

LAWS OF DELAWARE
VOLUME 84
CHAPTER 171
152nd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 129
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ANIMAL SHELTERS.

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

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline and redesignating accordingly:

§3001F. Definitions.

() "Business day" means each day the shelter is open to the public for reclamation and adoption.

() "Intake" means the number of live animals for which an animal shelter assumes custody and are admitted for temporary shelter and care. Intake includes all animals admitted to the shelter, foster care, or a satellite location.

() "Isolation" means the physical separation and confinement of an animal or group of animals who are infected with a communicable disease from non-isolated animals to prevent or limit the transmission of the disease.

() "Quarantine" means the physical separation and confinement of an animal or group of animals who have or may have been exposed to a contagious disease and who do not show signs or symptoms of communicable disease from non-quarantined animals to prevent or limit the transmission of the disease.

() "Return to Field" means a program whereby community cats that have been admitted to an animal shelter are returned to the place they were found after being processed as an intake, sterilized, ear-tipped, and vaccinated against rabies.

§3002F. Shelter Care and treatment.

(a) Animal shelters shall be advised by a licensed veterinarian and shall adhere to a written veterinary care protocol developed with a licensed veterinarian, which protocol shall include appropriate evaluation and testing of newly impounded animals, disease control and prevention, and adequate veterinary care. In addition, animal shelters shall have a protocol for behavioral enrichment. The protocols shall be updated ~~as needed~~ annually.

(b) Animal shelters shall vaccinate all dogs against canine distemper virus, canine parvovirus, and bordetella ~~bronticeptica~~ bronchiseptica and all cats against feline viral rhinotracheitis, calicivirus, and the panleukopenia virus before or upon entering the shelter or holding facility to reduce the spread of disease. Such vaccinations must be administered as soon as possible and no more than 8 hours after entering the shelter. For animals admitted overnight, such vaccines shall be given no later than noon. This provision shall not apply to animals in quarantine for rabies observation or to animals having injuries, illness or temperament that make administration of the vaccinations unsafe.

(c) Each animal entering an animal shelter shall be evaluated at intake to check for signs of infectious disease or an injury or illness requiring emergency medical care. ~~An A full examination of animals entering an animal shelter shall be performed within 72~~ 48 hours of entry and prior to adoption.

(d) Animal shelters shall ensure that animals requiring veterinary care are seen by a licensed veterinarian within a reasonable amount of time based on the condition of the animal, and that urgent medical care is provided as needed. Animal shelters shall comply with treatment plans developed by a licensed veterinarian for animals at the shelter requiring treatment. Animals in the shelter's custody for one year or more must receive a veterinary exam every 12 months.

(e) Animal shelters shall include a designated treatment area and isolation and/or quarantine areas. ~~Animals suspected of carrying a contagious deadly~~ having a severe communicable disease will be shall be moved to isolation or quarantine and remain there until they are no longer a threat to susceptible animals. to limit exposure to other animals and people. Animals that have been directly exposed to, but are not showing signs of, a high risk communicable disease shall be quarantined to monitor for signs of illness and prevent spread of disease.

(f) Prior to adoption or return to field, all dogs and cats of required age must be vaccinated against rabies or have a valid exemption from vaccination, pursuant to § 8204 of Title 3. Dogs and cats in quarantine for rabies or on dangerous dog hold shall be administered rabies vaccine prior to release from shelter, unless proof of current rabies vaccine is provided.

(g) Feeding. — (1) Animals must be fed at least once each day except as otherwise required to provide adequate veterinary care. The food must be free from contamination and must be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for species, condition, age, and size of the animal.

(2) Fresh, clean water must be accessible at all times, unless directed by a veterinarian.

(3) Food and water bowls must be durable and shall be kept clean and sanitized.

(4) Food preparation and storage areas must be easily sanitized and maintained in clean condition.

(5) Supplies of food must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. All open bags of food must be stored in airtight containers with lids. Foods requiring refrigeration must be stored accordingly.

§ 3003F. Animal adoption, recovery, and rehabilitation.

(b) Animal shelters shall provide a minimum holding period of ~~72 hours~~ 3 business days for animals in their care, to allow reclamation by their owners. If an adoptable animal is not reclaimed, the animal may be transferred to another animal shelter or rescue for adoption, or adopted as a companion in a suitable home. The holding period required by this subsection shall not apply to owner-surrendered animals, other cases in which the owner of the animal is known, or to cats that are returned to field as part of a free-roaming cat program. ~~Wild animals may be disposed of by rehabilitation to their natural habitat.~~

(c) Animal recovery. — (1) Animal shelters shall take appropriate action to ensure that all animals brought to the shelter are checked for all currently acceptable methods of identification, including microchips, identification tags, tattoos, and licenses.

(2) Animal shelters shall maintain updated lists of animals reported lost, and attempt to match these lost reports with animals reported found and animals in the shelter, and shall also post all stray animals on the Internet with sufficient detail to allow them to be recognized and claimed by their owners.

(3) If a possible owner is identified, the animal shelter shall make every reasonable attempt to reunite the animal with its owner. Upon the owner's or caretaker's initiative of recovery procedures, the animal shelter shall retain custody of the animal for ~~a five-day period~~ 5 business days to allow for completion of the recovery process. The owner or custodian of the animal may be held responsible for reasonable housing and boarding costs once the owner or custodian has been notified of the animal's location, provided that the owner or custodian has been advised of such costs prior to the costs being incurred.

(4) All animals adopted out must be microchipped.

§3007F. Record keeping and reporting.

