

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 253 (EC)

Introduced by:

L.F. Kasperbauer *LJK*

AN ACT AMEND §§ 34101, 34201 & 34307 CHAPTER 34 OF
DEVISION 2 OF TITLE 10, GUAM CODE ANNOTATED
RELATIVE TO TRANSFERRING ALL ANIMAL CONTROL
FUNCTIONS FROM THE DEPARTMENT OF PUBLIC HEALTH
AND SOCIAL SERVICES TO THE DEPARTMENT OF
AGRICULTURE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2
3 **Section 1.** §34101 of Chapter 34, Article 1 of 10 G.C.A is hereby *amended* to read:

4
5 **§34101. Definitions.**

6 For purposes of this Article:

7 (a) Euthanasia meaning putting an animal to death by drug in a manner
8 provided by regulation of the Department of Agriculture (the Department).

9 (b) Impoundment means strict confinement under restraint by leash, cage
10 or paddock upon premises specified by order of the Director of ~~Public Health and~~
11 ~~Social Services~~ Agriculture (the "Director").

12 (c) Officer means a member of the Guam Police Department, a Mayor of
13 Guam, or a person authorized by the Director.

14 (d) Person means any natural person, association, partnership, firm,
15 corporation or any government entity.

16 (e) Pet means a cat or dog.

1 (f) Pet owner means any person or legal entity who harbors, cares for,
2 exercises control over or knowingly permits any pet to remain on premises occupied by
3 that person or legal entity.

4 (g) Running at large means any dog that

5 (1) is not restrained on private property in a manner that physically
6 prevents the dog from leaving that property or reaching any public areas; or

7 (2) when on public property, or any public area, is not restrained by a
8 leash, tether or other physical control device not to exceed eight (8) feet in length and
9 under the physical control of a capable person.

10 (h) Unlicensed pet means any pet not exempted under the provisions of
11 this Article for which the license for the current year has not been issued or to which
12 the license tag is not attached.

13 (i) Department means the Department of Agriculture.

14 (j) Director means the Director of ~~Public Health and Social Services~~
15 Agriculture.

16
17 **Section 3.** §34201 of Chapter 34, Article 2 of 10 G.C.A is hereby *amended* to read:
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19 **§ 34201. Definitions.**

20 For purposes of this Article:

21 (a) Animal means any live non-human vertebrate creature, domestic or
22 wild;

23 (b) Animal shelter means any facility operated by a humane society, the
24 government of Guam or its authorized agents for the purpose of caring for animals held
25 under the authority of this Article;

1 (c) Auctions mean any place or facility where animals are regularly
2 bought, sold or traded, except for those facilities otherwise defined in this Article. This
3 does not apply to individual sales of animals by owners;

4 (d) Circus means a commercial variety show featuring animal acts for
5 public entertainment;

6 (e) Commercial animal establishment means an pet shop, grooming shop,
7 auction, riding school or stable, zoological park, circus performing animal exhibition,
8 animal quarantine facility or kennel;

9 (f) Grooming shop means a commercial establishment where animals are
10 bathed, clipped, plucked or otherwise groomed;

11 (g) Officer means a member of the Guam Police Department, a Mayor or a
12 person authorized by the Director of ~~Public Health and Social Services~~ Agriculture (the
13 "Director");

14 (h) Kennel means any premises wherein any person engaged in the
15 business of boarding, breeding, buying, letting for hire, training for a fee, selling dogs
16 or cats, or any premise in a non-agricultural zone area upon which five (5) or more
17 adult dogs or cats are harbored or kept;

18 (i) Owner means any person, partnership or corporation owning, keeping
19 or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is
20 fed or sheltered three (3) consecutive days or more;

21 (j) Performing animal exhibition means any spectacle, display, act or event
22 other than circuses in which performing animals are used;

23 (k) Pet means any animal kept for pleasure rather than utility;

24 (l) Pet shop means any person, partnership or corporation, whether
25 operated separately or in connection with another business enterprise except for a
26 licensed kennel that buys, sells or boards any species of animal;

27 (m) Public nuisance means any animal which

- 1 (1) Molests passersby or passing vehicles;
- 2 (2) Attacks other animals;
- 3 (3) Trespasses on school grounds;
- 4 (4) Is repeatedly at large; or
- 5 (5) Damages private or public property;
- 6 (n) Restraint means any animal secured by a leash or lead or under the
- 7 control of a responsible person and obedient to that person's commands or within the
- 8 real property limits of its owner;
- 9 (o) Riding school or stables mean any place which has available for hire,
- 10 boarding and/or riding instruction, any horse, pony, donkey, mule or burro;
- 11 (p) Veterinary hospital means any establishment maintained and operated
- 12 by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of
- 13 animals;
- 14 (q) Vicious animal means any animal that constitutes a physical threat to
- 15 human beings or other animals;
- 16 (r) Wild animal means any animal which is not commonly domesticated, or
- 17 which is not native to Guam, or which, irrespective of geographic origin, is of a wild or
- 18 predatory nature, or any domesticated animal, which because of its size, vicious nature
- 19 or other characteristics would constitute an unreasonable danger to human life or
- 20 property if not kept, maintained or contained in a safe and secure manner;
- 21 (s) Zoological parks means any facility, other than a pet shop or kennel,
- 22 displaying or exhibiting one (1) or more species of non-domesticated animals operated
- 23 by a person, partnership, corporation or government agency;
- 24 (t) Permitting authority means the Department of ~~Public Health and Social~~
- 25 ~~Services~~ Agriculture (the Department) which shall be the permitting authority for
- 26 purposes of this Article.
- 27

1 **Section 3.** §34307 of Chapter 34, Article 3 of 10 G.C.A is hereby *amended* to read:

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3 **§ 34307. Creation of Rabies Prevention Fund.**

4 There is created a special fund called the "Rabies Prevention Fund," which
5 shall be exclusively used to support the implementation of this Act and to maintain,
6 enhance and secure the prevention of rabies on Guam. All money collected under the
7 provisions of this Chapter shall be deposited in the Rabies Prevention Fund. The
8 Department of Administration shall be responsible of maintaining the accounting and
9 administration of this fund. Annually, but not later than December 31 of each year, the
10 Directors of the Departments of Administration and ~~Public Health and Social Services~~
11 Agriculture shall report to I Maga'lahaen Guahan and I Liheslaturan Guahan the results
12 of operations of this fund, including the total monies collected and deposited in this
13 fund and the total expended

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15 **Section 4. Administrative Rules and Regulations.** The Department of
16 Agriculture may adopt identical Administrative Rules, Regulations and Fees as was
17 used by the Department of Public Health and Social Services immediately prior to the
18 enactment of Sections 1, 2, and 3 herein without adjudication as required by the
19 Administrative Adjudication Law (5GCA: Chapter 9) with regards to Licenses, Sanitary
20 Permits and other functions herein. Any changes, however, to such Rules, Regulations
21 and Fees shall be subject to the provisions of the Administrative Adjudication Law
22 (5GCA: Chapter 9).

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24 **Section 5. Effective Date:** The effective date of the provisions of this Act shall
25 be Ninety (90) Days from the date of enactment hereof.