

1 (2) **Rabies free areas.** The Director shall establish a
2 list of rabies free areas and will constantly review the status
3 of the rabies free areas and may remove a designated rabies
4 free area from the list if it is shown, to the satisfaction of the
5 Director, that the area has not remained free from rabies or
6 has not maintained stringent entry and quarantine
7 requirements. Dogs or cats coming from these areas will be
8 exempted from quarantine; **provided**, that they comply with
9 all other requirements for entry into the territory.

10 (3) **Special veterinary care.** Dogs or cats brought to
11 Guam for the specific purpose of veterinary medical care
12 may be granted exemptions from quarantine; **provided**,
13 that:

14 (i) The dog or cat is consigned to a licensed
15 veterinarian;

16 (ii) The dog or cat meets all other requirements
17 for entry into the territory;

18 (iii) The dog or cat is returned to its point of
19 origin as soon as it is healthy enough to travel;

20 (iv) The dog or cat remain in the custody of the
21 treating veterinarian during its entire stay in the
22 territory.

23 (d) **Import restriction.** The Director shall establish a list of
24 restricted areas based on its high incidence of rabies, and may
25 deny entry to any dog or cat coming from these areas. The
26 Director will periodically review the status of these areas and

1 may lift the entrance restriction if the incidence of rabies in these
2 areas have decreased to a level acceptable to the Director.

3 (e) **Entry requirements.** All incoming dogs or cats shall
4 comply with all entry requirements before they will be allowed to
5 enter Guam. Such entry requirements shall be in accordance with
6 regulations adopted under the Administrative Adjudication Law.

7 (f) **Holding period.** A dog or cat will be declared ineligible
8 to enter the territory if it fails to meet the entry requirements
9 established by the Director pursuant to subsection (e), *supra*. Such
10 dog or cat shall remain in the custody of the carrier in a
11 designated inspection area at the port of entry until such time as it
12 shall leave Guam, or shall be humanely disposed of by the Pet
13 Control Unit. Such holding period shall in no case exceed
14 seventy-two (72) hours without the consent of the Director. Any
15 expense incurred by the government of Guam during or as a
16 result of such holding shall be the responsibility of, and chargeable
17 to the carrier. In addition, the carrier shall be fined an amount not
18 less than Five Hundred Dollars (\$500) and not to exceed One
19 Thousand Dollars (\$1,000) for boarding such dog or cat without
20 entry permit.

21 §34303. **Observation of suspected dogs or cats.** Any dog or cat
22 which, in the opinion of an officer, exhibits signs suggestive of rabies or
23 any dog or cat which has bitten a person shall be examined by a licensed
24 veterinarian or, if no veterinarian is available, by a qualified person
25 authorized by the Director and shall be placed under impoundment by
26 the Pet Control Unit for a period of not less than ten (10) days, or in
27 accordance with regulations which shall be specified by the Director.

1 Any and all costs, including care and keep, shall be borne by the owner
2 of such dog or cat, if known.

3 **§34304. Examination of impounded or quarantined dogs or cats**
4 **for rabies.** Any impounded or quarantined dog or cat which dies or
5 develops clinical signs suggestive of rabies during the required
6 observation period shall be examined for rabies in accordance with
7 regulations specified by the Director.

8 **§34305. Rabies outbreak.**

9 (a) **Report to the Governor.** Should a case of rabies occur
10 in Guam, the Director shall make or cause to be made, a thorough
11 investigation as to the prevalence of the disease, the probable
12 number of persons and animals exposed, the areas found to be
13 involved and the means by which the disease was introduced and
14 shall report the findings of such investigation, together with
15 appropriate recommendations, to the Governor. If rabies exists
16 or is believed to exist in Guam, the Governor may, in his
17 discretion, declare by executive order a state of public health
18 emergency due to rabies. During the existence of the state of
19 emergency due to rabies, the Director may, with the approval of
20 the Governor, promulgate such regulations as he may deem
21 necessary to control the public health hazard due to rabies.

22 (b) **Public health emergency status period.** The public
23 health emergency status shall terminate one (1) year from the date
24 of the declaration thereof unless a public health emergency due to
25 rabies is again declared in the manner provided in this section. If,
26 however, the Governor at any time finds and declares, upon
27 recommendation of the Director, that a public health emergency

1 due to rabies has ceased to exist, its status as such shall terminate
2 upon the date of such declaration.

3 (c) **Suspension of importation of all animals.** Whenever, in
4 the opinion of the Governor, it shall be necessary for the
5 protection of the population of Guam against infectious or
6 contagious disease, he may, by executive order, suspend the
7 importation of animals for a limited period of time and may
8 change, revoke, or renew such executive order as the public good
9 may require. During the time of such suspension, the importation
10 of any such animals shall be unlawful.

11 **§34306. Violations and penalties.**

12 (a) **Violations.**

13 (1) It shall be unlawful to release a dog or cat from
14 quarantine unless authorized by the Director.

15 (2) It shall be unlawful for a pet owner to bring into
16 Guam a dog or cat without a valid Entry Permit.

