

REVISED 103A

ADOPTED AS REVISED

RECOMMENDATION

1 RESOLVED, That the American Bar Association adopts the Model Act Governing Standards
2 for the Care and Disposition of Disaster Animals, dated February 2010 and recommends its
3 adoption by state and territorial legislative bodies.

4 **AMERICAN BAR ASSOCIATION**
5 **MODEL ACT GOVERNING STANDARDS FOR THE CARE AND DISPOSITION OF**
6 **DISASTER ANIMALS**
7 **(February 2010)**

8
9 ...

10
11 **Section 2. Purpose**

12
13 The purpose of this Act is to provide certainty of ownership for disaster animals by providing an
14 owner with a specific time frame by which the owner must reclaim companion animals
15 following a ~~declared federal disaster or state emergency~~ Major Disaster and to provide an animal
16 shelter with specific guidelines as to how long disaster animals must be held prior to their
17 disposition.

18
19 **Section 3. Definitions**

20
21 As used in this Act:

22
23 ...

24
25 (2) "Disaster Animals" means domesticated companion animals that have become
26 separated from an owner as the result of a ~~Class #1 or Class #2 Event~~ Major Disaster.
27 Disaster animals include those found on private property or running at large, as well as,
28 owner surrendered or relinquished companion animals. Feral animals are excluded from
29 this Act.

30
31 ...

32 (8) ~~Class #1 Event—State declared emergency for a county or portion of county requiring~~
33 ~~companion animals' owner to leave their residences for more than 24 hours.~~ "Major
34 Disaster" means a major disaster or emergency declared by the President of the United
35 States under the Robert T. Stafford Relief and Emergency Act, P.L. 93-288, as amended.

REVISED 103A

36 ~~(9) Class #2 Event—Federally declared disaster requiring companion animals’ owner to~~
37 ~~leave their residences for more than 24 hours.~~

38
39 (10) (9) “Tracking Information” means available information about the owner, physical
40 description and health history of the disaster animal, photographs of the disaster animal,
41 information about where the disaster animal was found and transported to, recommended
42 course of treatment, and communications with an owner, including holding period
43 extension by contract.

44
45 (11) (10) “Approved Website” means a website approved by the state veterinarian.

46
47 (12) (11) “Extension by Contract” means extensions of the mandated holding period
48 based upon an agreement between the owner and animal shelter for an additional time
49 period.

50
51 (13) (12) “Shelter Animals” means companion animals living at an animal shelter before
52 a ~~Class #1 or Class #2 Event~~ Major Disaster.

53
54 **Section 4. Provisions for Disaster Animals**

55
56 (a) Disaster animals taken from a disaster area or delivered to an animal shelter following a
57 ~~Class #1 or Class #2 Event~~ Major Disaster will be kept by the animal shelter that receives the
58 disaster animals according to the applicable holding period, unless the owner of the disaster
59 animals agrees otherwise in writing. After the applicable holding period has passed for disaster
60 animals, then the animal shelter has the authority to dispose of the disaster animals as allowed
61 under state law when there is no ~~Class #1 or Class #2 Event~~ Major Disaster, unless the owner
62 has an extension by contract with the animal shelter for additional time. An owner who does not
63 retake possession of their disaster animals by the end of the applicable holding period plus any
64 extension by contract thereof, has abandoned the disaster animals and any new owner shall have
65 unencumbered title to the disaster animals.

66
67 (b) ~~Holding periods~~ Disaster animals ~~(1) Class #1 Event—A disaster animal brought in to an~~
68 ~~animal shelter shall be kept by the animal shelter for at least~~ for at least 30 days-

69
70 ~~(2) Class #2 Event—A disaster animal brought to an animal shelter shall be kept for 90~~
71 ~~days after the posting of a photograph and tracking information about the disaster animal~~
72 ~~sufficient to give notice to an owner on an approved website., and up to six months if required~~
73 ~~by the State Veterinarian. The holding period for the animal shelter shall be six months if~~
74 ~~posting on an approved website does not occur. This requirement for posting a photograph and~~
75 ~~tracking information on an approved website may be modified or eliminated as determined by~~
76 ~~the State Veterinarian or as otherwise determined by the State Veterinarian.~~

77
78 (c) During the holding period, the animal shelter is fully authorized to provide or arrange for
79 necessary veterinary health services that are in the best interests of the disaster animal as may be
80 determined by a veterinarian. Disaster animals that exhibit ownership by the presence of a tag or

REVISED 103A

81 identification chip or ~~was~~ were removed from a private residence, including fenced adjacent
82 land, may not be spayed or neutered without the written permission of the owner unless it is
83 medically necessary as may be determined by a veterinarian.

84
85 ...

86
87 (f) If an animal shelter becomes inoperative because of a ~~Class #1 Event or Class #2 Event~~
88 Major Disaster, then all the companion animals removed from the animal shelter shall be treated
89 as disaster animals by whoever takes control of the companion animals. However, if, unless
90 records that accompany these shelter animals demonstrate that it was lawfully permissible to
91 transfer title to the shelter animals before a ~~Class #1 Event or Class #2 Event~~ the Major
92 Disaster, ~~If these records are available those, then the~~ shelter animals would not be treated as
93 disaster animals.

94
95 (g) If the owner of a disaster animal has contacted the animal shelter responsible for the disaster
96 animal before the end of the holding period to reclaim the disaster animal, but the animal shelter
97 ~~or other possessor of the disaster animal~~ refuses to return the disaster animal, then any transfer of
98 title agreement by the shelter to a new owner is voidable by court order.

99
...

(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)