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The Companion Animal Protection Act

The No Kill Advocacy Center is proud to announce one of the most important pieces of shelter legislation in decades: The Companion Animal Protection Act of 2007. The legislation is part of our national strategy to end the unnecessary killing of millions of animals in U.S. shelters annually.

This year, nearly five million dogs and cats, and hundreds of thousands of other animals, will be killed in U.S. animal shelters. For well over a decade, we have known how to bring this killing to an end. The programs and services, which we collectively call the No Kill Equation, include:

- shelter accountability;
- affordable spay/neuter;
- rescue group access to shelter animals;
- comprehensive adoption programs including evening and weekend hours and offsite venues;
- a feral cat TNR program;
- medical and behavior rehabilitation;
- public relations and marketing;
- use of volunteers including foster families;
- socialization programs; and above all else,
- a compassionate, hard working shelter director who isn't content hiding behind the myth of "too many animals, not enough homes."

Nonetheless, too many shelters are not voluntarily implementing these programs. As a result, animals are being needlessly killed. In response, the No Kill Advocacy Center has developed model legislation to help animal lovers and animal advocates achieve their goal of No Kill communities: The Companion Animal Protection Act of 2007.

This law:

- mandates the programs and services which have proven so successful at lifesaving in shelters which have implemented them;
- follows the only model that has actually created a No Kill community; and,
- focuses its effort on the very shelters that are doing the killing.

As a result, it provides a framework for success unavailable from traditional legislative models such as punitive legislation aimed at the public or through counterproductive national efforts that legitimize the killing.

Companion Animal Protection Act highlights:

- Establishes the shelter's primary role as saving the lives of animals
- Declares that saving lives and protecting public safety are compatible
- Establishes a definition of No Kill that includes all savable animals including feral cats
- Protects rabbits and other animals, as well as dogs and cats
- Requires shelters to spay/neuter animals before adoption
- Protects feral cat caregivers
- Makes it illegal for a shelter to kill an animal if a rescue group or No Kill shelter is willing to save that animal
- Requires shelters to provide animals with fresh food, fresh water, environmental enrichment, exercise, veterinary care, and cleanliness
- Makes it illegal for shelters to kill owner relinquished animals without making them available for adoption or transfer to a rescue group, even in cases where the owner wants the animal killed unless the animal is suffering
- Requires shelters to scan for microchips and other means of reuniting strays with their families
- Requires shelters to have fully functioning adoption programs including offsite adoptions, use of the internet to promote their animals, and further mandates that animal control be open seven days per week for adoption
- Prohibits shelters from killing animals based on arbitrary criteria such as breed bans or when alternatives to killing exist
- Requires animal control to allow volunteers to help with fostering, socializing, and assisting with adoptions
- Bans the use of gas chambers to kill animals
- Prohibits pound seizure where animals are sold to laboratories
- Requires shelters to be truthful about how many animals they kill and adopt
- Requires shelters to notify people surrendering animals about the likelihood their animal will be killed
- Requires revenues from dog licenses to be used solely for spay/neuter and medical care for animals in the community
- Provides free spay/neuter for all feral cats and for the pets of qualified low income households
- Repeals laws that intentionally or unintentionally increase the number of animals killed such as pet limit laws, cat licensing laws, and laws that prohibit the feeding of stray animals
- Allows citizens to sue the shelter and compel compliance if shelters fail to do so*

* Please note: The ideal animal control law would ban the killing of savable dogs and cats, and would prohibit the impounding of feral cats except for purposes of spay/neuter and release. Given that local governments are not likely to enact such laws, the Companion [cont'd]

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Q&A about the Companion Animal Protection Act.

We asked Nathan J. Winograd, the Director of the No Kill Advocacy Center and a lawyer who has helped write state and federal legislation, about his goals for the Companion Animal Protection Act.

Q: What makes the Companion Animal Protection Act different from most animal control laws?

A: Two things. The first is what the law does not do. The law is not another punitive mandate that punishes the public by threatening to impound and kill animals if they do not act the way the shelter wants them to act.

If one is truly focused on lifesaving, it makes no sense to support a law that subjects animals to being impounded at a kill shelter because they are now in violation of some new law or ordinance. Since shelters kill the bulk of their occupants, animal advocates should not support laws that empower them to impound and kill even more.

The second thing that makes this law different from most animal control laws is what the law does do. To achieve No Kill, a community needs full and rigorous implementation of the programs and services we call the No Kill Equation.

Animal Protection Act was written to provide animals with maximum opportunities for lifesaving. No law can anticipate every contingency and the Companion Animal Protection Act is no exception. It is not intended to be complete or eliminate the need for other animal protection laws. Nor is it intended to reduce stronger protections that animals may have in a particular jurisdiction. The legislation can and should be modified in these circumstances. However, if animal advocates are aware of any unintended consequences, we encourage you to share your comments with us so that we may strengthen it. As such, it is considered a work in progress.

These include, for example, shelter accountability, affordable spay/neuter, rescue group access to shelter animals, comprehensive adoption programs, including evening and weekend hours and offsite venues, a feral cat TNR program, medical and behavior rehabilitation, and utilizing volunteers. Since these programs are key to ending needless killing and most shelters are not voluntarily implementing them, the law mandates that they do.

Unlike most laws which punish the public for shelter failures to do what is necessary to stem the tide of killing, the law is aimed at those very shelters. Since these are the very agencies doing the killing, it can do something about it. Philosophically, however, what makes it unique is that it gives the public important legal rights to remedy the situation when shelters kill in the face of alternatives, something shelters do too often, and rights the animal loving public currently does not have.

Q: You are constantly focusing on improving shelters, is the killing really the fault of shelters?

A: Yes, while people often surrender animals to shelters, it is the shelters that kill them, and one does not necessarily follow or excuse the other. In fact, public irresponsibility is one reason why shelters exist. But to simply say that they have no choice but to kill is incorrect.

Other social service agencies deal with public irresponsibility, but they do not use that as an excuse to kill. Can you imagine what would happen if Child Protective Services, which takes in abuse and neglected children, tried to solve their challenges with killing?

The humane community needs to move past the notion that animals are dying in shelters because the public is irresponsible, because there are too many animals for the too few homes that are available, or because the community lacks tougher laws aimed at the public. Animals are dying in shelters because shelters are either mired in defeatism and the ineffective policies of the past, or the shelters are simply inefficient, ineffective and indifferent. In short, animals in shelters are dying because people in shelters are killing them. When that is addressed, a community will be well on its way to No Kill. And if shelters won't change willingly, they should be forced to. The Companion Animal Protection Act is one more tool in the animal advocate's arsenal to do that.