17 (3) It shall be unlawful for a carrier to board a dog or
18 cat on an airline for shipment to Guam without a valid
19 Entry Permit.

20 (b) **Penalties.** Except as otherwise provided herein,
21 violation of:

22 (1) Any provision of this Article which provides
23 certain conduct shall be unlawful shall be punishable by
24 imprisonment not to exceed one (1) year, or a fine not to
25 exceed One Thousand Dollars (\$1,000), or both;

26 (2) Any regulations promulgated pursuant to this
27 Chapter which provide for criminal penalties, shall be

1 punishable by a fine not to exceed One Thousand Dollars
2 (\$1,000), or both."

3 **Section 4. Finance.** Within ninety (90) days after its enactment, the
4 Director of Public Health and Social Services shall submit to the Legislature
5 the financial requirements for the implementation of this Act.

6 **Section 5. Effective date.** This Act shall become effective upon the
7 adoption of the implementing rules and regulations by the Department of
8 Public Health and Social Services pursuant to the Administrative
9 Adjudication Law.

March 5, 1993

The Honorable
Joe T. San Agustin
Speaker, 22nd Guam Legislature
Agana, Guam



TWENTY SECOND
GUAM LEGISLATURE

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Health, Ecology & Welfare, to which was referred BILL NO. 192: AN ACT TO REPEAL AND REENACT ARTICLES 1 AND 2 OF CHAPTER 34 OF TITLE 10, GUAM CODE ANNOTATED, AND TO ADD A NEW TITLE 3 THERETO RELATIVE TO LICENSING AND KEEPING OF ANIMALS, AND TO ANIMAL SHELTER OPERATION, herein reports back and recommends that **Bill No.192 be passed as substituted by the Committee.**

Dr. DAVID L.G. SHIMIZU
Senator

CHAIRMAN:

Committee on

Health,

Ecology

and

Welfare

<u>9</u> _____	To Pass
<u>0</u> _____	Not To Pass
<u>0</u> _____	To The Inactive File
<u>0</u> _____	Abstained
<u>0</u> _____	Off-Island
<u>0</u> _____	Not Available

324 West Soledad Ave
Suite 202,
Agaña, Guam
96910

Telephone:
(671)472-3543/44/45

Facsimile:
(671)472-3832

Attachments

Sincerely,

Dr. David L.G.
Shimizu



COMMITTEE ON HEALTH, ECOLOGY AND WELFARE

COMMITTEE REPORT ON

BILL NO.192

AN ACT TO AMEND, REPEAL AND REENACT CERTAIN SECTION OF, AND ENACT NEW ARTICLE TO, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO LICENSING, KEEPING AND CRIMINAL OFFENSES AGAINST ANIMALS, AND ANIMAL SHELTER OPERATION

BACKGROUND

Bill No. 192 (Attachment I) was referred to the Committee on Health, Ecology and Welfare on January 21, 1993 (Attachment II). The Bill was introduced by Senator David L. G. Shimizu. A Fiscal Note was requested from the Bureau of Budget and Management Research on February 16, 1993 (Attachment III). The Bureau advised that "if any additional funding requirements are determined, the funds should be a part of the annual operational budget" (Attachment IV).

The Committee on Health, Ecology and Welfare conducted a public hearing on Wednesday, February 24, 1993, in the Legislative Public Hearing Room. The committee members present include: Senator David L. G. Shimizu, Chairperson; Senator Elizabeth P. Arriola, Vice-Chairperson; Senators Doris Flores Brooks; Senator Marilyn D. A. Manibusan; and Senator Felix P. Camacho.

TESTIMONY

The Committee heard and received written testimony from Ms. Karon Johnson, U. S. attorney and GAIN member; the Department of Public Health and Social Services; and Dang Mai Kennels; .

The following is a synopsis of the testimonies presented.

1. Ms. Karon V. Johnson, Guam Animals in Need (GAIN) member, presented a written testimony (Attachment IV) and testified that Bill No. 192 is the same bill passed as Bill No 812 during the Twenty-First Guam Legislature. She went on to say that the present statutes are sometimes archaic, confusing and vague. Bill No. 192 clarifies procedures relating to

animal control, shelter operation impoundment procedures and humane treatment generally. Additionally, the revision of the civil provisions concerning animal control and leash laws provide a simple and effective manner to enforce the animal control/licensing statutes (Section 34210), by allowing an animal control officer to write the offender a violation ticket, as already provided in Chapter 25 for other minor offenses.

Ms. Johnson went on and noted that Bill No. 192 contain provisions that would make the shelter operation more efficient and effective, formalizes the Director of Public Health and Social Services' authority to adopt animals from the animal shelter. Finally, Ms. Johnson made other recommendations that would further strengthen Bill No. 192.

