- Reversion of excess.
- 258.145 Licenses and tags -- Tattooing of dogs -- Tag to be affixed to collar -- Burden of proof of license.
- 258.155 License for part of year.
- 258.165 Kennel licenses and tags.
- 258.175 Dogs to be kept in kennel.
- 258.185 Records of dog and kennel licenses.
- 258.205 Dog temporarily in state need not be licensed -- Burden of proof.
- 258.275 Liability for property loss or injury by dog or coyote -- Procedures for enforcing claims for damages.
- 258.285 Payments from livestock fund -- Subrogation of claimant's rights.
- 258.295 Payment by dog owner bars payment from livestock fund -- Maximum sums for certain livestock and poultry -- Appraisal value.
- 258.305 Compensation of dog owner where licensed dog is killed.
- 258.325 Confinement and destruction of dog found to have caused loss or damage to livestock, persons, or poultry -- Harboring of unlicensed dog forfeits rights in livestock fund.
- 258.345 Quarantine of dogs in case of excessive damage to livestock, poultry, or domestic game birds -- Destruction of dogs in violation of quarantine.
- 258.355 Nonliability of state for losses, injuries or destruction of livestock, poultry or dogs except claims arising after June 30, 1954.

Section 32. Any funds remaining in the livestock fund sixty (60) days after the effective date of Sections 1 to 32 of this Act shall be deposited in the animal control and care fund created by Section 13 of this Act.

Section 33. KRS 321.211 is amended to read as follows:

- (1) Each person licensed as a veterinarian shall ~~annually~~, on or before September 30 *of each even-numbered year*, pay to the board a renewal fee to be promulgated by administrative regulation of the board for the renewal of his license. All licenses not renewed by

September 30 of each *even-numbered* year shall expire based on the failure of the individual to renew in a timely manner.

- (2) A sixty (60) day grace period shall be allowed after September 30, *as required for renewal in subsection (1) of this section*, during which time individuals may renew their licenses upon payment of the renewal fee plus a late renewal fee as promulgated by administrative regulation of the board. All licenses not renewed by November 30 shall terminate based on the failure of the individual to renew in a timely manner. Upon termination, the licensee is no longer eligible to practice in the Commonwealth.
- (3) After the sixty (60) day grace period, individuals with a terminated license may have their licenses reinstated upon payment of the renewal fee plus a reinstatement fee as promulgated by administrative regulation of the board. No person who applies for reinstatement after termination of his license shall be required to submit to any examination as a condition for reinstatement, if reinstatement application is made within five (5) years from the date of termination.
- (4) A suspended license is subject to expiration and termination and shall be renewed as provided in this chapter. Renewal shall not entitle the licensee to engage in the practice until the suspension has ended, or is otherwise removed by the board and the right to practice is restored by the board.
- (5) A revoked license is subject to expiration or termination but may not be renewed. If it is reinstated, the licensee shall pay the reinstatement fee as set forth in subsection (3) of this section and the renewal fee as set forth in subsection (1) of this section.
- (6) A person who fails to reinstate his license within five (5) years after its termination may not have it renewed, restored, reissued, or reinstated. A person may apply for and obtain a new license by meeting the current requirements of this chapter.
- (7) The board may require that a person applying for renewal or reinstatement of licensure show evidence of completion of continuing education as prescribed by the board by administrative regulation.

Approved April 22, 2004