(a) Animal shelters shall maintain records regarding the following information:

(1) Intake rate;

(2) Euthanasia rate including age (infant, juvenile, and adult), by animal;

- (3) Number of adoptions;
 - (4) Number reclaimed by owner or free-roaming cat caretaker;
 - (5) Number transferred to other agencies for adoption;
 - (6) Number of spay/neuters;
 - (7) Number of animals in the shelter;
 - (8) Records showing the number of animals that died or were lost/stolen;
 - (9) Records showing compliance with vaccination requirements;
 - (10) Records regarding medical treatment provided;
 - (11) Number of cats returned to the field as part of a free-roaming cat program; and
 - (12) Location and date of return of cats returned to the field as part of a free-roaming cat program.
- (1) Intake and outcomes data by type for all animals.
 - (2) Number of animals at beginning and end of period.
 - (3) Number of spay/neuter surgeries performed for shelter and public animals.
 - (4) Records showing compliance with vaccination requirements.
 - (5) Records regarding medical treatment provided.
 - (6) Location and date of return for cats returned to field as part of a free-roaming cat program.

The information in paragraphs (1) through ~~(3)~~ ~~(7)~~ ~~and (11)~~ of this section shall be posted to the shelter's website on a quarterly and annual basis in a format determined by the Department. The information in paragraphs ~~(4)~~ through ~~(6)~~ ~~(4)~~, ~~(9)~~, ~~(10)~~ and ~~(12)~~ of this section shall be made available upon request by ~~appropriate authorities~~ the Department.

§3009F. Facilities.

(a) Surfaces used in all animal areas must be constructed and maintained so that they are substantially impervious to moisture and may be easily sanitized.

(b) Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from temperature and humidity extremes, and to provide for their health and well-being. The ambient temperature in all areas where animals are present may not fall below 60° (15.6°C) or above 80°F (26.7°C) when animals are present.

(c) Indoor housing facilities must have ample lighting by natural or artificial means. Lighting in indoor housing facilities must be sufficient to allow observation of the physical condition of the animals, and to permit routine inspection and cleaning of the facility. Animals housed in these facilities must be provided a regular diurnal lighting cycle of either natural or artificial light. Primary enclosures must be placed to protect animals from excessive light or darkness.

(d) A suitable method must be provided for adequate drainage and to eliminate standing or excess water from indoor housing facilities.

(e) Provisions must be made for the daily removal and disposal of animal and food waste, bedding, and debris from the housing facility.

(f) Indoor housing facilities must be sufficiently ventilated to provide for the health and well-being of animals, and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation may be provided by windows, vents, fans, or air conditioning.

(g) Premises where housing facilities are located, including building and grounds, must be kept clean, free of trash, and in good repair.

§3010F. Primary Enclosures.

(a) Housing must be provided for all animals in the shelter's custody, appropriate to the species, size, and number of animals, to ensure their comfort, health, and well-being.

(b) Primary animal enclosures must be structurally sound and maintained in a safe working condition to properly confine animals, prevent injury, keep other animals out and enable animals to remain dry and clean. Enclosures must have no sharp edges, gaps or other defects that could cause injury or entrapment.

(c) A primary enclosure must provide sufficient space to allow each animal to:

(1) Turnabout freely and easily stand, sit, stretch, and move their head without touching the top of the enclosure.

(2) Lie in a resting position with limbs extended.

(3) Move about and assume a comfortable posture for feeding, drinking, urinating, or defecating.

(4) Sit, sleep, and eat away from areas where they defecate and urinate.

(d) The interior height of a primary enclosure must be at least 6 inches higher than the head of the animal in the enclosure when it is in a normal standing position.

(e) Dogs and cats may not be sheltered in a primary enclosure having only wire mesh bottoms or slatted floors in caging.

(f) Crates or travel kennels may be used as animal housing on a temporary or emergency basis only, and not as permanent primary enclosures.

(g) Cages may not be stacked upon each other in a manner that allows excrement to fall into cages below.

(h) Animals may not be tethered.

(i) At night, all dogs and cats must have access to clean, dry, bedding or a bed off the floor unless unsafe to do so.

(j) Identification cards must be visible outside enclosures and include name, ID, species, and color/description.

(k) Additional requirements for cats:

(1) In all primary enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes;

(2) Cats must be provided places to hide; and

(3) Cats that are housed long term must have access to environments where they can scratch, climb and perch.

§3011F. Sanitation/Disease Control.

(a) The shelter building, primary enclosures, and all other areas where animals are kept must be sanitary and regularly cleaned to reduce disease transmission among animals, protect public and human health, and increase animal comfort.

(b) Excreta must be removed as often as necessary to prevent contamination of animals and to control disease and odors.

(c) All primary enclosures, food bowls, and water bowls must be spot cleaned daily and fully cleaned and sanitized as necessary.

(d) All floors, junctions, walls, doors, and drains must be fully cleaned and sanitized after coming into contact with feces, urine, vomit, or an animal known or suspected of having an infectious disease.

(e) Only cleaners that are safe for animals may be used to clean primary enclosures, transport carriers, exercise areas, or any area of the shelter where animals are present or likely to be present.

(f) Animals must be removed from an enclosure when water or cleaning and disinfecting products are sprayed in or near that enclosure to ensure the animal will not be harmed, wetted, or distressed by the process.

(g) The shelter building and animal areas must be kept reasonably free of flies, fleas, mosquitoes, rats, mice, and other vectors or nuisance species. If necessary, an effective pest control program must be established and maintained.

Approved August 17, 2023