2. The Director of Public Health and Social Services, Dr. Leticia V. Espaldon, testified and submitted a written testimony (Attachment V) at the public hearing. She was accompanied by Dr. O. V. Natarajan, Administrator, Division of Environmental Health. Dr. Espaldon testified that "... Bill No. 192 is a precursor and a reincarnation of Bill No. 812 of the Twenty-First Guam Legislature which was passed ... [but] not approved by the Governor for other reasons (infected with an unrelated rider) not connected with the main purpose of the Bill." The Director wholeheartedly support Bill No. 192 because it was developed by the Committee in close consultation with the Department as well as GAIN. She, however, suggested some minor technical changes that have been incorporated in the amended version.

3. Dang Mai Kennels' testimony (Attachment VI) was submitted by Mr. Joseph K. Butters. Mr. Butters testified that Bill No. 192 in itself is good and long overdue. He was, however, concerned about enforcement. He also raised other concerns relative to licensing and quarantine and made some recommendations along this line.

4. Ms. Joan Glang presented oral testimony as a private citizen in favor of the bill.

FINDINGS

The Committee finds that the present laws on animal control, quarantine, shelter operation and the criminal sanctions concerning animal treatment are in several sections of the Guam Code Annotated. The sections are not arranged or segregated by subject, with the result that definition which are important for one section become applicable to others in the same article, for which they are not well suited. In addition, the definitions are frequently vague, and the sections do not clearly spell out the sort of conduct which is prohibited.

Bill No. 192 rearranges the present laws by subject matter creating three articles on animal control/leash laws, humane treatment/permitting of pet facilities, shelter operation, and quarantine. The Bill provides the appropriate definitions for each article and does not alter present legislative policy, nor does it prohibit conduct that is not already prohibited.

Article 1 clarifies the present licensing law by requiring that pets, defined as cats and dogs, be licensed annually; it delegates the exclusive responsibility for licensing to the Department of Public Health and Social Services. It gives officers of the Pet Control Unit authority to issue citations for license and leash law violations in the same manner as traffic citations are now handled.

Additionally, Article 1 sets minimum standards for the pet shelter, allows the Director of Public Health and Social Services to privatize the shelter operation, and sets forth the procedures for adoption or other humane disposal of pets.

Article 2 expands the definition of wild animal, thus giving the Department of Public and Social Services broader authority to regulate animals which the Department deems to be a danger to the public.

Article 3 contains the quarantine provisions which were formerly in Article 1.

Finally, the Committee notes that Bill No. 192 is exactly the same as Bill No. 812, which was reported out by the HEW Committee in the Twenty-First Guam Legislature and substituted on the floor. During the last session of the Twenty-First Guam Legislature, Bill No. 812 was passed with minor modifications but with a major rider relative to the repeal of admission tax to a place where amusement or entertainment is provided. Governor Ada subsequently vetoed Bill No 812 because of his objection to the rider.

RECOMMENDATION

The Health, Ecology and Welfare Committee, having heard and received testimonies on Bill No. 192, recommends that subject bill **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE** (Attachment VI).

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) REGULAR SESSION

Bill No. 192
Introduced by:

D.L.G. SHIMIZU 

AN ACT TO AMEND, REPEAL AND REENACT CERTAIN SECTIONS OF, AND ENACT A NEW ARTICLE AND SUBSECTIONS TO, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO CONTROL AND LICENSING OF PETS, PERMITS FOR ANIMAL FACILITIES AND HUMANE ANIMAL CARE AND QUARANTINE.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

1 SECTION 1. Title 10, Chapter 34, Article 1 is hereby repealed in its entirety
2 and reenacted as follows:

3 "Article 1. Control and Licensing of Pets

4 Section 34101. Definitions.

5 Section 34102. Pet License Required.

6 Section 34103. Pet License.

7 Section 34104. Seeing-Eye and Hearing-Aid Dogs

8 Section 34105. Issuance and Description of License.

9 Section 34106. Description of Pet License Tag

10 Section 34107. Replacement of Pet License Tag

11 Section 34108. Rabies Vaccination.

12 Section 34109. Vicious Pet.

13 Section 34110. Immediate Menace.

14 Section 34111. Pet Attacking Person

- 1 Section 34112. Pet Trespassing on Private Property.
2 Section 34113. Liability.
3 Section 34114. Damages by Pet: Owner Liable.
4 Section 34115. Pet Control Unit.
5 Section 34116. Dog Running at Large, Impoundment, Holding
6 Period, Sterilization and Adoption.
7 Section 34117. Impoundment.
8 Section 34118. Facility Operation.
9 Section 34119. Minimum Standards.
10 Section 34120. Authority to Kill Pets Running at Large.
11 Section 34121. Authority of Officers.
12 Section 34122. Wrongful Interference with Officers.
13 Section 34123. Disposition of Money Collected.
14 Section 34124. Penalties.

15

16 Section 34101. Definitions.

17 (a) "Euthanasia" means putting an animal to death by drug in a
18 manner provided by regulations of the Department of Public Health
19 and Social Services.

20 (b) "Impoundment" means strict confinement under restraint by
21 leash, cage or paddock upon premises specified by order of the
22 Director.

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

25 (d) "Person" means any natural person, association,
26 partnership, firm, corporation or any government entity.

