

## Good Laws for Four Paws

Animal welfare supporters need to be aware of legislation and court cases that may affect their work

BY CHERIE TRAVIS

As someone who has run both an all-volunteer humane society and a large, municipal animal control operation, I know about time crunches. Between outbreaks of ringworm, arranging foster homes, caring for litters of kittens, dealing with a hoarding situation, and handling veterinary bills, who has time to keep up with what's going on with the local government and new laws that are being considered? Running an animal shelter means having to react to any number of crises each week, and it's easy to be so consumed with the day-to-day operations that we don't get to lift our heads up to see what's going on around us.

But the consequences of that can be significant, particularly when it comes to legislation. There are countless examples of municipal or county ordinances or state laws that can greatly impact the animals in our communities and our shelters. Legislation governing everything from shelter hold lengths to chaining/tethering limits is debated at state and local levels, sometimes by people who may never have set foot in an animal shelter. Laws addressing the feeding of free-roaming cats may affect the ability of feral cat colony caretakers to perform their work, or limit the capacity of local animal care and control agencies to support them in it. Bonding and forfeiture laws can have a huge impact on the costs a shelter may face when dealing with a large-scale cruelty case.

In some states, the past decade has seen a push to eliminate euthanasia by gas chamber—a major leap forward and a goal all humane-minded individuals should support. However, laws that simply forbid the use of carbon monoxide for euthanasia do not address the method that must replace it: Humane euthanasia by injection is often only feasible when a state has comprehensive direct-licensing laws that allow shelter workers access to

What goes on in the halls of Congress, as well as in courts and state and local governments, can greatly affect animal welfare practices.



the drugs and training necessary to perform the procedure properly.

When it comes to legislation on euthanasia methods, the input of the staff of animal shelters—where the vast ma-

jority of animal euthanasia continues to be performed—can be vital to ensuring a law that makes sense and will prevent animal suffering. In 2009 in Virginia, for example, the state veterinarian changed

the regulations governing shelter euthanasia without notifying shelters or seeking their input, and shelters had to scramble to comply.

In my own backyard, we've seen the issue of breed-specific legislation rear its ugly head. In Chicago, a horrific attack on a jogger in a park in the early morning hours of Jan. 2, 2012, was followed by calls for a ban on pit bulls. It didn't seem to matter that the owner stated that the dogs were not pits—that's how the police and media classified them. Given the large number of pit bulls in Chicago, had the legislation passed, it would have had serious consequences for the shelters—not just in Chicago, but the entire suburban area, where many of the banished dogs would have been taken.

Fortunately, many animal advocates, including Jeff Jenkins, a trainer who specializes in pit bulls, met with city council members to explain why a breed ban would not work and how costly it would be for the city. As a result, the alderman who had proposed the legislation withdrew it, and instead began a discussion about legislating responsible dog ownership.

In Maryland, a legal dispute over a dog attack led to a decision by the state's highest court declaring not only that pit bull-type dogs are "inherently dangerous," but that everyone from owners to building landlords can be financially responsible for their bites.

This decision went beyond even the usual misdirected breed-specific legislation: It meant that everyone from individual renters to commercial pet stores to animal shelters could potentially face major money damages in the event of a dog bite. Luckily, animal lovers were paying attention, and mobilized to support legislation that would counter this decision. Just prior to press time, sadly, the state's court of appeals affirmed most of the original ruling, but limited its application to purebred pit bulls.

The legislature adjourned a special session where the measure was debated, but no action was taken; it will reconvene in January. This is an example of how one seemingly minor event (be it a legal

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decision, a state law, or a new agency regulation) has the potential to affect shelters—it's likely that many residents will now be forced to choose between their homes and their dogs, and surrendered animals will need care.

### Get Smart

Whether it deals with the legalization or prohibition of certain breeds of dogs or other animals, feral cats, or methods of euthanasia, legislation can significantly affect your shelter and its animals. So how do you stay informed?

Inga Fricke, director of sheltering and pet care issues at The HSUS, recommends that shelters mobilize their state humane federations and animal control associations to monitor legislation, regulations, and even court cases that could potentially affect them, or to

engage the services of a legal consultant to provide the organization's membership with that monitoring.

There are also many national organizations and websites that have valuable information on legislative issues. Here are some that you may find helpful. (This list is by no means exhaustive, but it contains good resources on a range of topics.)

- The HSUS ([humanesociety.org](http://humanesociety.org)) works on legislation at the state and federal levels. Many HSUS state directors have their own email blasts to keep area advocates informed about legislative issues; sign up at the state pages on the website. The Humane Society Legislative Fund ([hslf.org](http://hslf.org)) works to pass animal protection laws at the state and federal level, to educate the public about animal protection issues, and to support humane candidates for office. Sign up for action alerts at [humanesociety.org/action](http://humanesociety.org/action).
- The Animal Legal Defense Fund ([aldf.org](http://aldf.org)) focuses on enacting legislation and enforcing existing laws to protect animals. You can sign up for action alerts at [aldf.org/section.php?id=85](http://aldf.org/section.php?id=85) to stay apprised of animal cruelty cases and legislative efforts.
- Acclaimed law professor David Favre of the Michigan State University College of Law runs the Animal Legal and Historical Center; its website, [animallaw.info](http://animallaw.info), is a wealth of searchable information about legislation on the federal, state, and local levels, organized by state, topic, species, and subject.
- Longtime Chicago animal law attorney Marcia Kramer runs [animallaw.com](http://animallaw.com) on behalf of the International Institute for Animal Law. In addition to laws, legislation, and case law, this website also provides "model laws" as a tool to assist in drafting good legislation and links to additional information sources: [animallaw.com/links.cfm](http://animallaw.com/links.cfm).

Thanks to the Internet and the proliferation of animal law organizations, it's not hard to stay informed on legislative issues. So get involved! As veteran legal activist Ledy VanKavage, senior legislative attorney at Best Friends Animal Society, always says, "Politics is not a spectator sport!" ■