



SPONSOR: Sen. Walsh & Rep. K. Williams
Sens. Hansen, Richardson; Reps. Baumbach, Bentz,
Kowalko, Viola, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 101

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO RETIRED RESEARCH ANIMALS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 30F, Title 16 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

Subchapter VI. Research Animal Retirement Act.

§ 3090F. Purpose.

The purpose of this subchapter is to ensure that healthy cats and dogs that are no longer needed for research, education, testing, or other scientific purposes are made available for adoption instead of euthanized and to create a process for adoption through agreements with local shelters or rescue groups.

§ 3091F. Definitions.

For purposes of this subchapter:

(1) “Animal rescue organization” means any nonprofit organization whose purpose is rescuing animals that are unwanted, abandoned, abused, or stray and finding permanent, adoptive homes for the animals.

(2) “Animal shelter” means as defined in § 3001F of this chapter.

(3) “Private placement” means an arrangement between the research facility and an individual seeking to adopt the retired animal.

(4) “Retired animal” means a cat or dog that has been previously used for research, education, testing, or other scientific purposes and is no longer required by the facility and has no substantial medical conditions or safety risks preventing successful integration into an adoptive home.

(5) “Research facility” means a facility that does both of the following:

a. Conducts experiments on dogs or cats for research, education, testing, or other scientific purposes.

b. Receives public money, including a higher education research facility; or a facility that provides research in collaboration with a higher education facility; or has tax-exempt status.

23 § 3092F. Adoption of cats and dogs used in research, education, or testing.

24 (a) When a research facility that confines and uses dogs and cats for research, education, testing, or other scientific
25 purposes no longer needs a cat or dog that does not pose a health or safety risk to the public, the research facility shall do
26 one of the following:

27 (1) Offer the cat or dog to an animal rescue organization or animal shelter for adoption.

28 (2) Offer the cat or dog for adoption through a private placement.

29 (b) A research facility must enter into an agreement with an animal rescue organization or animal shelter for the
30 implementation of this section.

31 § 3093F. Immunity.

32 A research facility, animal rescue organization, or animal shelter that, acting in good faith, transfers an animal
33 under this subchapter is not liable for damage caused by the animal unless it is established that the damages were caused
34 willfully, wantonly, or by gross negligence on the part of the research facility, animal rescue organization, or animal shelter.

SYNOPSIS

Every year, over 100 million animals are used as subjects of scientific and medical research, as well as for educational purposes. As recently as 2015, over 19,000 cats and over 61,000 dogs were used in research. In Delaware in 2015, 82 cats and 85 dogs were used in research. While some dogs and cats are still obtained from Class B dealers, most dogs used in research today are bred either in laboratories or by private companies that sell strictly to labs. After these animals are used, they may be euthanized even though they may still be healthy and suited for adoption.

This Act requires research facilities that receive public funding to offer their cats and dogs for adoption instead of euthanizing them when they are no longer needed. Permitting private placement adoptions allows students or staff members of the institution to adopt these animals directly without waiting for a formal adoption process through the rescue organization or shelter. For dogs and cats not adopted by students or staff, this Act creates a clear path to transition cats and dogs from the laboratory or testing facility to an adoption center by requiring the research institution to enter into a contract with an animal rescue group or shelter that can offer these animals the possibility of living out the rest of their lives in a loving home.

Author: Senator Walsh