1 (e) "Pet" means a cat or dog.

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

5 (g) "Running at large" means any dog that:

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

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

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

16 Section 34102. Pet License Required.

17 No person shall own a pet unless it is licensed and wearing a license
18 tag as provided by this Article. This shall not apply to pets under the age of
19 three (3) months, pets in quarantine or pets brought into Guam for a
20 temporary term not to exceed one (1) month for the exclusive purpose of
21 entering such pets in a show or exhibition.

22 Section 34103. Pet License.

23 (a) Each pet shall be licensed by its owner.

24 (b) The license year is January first to December thirty-first.

25 (c) The owner of a pet imported into Guam shall have thirty (30) days
26 to obtain the prescribed license. Pets exempted by Section 34102 shall be
27 licensed when such exemption expires.

28 (d) The fee shall be established by the Director. The full fee shall be
29 paid for any fraction of the year for which a license is issued.

1 (e) A pet license is not transferable to another pet. The license number
2 shall be assigned to the pet and shall remain with the animal upon transfer
3 to another owner for the life of the license.

4 (f) A penalty to be established by regulation shall be charged for late
5 renewal of a license.

6 (g) Any penalty shall be in addition to the applicable license fee and
7 payable at the time of the issuance.

8 Section 34104. Seeing-Eye and Hearing-Aid Dogs.

9 A blind or deaf person owning a dog trained to aid the blind or deaf,
10 commonly called a seeing-eye or hearing-aid dog, shall be exempted from
11 payment of any license fee.

12 Section 34105. Issuance and Description of License.

13 All licenses for pets shall be issued by the Department of Public Health
14 and Social Services upon payment of the fee. The license shall be in such
15 form as the Director shall approve and shall include the following:

16 (a) The name and address of the owner;

17 (b) The expiration date of the license;

18 (c) The date of payment;

19 (d) The breed, age, sex, sterilization status (whether spayed or
20 neutered) and color of the pet;

21 (e) The serial number of the tag issued for such pet;

22 (f) The date of rabies vaccination, vaccine expiration date, the
23 type, manufacturer's name and serial number of the vaccine lot used.

24 Section 34106. Description of the Pet License Tag.

25 A tag in such form and design as shall be prescribed by the Director,
26 stating the serial number of the tag and the license year, shall be issued
27 with each license. The tag shall be attached to a collar around the neck of,
28 or to a harness worn by, the pet for which the license tag was issued, except
29 when the pet is displayed in an exhibition or show. It shall be unlawful for

1 any person to attach a license tag to the collar or harness of any pet except
2 the pet which is described in the application for such license tag.

3 **Section 34107. Replacement of Pet License Tag.**

4 If any license tag is lost, mutilated or stolen, the pet owner to whom
5 such tag was issued shall be entitled to receive a replacement by presenting
6 to the Department of Public Health and Social Services satisfactory proof
7 that such tag was lost, mutilated or stolen. A substitute tag shall be issued
8 upon payment of a fee equal to one-half (1/2) the annual license fee.

9 **Section 34108. Rabies Vaccination**

10 A pet license shall be issued only upon presentation of a valid
11 certificate of vaccination against rabies providing immunity during the
12 period of licensure and signed by a licensed veterinarian. The type and
13 quantity of rabies vaccine utilized to vaccinate pets within the Territory and
14 accepted duration of immunity produced by such vaccine shall be
15 determined by regulation specified by the Director.

16 **Section 34109. Vicious Pet.**

17 Any pet which, while running at large, has bitten a person or persons
18 two(2) or more times may be declared to be a vicious pet and ordered
19 confined or destroyed by the Director.

20 **Section 34110. Immediate Menace.**

21 It shall be lawful for any officer, if there are no other readily available
22 means of bringing the pet under control, to kill any pet that constitutes an
23 immediate menace to any person. The officer shall turn the carcass of the
24 pet over to the Department as soon as possible for examination as
25 determined by the Director, and compile a written report and submit to the
26 Director describing the event leading to the killing if said pet was licensed.

27 **Section 34111. Pet Attacking Person.**

28 Any person who is attacked by a pet or any person witnessing any
29 such attack may kill such pet while so attacking. Such person shall notify
30 the Department immediately of such killing and remain with the carcass
31 until an officer takes possession of the carcass. The carcass shall be
32 immediately delivered to the Department for examination.

1 Section 34112. Pet Trespassing on Private Property.

2 (a) Any person who shall observe a pet to be trespassing on
3 land or premises not owned or possessed by owner of the pet shall
4 report such trespass to the Pet Control Unit.

5 (b) It shall be unlawful for any person to kill a pet not owned by
6 him except in any of the following cases or as otherwise provided in
7 this Article:

8 (1) the pet is found in the act of killing, wounding or
9 persistently pursuing livestock or poultry on land or premises
10 not owned or possessed by the pet owner;

11 (2) the person has such proof as conclusively shows that
12 the pet has recently engaged in killing or wounding livestock or
13 poultry on land or premises not owned or possessed by the pet
14 owner; or

15 Section 34113. Liability.

16 Any person killing or injuring a pet pursuant to action taken by him as
17 authorized under any section of this Article shall not incur any financial
18 liability to the owner of such pet.

19 Section 34114. Damages by Pet: Owner Liable.

20 If a pet shall injure any person or damage any property, the pet
21 owner shall be liable to the extent that his negligence was the proximate
22 cause of such injury or damage.

23 Section 34115. Pet Control Unit.

24 The Department of Public Health and Social Services shall maintain
25 a Pet Control Unit. The Pet Control Unit shall maintain a pound, provide
26 and carry out a territory-wide plan to collect and place under observation
27 biting pets, reduce the number of pets running at large and, upon request,
28 to collect and dispose of humanely any sick, aged, injured or unwanted
29 small animal. The Mayors of Guam shall have the concurrent
30 responsibility within their respective jurisdiction for collecting all pets
31 running at large and turning them over to the Pet Control Unit. At the
32 discretion of the Director or his designated representative, a biting pet may

1 be confined by the owner of such pet in accordance with regulation adopted
2 by the Director.

3 Section 34116. Dog Running at Large, Impoundment, Holding
4 Period, Sterilization and Adoption.

5 (a) It shall be unlawful for any dog owner to willfully allow a
6 dog owned by him to run at large.

7 (b) Any pet over three (3) months old that is not licensed as
8 required by Section 34102 or any dog that is not wearing a current tag
9 in accordance with Section 34106 or any dog that is running at large
10 shall be apprehended and impounded or disposed of in accordance
11 with regulations adopted by the Director.

12 (c) The owner, as shown on the license, of any licensed pet that
13 has been impounded shall be notified of such impoundment and that
14 the pet, if not claimed with ten (10) days after such notification, may
15 be given for adoption upon payment of the applicable per diem costs
16 and adoption deposit or humanely destroyed. Such notice may be
17 delivered personally to the owner, left at his place of residence in
18 Guam or sent by regular mail to his last known address or informed
19 by telephone or fax as shown on the license. At the end of ten (10)
20 days after notification, any licensed pet not claimed may be given for
21 adoption upon payment of the applicable per diem costs and adoption
22 deposit or humanely destroyed.

23 (d) Any unlicensed pet that has been impounded shall be kept
24 for three (3) days and may be claimed by the owner by obtaining a
25 license as provided in this Article and paying for the costs for care and
26 keep. At the end of three (3) days after impoundment, any such pet
27 not claimed may be given for adoption or humanely destroyed.

28 (e) A per diem charge to be fixed annually by the Director on the
29 basis of operating costs shall be charged for every day, or part
30 thereof, for any pet, kept in the pound. Such charge shall be borne by
31 the owner of the impounded pet, if known, and shall be included in
32 costs to any claimant.

33 (f) All pets over the age of six (6) months given for adoption
34 shall be sterilized before being released to new owners. Any expense

1 incurred for such operations or vaccinations shall be included with
2 the costs of care and keep and borne by the new owner.

3 (g) No dog or cat under the age of six (6) months to be given for
4 adoption shall be released without a written agreement from the
5 adopter guaranteeing that such animal will be sterilized. A deposit of
6 at least Seventy-Five Dollars (\$75.00) must be paid at the time of
7 adoption of a dog, and Fifty Dollars (\$50,00) for a cat to guarantee
8 the sterilization. Failure to perform the sterilization shall be a
9 forfeiture of the amount deposited and the animal shall be returned
10 to the pound.

11 Section 34117. Impoundment.

12 Any pet may be impounded and held at the facility when it is the
13 subject of a violation of this Article, when a pet requires protective custody
14 and care because of mistreatment or neglect by its owner or when
15 otherwise ordered impounded by a court.

16 Section 34118. Facility Operation.

17 (a) The Director shall operate, maintain or provide for an
18 adequate facility to receive, care for and safely confine pets delivered
19 to the Director's custody under provisions of this Article and such
20 facility shall be reasonably accessible to the public.

21 (b) The Director may contract the operation of the shelter to
22 any qualified non-profit private organization. If the Director so
23 contracts, the private non-profit organization must operate the
24 facility so as to conform to the provisions provided herein. Pet control
25 shall remain the sole responsibility of the Department of Public
26 Health and Social Services.

27 (c) The Director shall provide that a licensed veterinarian
28 attend to the pets at the facility as necessary."

29 Section 34119. Minimum Standards.

30 The Director shall prescribe the minimum standards for humane pet
31 care set forth in this Article.

32 Section 34120. Authority to Kill Pets Running at Large.

1 It shall be unlawful to shoot or otherwise kill any pet which has bitten
2 or is believed to have bitten any person except to prevent further attack by
3 the pet or to prevent otherwise unavoidable escape of the pet. In every
4 other case, however, officers may apprehend pets running at large by any
5 means deemed reasonably necessary under the circumstances and provided
6 for in regulations specified by the Director. When the Director shall
7 determine that the use of poison baits are necessary to reduce the number
8 of pets running at large, the following guidelines shall be observed:

9 (a) poison baits may be placed on private property only upon
10 written consent of the owner or tenant of such property;

11 (b) poison baits may, after public announcement, be placed on
12 public lands within a municipality only with the written consent of the
13 Mayor of that municipality or during a public health emergency due
14 to rabies.

15 **Section 34121. Authority of Officers.**

16 (a) All officers shall have authority as peace officer to the
17 extent necessary to enable them to discharge all duties assigned to
18 them by law.

19 (b) Any officer is authorized to enter upon any private premises,
20 and is authorized to remove any pet from public or private property,
21 if that officer has reason to believe that the pet or its owner is in
22 violation of any provisions of this Chapter. Any pet so removed shall
23 be impounded and delivered to the pound.

24 (c) Any officer may issue a citation of violation as provided in
25 Title 8, Chapter 25, Sections 25.10 through 25.50.

26

1 Section 34122. Wrongful Interference with Officers.

2 Any person resisting or obstructing an officer in the exercise of his
3 duties as provided in this Article shall be guilty of a misdemeanor and
4 punished as prescribed in Section 34124 of this Article.

5 Section 34123. Disposition of Moneys Collected.

6 All moneys collected under provisions of this Article shall be placed in
7 the General Fund.

8 Section 34124. Penalties.

9 Violation of Section 34122 of this Article shall be punishable by
10 imprisonment not to exceed one (1) year or by a fine not to exceed One
11 Thousand Dollars (\$1,000) or both. Violation of any other provision of this
12 Article shall be punishable by a fine not to be less than Fifty Dollars (\$50.00)
13 or more than One Hundred Dollars (\$100.00) or imprisonment not to
14 exceed six (6) months or both. In addition, for a second or subsequent
15 offense the pet involved may be ordered confiscated for disposition at the
16 discretion of the Court."

17 SECTION 2. Title 10, Chapter 34, Article 2, is repealed and reenacted as
18 follows:

19 "Article 2. Permits for Animal Facilities, Humane Animal Care.

20 Section 34201. Definitions.

21 Section 34202. Permits.

22 Section 34203. Permit Issuance and Revocation.

23 Section 34204. Confinement.

24 Section 34205. Animal Care.

25 Section 34206. Keeping of Wild Animals.

26 Section 34207. Performing Animal Exhibitions.

27 Section 34208. Animal Waste.

28 Section 34209. Authority of Officers

1 Section 34210. Penalties.

2 Section 34201. Definitions.

3 (a) Animal: Any live, non-human vertebrate creature, domestic
4 or wild;

5 (b) Animal Shelter: Any facility operated by a humane society,
6 the Government or its authorized agents for the purpose of caring for
7 animals held under the authority of this Article;

8 (c) Auctions: Any place or facility where animals are regularly
9 bought, sold or traded, except for those facilities otherwise defined in
10 this Article. This does not apply to individual sales of animals by
11 owners;

12 (d) Circus: A commercial variety show featuring animal acts
13 for public entertainment;

14 (e) Commercial Animal Establishment: Any pet shop, grooming
15 shop, auction, riding school or stable, zoological park, circus
16 performing animal exhibition, animal quarantine facility or kennel;

17 (f) Grooming Shop: A commercial establishment where animals
18 are bathed, clipped, plucked or otherwise groomed;

19 (g) Officer: A member of the Guam Police Department; a
20 Mayor and a person authorized by the Director;

21 (h) Kennel: Any premises wherein any person engaged in the
22 business of boarding, breeding, buying, letting for hire, training for a
23 fee, selling dogs or cats, or any premise in a non-agricultural zone
24 area upon which five (5) or more adult dogs or cats are harbored or
25 kept;

26 (i) Owner: Any person, partnership or corporation owning,
27 keeping or harboring one (1) or more animals. An animal shall be
28 deemed to be harbored if it is fed or sheltered three (3) consecutive
29 days or more;

30 (j) Performing Animal Exhibition; Any spectacle, display, act or
31 event other than circuses in which performing animals are used;

1 (k) Pet: Any animal kept for pleasure rather than utility;

2 (l) Pet Shop: Any person, partnership or corporation, whether
3 operated separately or in connection with another business enterprise
4 except for a licensed kennel that buys, sells or boards any species of
5 animal;

6 (m) Public Nuisance: Any animal or animals which:

7 1. molests passersby or passing vehicles;

8 2. attacks other animals;

9 3. trespasses on school grounds;

10 4. is repeatedly at large;

11 5. damages private or public property;

12 6. are left or made to bark, whine or howl in an excessive,
13 continuous or untimely fashion;

14 (n) Restraint: Any animals secured by a leash or lead or under
15 the control of a responsible person and obedient to that person's
16 commands or within the real property limits of its owner;

17 (o) Riding School or Stables; Any place which has available for
18 hire, boarding and/or riding instruction, any horse, pony, donkey,
19 mule or burro.

20 (p) Veterinary Hospital: Any establishment maintained and
21 operated by a licensed veterinarian for surgery, diagnosis and
22 treatment of disease and injuries of animals;

23 (q) Vicious Animal: Any animal that constitute a physical threat
24 to human beings or other animals;

25 (r) Wild Animal: Any animal which is not commonly
26 domesticated, or which is not native to Guam, or which, irrespective
27 of geographic origin, is of a wild or predatory nature, or any
28 domesticated animal, which because of its size, vicious nature or
29 other characteristics would constitute an unreasonable danger to

1 human life or property if not kept, maintained or contained in a safe
2 and secure manner.

3 (s) Zoological Parks: Any facility, other than a pet shop or
4 kennel, displaying or exhibiting one (1) or more species of non-
5 domesticated animals operated by a person, partnership, corporation
6 or government agency;

7 (t) Permitting Authority: The Department of Public Health and
8 Social Services shall be the permitting authority for purposes of this
9 Article.

10 Section 34202. Sanitary Permits.

11 (a) No individual, partnership or corporation, or any other
12 group or combination acting in concert shall operate a zoo, pet shop,
13 kennel, animal shelter, veterinary hospital or other commercial
14 animal establishment, or which imports, exports, exhibits, sells,
15 boards or otherwise exposes the public to live animals without first
16 obtaining a sanitary permit to operate, and shall conduct such
17 enterprise in compliance with, this section and any regulations
18 specified by the Director. An exception to this provision may be made
19 for kennels on land which is zoned agricultural.

20 (b) The Department of Public Health and Social Services shall
21 promulgate regulations for the issuance of permits and shall include
22 requirements for humane care of all animals and for compliance with
23 the provisions of this Article.

24 (c) Upon a showing by an applicant for a permit that he is
25 willing and able to comply with the regulations promulgated by the
26 permitting authority, a permit shall be issued upon payment of the
27 applicable fee.

28 (d) The permit period shall coincide with business license period
29 and run for one (1) year. Renewal applications for permits shall be
30 made thirty (30) days prior to expiration. Application for permit to
31 establish a new commercial animal establishment under the
32 provisions of this Article may be made at any time.

33 (e) Every facility regulated by this Article shall be considered a
34 separate enterprise and requires an individual permit.

1 (f) Persons operating kennels for the breeding of dogs or cats
2 may elect to license such animals individually.

3 (g) Failure to obtain a permit before opening any facility
4 covered in this section shall result in a fine of Two Hundred Dollars
5 (\$200.00). Each day of violation is a separate offense.

6 (h) Any person who has a change in the category under which a
7 permit was issued shall be subject to reclassification and appropriate
8 adjustment of the permit fee shall be made.

9 (i) The permit required in this Section shall be in addition to the
10 business license required for the business to operate.

11 Section 34203. Permit Issuance and Revocation.

12 (a) The Permitting Authority may revoke any permit if the
13 person holding the permit refuses or fails to comply with this
14 Chapter, the regulations promulgated by the permitting authority or
15 any law governing the protection and keeping of animals.

16 (b) Any person whose permit is revoked shall, within ten (10)
17 days thereafter, appropriately dispose all animals owned, kept or
18 harbored and no part of the permit fee shall be refunded.

19 (c) It shall be a condition of the issuance of any permit or license
20 that the permitting authority shall be permitted to inspect all animals
21 and the premises where animals are kept at any time and shall, if
22 permission for such inspections is refused, revoke the permit of the
23 refusing owner.

24 (d) If the applicant has withheld or falsified any information on
25 the application, the permitting authority shall refuse to issue a
26 permit.

27 (e) No person who has been convicted of cruelty to animals
28 shall be issued a permit to operate a commercial animal
29 establishment.

30 (f) Any person having been denied a license or permit may not
31 reapply for a period of thirty (30) days. Each reapplication shall be
32 accompanied by a Ten Dollars (\$10.00) fee.

1 Section 24204. Confinement.

2 (a) Every female dog or cat in heat shall be confined in a
3 building or secure enclosure in such a manner that such female dog or
4 cat cannot come in contact with another animal except for planned
5 breeding.

6 (b) Every vicious animal, as determined by the Department,
7 shall be confined by the owner within a building or secure enclosure
8 and shall be securely muzzled or caged whenever the animal leaves
9 the premises of its owner.

10 Section 34205. Animal Care.

11 (a) No owner shall fail to provide his animals with sufficient
12 good and wholesome food and water, proper shelter and protection
13 from the weather, veterinary care when needed to prevent suffering
14 and with humane care and treatment.

15 (b) No person shall beat, cruelly ill treat, torment, overload,
16 overwork, or otherwise abuse an animal or cause, instigate or permit
17 any dogfight, bullfight or other combat between animals and humans
18 or between animals with the exception of cockfighting as regulated by
19 the Guam Gaming Commission.

20 (c) No owner of an animal shall abandon such animal.

21 (d) No person shall crop a dog's ears except when a licensed
22 veterinarian issues a signed certificate that the operation is necessary
23 for the dog's health and comfort and in no event shall any person
24 except a licensed veterinarian perform such an operation.

25 (e) Any person who, as the operator of a motor vehicle, strikes
26 a domestic or wild animal shall stop at once and render such
27 assistance as may be possible and shall immediately report such injury
28 or death to the animal's owner. In the event the owner cannot be
29 ascertained and located, such operator shall at once report the
30 accident to an officer.

31 Section 34206. Keeping of Wild Animals.

32 (a) No person shall keep or permit to be kept on his premises
33 any wild or vicious animal for display or for exhibition purposes,

1 whether gratuitously or for a fee. This Section shall not be construed
2 to apply for zoological parks, performing animal exhibitions or
3 circuses.

4 (b) No person shall keep or permit to be kept any wild animal as
5 a pet.

6 (c) The Permitting Authority shall have the power to release or
7 order the release of any infant wild animal kept under temporary
8 permit which is deemed capable of survival.

9 Section 34207. Performing Animal Exhibitions.

10 (a) No performing animal exhibition or circus shall be
11 permitted in which animals are induced or encouraged to perform
12 through the use of chemical, mechanical, electrical or manual devices
13 in a manner which will cause or is likely to cause physical injury or
14 suffering.

15 (b) All equipment used on performing animals shall fit properly
16 and in good working condition.

17 Section 34208. Animal Waste.

18 The owner of every animal shall be responsible for the removal of any
19 excreta deposited by his animal(s) on public walks, recreation areas or
20 private properties.

21 Section 34209. Authority of Officers.

22 (a) Any officer may issue a citation of violation as provided in
23 Title 8, Chapter 25. Sections 25.10 through 25.50."

24 (b) The Director may declare an animal to be a public nuisance.
25 Any animal found by the Director to be a public nuisance shall be
26 impounded and may be ordered confined or destroyed.

27 Section 34210. Penalties.

28 (a) Any person violating any provision of this article shall be
29 deemed guilty of a violation and shall be punished by a fine of not less
30 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars

1 (\$500.00). If any violation be continuing, each day's violation shall be
2 deemed a separate violation.

3 (b) The provisions of this Article shall not apply to any operator
4 of a greyhound racing track nor to any greyhound racing dog so long
5 as such greyhound is subject to regulations by the Guam Gaming
6 Commission.

7 SECTION 3. A New Article 3 is added to Title 10, Chapter 34, Guam Code
8 Annotated as follows:

9 "Article 3. Quarantine

10 Section 34301. Definitions.

11 Section 34302. Rabies Prevention.

12 Section 34303. Observation of Suspected Dogs.

13 Section 34304. Examination of Impounded or Quarantined dogs for
14 Rabies.

15 Section 34305 Rabies Outbreak.

16 Section 34306. Penalties

17
18 Section 34301. Definitions

19 (a) "Carrier" means any individual, partnership, corporation or
20 any other group or combination acting in concert which shall
21 transport any animal into, through or upon the territory of Guam.

22 (b) "Designated Inspection Area" means an area designated by
23 the Director.

24 (c) "Dog or Cat" means those animals belonging to the order
25 Carnivora, including dogs, wolves, foxes, skunks, raccoons, cats,
26 civets, hyenas, weasels, wolverines; the order Marsupialia, including
27 opossums, koalas, kangaroos; and the order Chiroptera, including
28 bats.

1 (d) "Impoundment" means strict confinement under restraint by
2 leash, cage or paddock upon premises specified by order of the
3 Director.

4 (e) "Officer" means a member of the Guam Police Department,
5 a Mayor of Guam, or a person authorized by the Director.

6 (f) "Quarantine" means strict isolated impoundment.

7 (g) "Rabies" means the acute infectious disease of the central
8 nervous system caused by a filterable virus, most frequently
9 transmitted by the bite of infected animals and commonly referred to
10 as "hydrophobia".

11 Section 34302. Rabies Prevention.

12 (a) Quarantine Unit. The Department of Public Health and
13 Social Services shall maintain a dog or cat quarantine unit, provide
14 and carry out a quarantine program to receive incoming dogs or cats
15 upon arrival on the island, have such dogs or cats examined within
16 twenty-four (24) hours and twenty-four (24) hours prior to release
17 from quarantine by a licensed veterinarian and provide for the health
18 and well-being of such dogs or cats for the duration of their
19 quarantine.

20 (b) Quarantine of Dogs or Cats. All dogs or cats brought into
21 Guam shall be subject to quarantine for a period of time approved by
22 the Director. Requirements for the entry to and release from
23 quarantine of dogs brought into Guam shall be in accordance with
24 regulations approved by the Director. Any and all costs, including
25 care and keep, shall be borne by the dog or cat owner.

26 (c) Exemption from Quarantine. Notwithstanding any other
27 provision of this Article:

28 (1) Certain Dogs. Seeing-eye dogs serving blind
29 masters or hearing-aid dogs serving deaf persons and dogs
30 which are the official property of a federal, state or territorial
31 government agency may, in the absence of evidence that they
32 have been exposed to rabies, be granted exemptions from the
33 quarantine provisions of this Article, provided they: