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**From:** shelly <shellyhipson@eastlink.ca>  
**Sent:** April-30-13 12:32 PM  
**To:** Office  
**Cc:** Ross Landry; Clarrie MacKinnon; Howard Epstein; Leonard Preyra; Kent, Becky J; Manning MacDonald; Michel Samson; Keith Bain  
**Subject:** Animal Protection Act "Transporting Dogs"

**Dear Law Amendments Committee,**

**To address the Honourable Christopher d'Entremont's comment yesterday in regards to dogs on the back of trucks, the following is from New Brunswick's legislation that Nova Scotia could include or adopt:**

[http://cfhs.ca/law/provincial\\_legislation/](http://cfhs.ca/law/provincial_legislation/) (copies of provincial legislation here)

**20(1)**No person shall transport a dog on a public road outside the passenger compartment of a vehicle in any space intended to carry a load unless

(a)the space is enclosed or has side and tail racks to a height of 1.17 metres (forty-six inches) extending vertically from the floor, or

(b)the dog is protected by

(i)a secured cage, or

(ii)a prescribed animal restraint device.

**20(2)**A person who violates or fails to comply with subsection (1) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category C offence.  
1997, c.27, s.5.

**New Brunswick also has the following in their Act in regards to hitting a companion animal with a vehicle which we would like to see included:**

**21(1)**A person operating a motor vehicle that strikes and injures a domestic animal shall stop and use reasonable diligence to notify the owner, a peace officer or an animal protection officer and take such other reasonable and appropriate action so that the animal may receive proper care.

21(2)A person who violates or fails to comply with subsection (1) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category C offence.

1997, c.27, s.5.

**From:** shelly

**Sent:** Tuesday, April 30, 2013 10:25 AM

**To:** legc.office@gov.ns.ca

**Cc:** Ross Landry ; Clarrie MacKinnon ; Howard Epstein ; Leonard Preyra ; Becky Kent ; Manning MacDonald ; Michel Samson ; Keith Bain

**Subject:** Animal Protection Act "First Strike You're Out

Dear Law Amendments Committee,

Enclosed is a document called "First Strike You're Out," developed by the Animal Legal Defense Fund which was recommended to us by Dalhousie's Law Department.

It is a law to address people who have been convicted of animal abuse, cruelty, neglect and hoarders of animals.

We would like for the committee to consider incorporating this law into the Animal Protection Act.

Warmest regards,

Shelly Hipson  
People for Dogs



Keep offenders away from potential  
new animal victims!

## A Proposal for Mandatory Bans on Contact with Animals Following a Conviction for Animal Neglect or Cruelty

<http://aldf.org/article.php?id=951>

Currently, most provinces have no mandatory requirements keeping those who are convicted of animal abuse crimes away from animals following their convictions. This despite the fact that offenders have demonstrated, through their actions, their utter disregard for the welfare of animals, and that **recidivism in some types of animal abuse cases can reach 100%.**

**SIGN THE PETITION!**

**We would like to propose that the government enact a "First Strike and You're Out" law in Nova Scotia which will help in the fight against animal neglect and cruelty by keeping offenders away from potential new animal victims.**

Our aim is to help stem the high rate of recidivism often associated with animal abuse, neglect and hoarding. This proposal will also help reduce the huge economic toll which repeat offenders impose on their communities – hoarding cases in particular are very costly, often requiring the cooperation of several local agencies.

### **First Strike and You're Out Law Highlights**

- Separates offenders from potential new victims
- Will help to reduce future crimes against animals and save limited community resources
- Those who have been convicted of animal neglect or cruelty have demonstrated, through their actions, their irresponsibility with animals. This justifies having a set period of time where they are not allowed contact with them.
- Addresses high recidivism rates (near 100%) for certain offenders (i.e. animal hoarders)

**Animal Advocates** are asking us to support a "First Strike and You're Out" law for those who are convicted of animal neglect or cruelty.

**THE ANIMAL LEGAL DEFENCE FUND (ALDF) PROVIDES THIS EXAMPLE:** (Dalhousie Law Department suggested this organization) \*Terminology would need to be modified for Nova Scotia)

### **CONTACT WITH ANIMALS BY OFFENDER PROHIBITED**

1. In addition to any other penalty imposed by law, a person convicted of a misdemeanour violation of the [*animal protection statutes*], shall not own, possess, reside with, have custody of, or contact with any animal for a period of five years on a first offense; and for a period of fifteen years on a second or subsequent offense.

2. In addition to any other penalty imposed by law, a person convicted of a felony violation of the [*animal protection statutes*], shall not own, possess, reside with, have custody of, or contact with any animal for a period of fifteen years on a first offense; and for the lifetime of the offender on a second offense.

3. A violation of this section is a [Class \_\_ *misdemeanour*] punishable by a fine not exceeding \$5,000 and forfeiture of the offender's interest in the animal.

**According to the Code of Practice for Canadian Kennel Operations, prepared by the Canadian Veterinary Medical Association (CVMA)**

- Tethering of dogs (i.e., chains or ropes used to tie the animal to an immovable object such as a stake or building) as a primary method of confinement is not acceptable.
- Dogs are pack animals and require social interaction with their own species and with people. They do not do well in isolation.
- Unsocialized dogs are fearful of people, may become fear-biters
- "Enrichments" should be supplied to dogs to provide an environment that will enhance the dogs' well-being and permit them to live in many social environments in a compatible manner.
- In today's society, there is a greater concern than ever before about the humane treatment and welfare of dogs kept for any purpose.
- Lack of humane care seriously impairs the health and well-being of the dog, making it susceptible to disease, as well as behavioural problems and anxiety disorders.
- "Humane care" is an all-inclusive term and does not simply embody the principle that one does not cause pain to an animal deliberately. Instead, one must strive to ensure that all avoidable pain, distress, discomfort and factors causing anxiety and suffering are eliminated from the conditions under which dogs are housed, bred and raised.
- Each dog is completely dependent on the individuals who provide daily care.
- Dog owners are legally and morally responsible not only for the well-being of their dogs, but also toward others in society who may be affected by the animal's behaviour.
- It is important for dog owners to realize that dog bites constitute one of the most serious epidemics in North America, causing hundreds of thousands of serious injuries to children and adults annually in Canada. Chained dogs are 2.8 more likely to bite, and statistics show that they usually attack, injure and have killed children.

**The CVMA states that those who have accepted responsibility for any dog(s), regardless of their area of involvement, must provide:**

1) comfort, shelter and security; 2) readily accessible fresh water and a diet capable of maintaining the dog(s) in full health and vigour; 3) freedom of movement; 4) the company of other animals, which includes the human who is often the only contact that the dog(s) might have with other living creatures; 5) the opportunity to exercise most, if not all, of their normal patterns of behaviour; 6) an environment and housing that neither harms the animal nor causes any undue strain or stress; 7) the ability to recognize and prevent abnormal behavioural patterns, injury, and parasitic infections and disease, including rapid diagnosis and treatment when indicated; and 8) appropriate health care.

WHEREAS, outdoor tethering of dogs can be cruel to the dogs, especially during inclement or severe weather conditions, and

WHEREAS, outdoor tethering of dogs threaten the welfare of those dogs through inadvertent choking, strangulation, or ensnaring of the dogs, and

WHEREAS, outdoor tethering of dogs can cause them to become aggressive or otherwise mal-adjusted and anti-social, increasing the risk of attacks on people or other animals, and thereby threatening the public health, safety and welfare, and

WHEREAS, outdoor tethering of dogs can make them easy targets for attacks by other animals, harassment from humans, and biting and stinging from insects, and

WHEREAS, outdoor tethering of dogs can cause unsanitary living conditions in a confined area from feces, urine and food waste

**We, The Nova Scotia government support the following legislative changes the Animal Protection Act.**

**No person shall tether a dog:**

**a. When the outside temperature is equal to or greater than twenty-five (25) degrees Celsius or equal to or less than zero (0) degrees Celsius. Dogs such as huskies, will be able to apply to the NS SPCA for an "extension licences" so that they can be kept outside in colder weather and for extended periods.**

**b. In such a manner as to cause injury, strangulation or entanglement of the dog on fences, trees, or other man-made or natural obstacles.**

**c. After 10 pm and before 6 am or in compliance with the noise by-law or municipal quiet hours where the dog lives.**

**d. Within 500 feet of a school or 100 feet of a bus stop.**

**e. That is under six months of age.**

**f. That is sick, injured or senior.**

**g. That is an unspayed female or unneutered male.**

**These laws will be a starting point to aid the NS SPCA to relieve the stress the permanent tethering of dogs in Nova Scotia.**

\_\_\_\_\_

Date: \_\_\_\_\_



## E. ANIMAL FIGHTING

1. No person shall cause, sponsor, arrange, hold, or encourage any animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain.

2. For purposes of this section, a person encourages an animal to fight, menace or injure another animal for the purpose of sport, amusement, or pecuniary gain, if the person:

- a. Is knowingly present at or wagers on such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain; -
- b. Owns, trains, transports, possesses, breeds, or equips an animal with the intent that such animal will be engaged in such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain;
- c. Knowingly allows any such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain to occur on any property owned or controlled by the person;
- d. Knowingly allows any animal used for such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by the person;
- e. Knowingly uses any means of communication for the purpose of promoting such an occurrence of fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain; or
- f. Knowingly possesses any animal used for fighting, menacing or injuring for the purpose of sport, amusement, or pecuniary gain; or any device intended to enhance the animal's fighting, menacing or injuring ability for the purpose of sport, amusement, or pecuniary gain.

3. Each act or omission in violation of subsection (1) shall constitute a separate offense.

4. ANIMAL FIGHTING is a [Class \_\_\_felony].

5. Notwithstanding subsection (4) of this section, ANIMAL FIGHTING is a [Class \_\_\_felony] if:

- a. The person committing the offense has previously been convicted of ANIMAL FIGHTING in this province or the equivalent laws of another jurisdiction, or one or more of the following offenses:
  - i. Any [*animal protection statute*] offense of this state or the equivalent laws of another jurisdiction; or
  - ii. Any [*domestic violence B spouse, child, elder*] offense of this province or the equivalent laws of another jurisdiction; or
  - iii. The person knowingly commits the offense of ANIMAL FIGHTING in the immediate presence of a minor child. For purposes of this paragraph, a minor child is in the immediate presence of the offense if the offense is seen or directly perceived in any other manner by the minor child.

## **V. POST-CONVICTION PROVISIONS**

[http://aldf.org/downloads/ALDF\\_Model\\_Laws\\_v15\\_0.pdf](http://aldf.org/downloads/ALDF_Model_Laws_v15_0.pdf)

### **A. COMMUNITY SERVICE**

In addition to any other sentence it may impose, a court may order the defendant to participate in community service. If the court does order community service participation, no such participation shall occur at any humane society, animal shelter or other facility where an animal is present.

### **B. EVALUATION & TREATMENT**

1. In addition to any other sentence it may impose, a court shall order the defendant to undergo a psychiatric, psychological or mental health evaluation, and if warranted by the condition of the defendant, shall order the defendant to undergo appropriate care or treatment.

2. All costs of the evaluation, care and treatment shall be borne by the defendant.

### **C. FORFEITURE**

In addition to any other sentence it may impose, a court shall require a defendant convicted under [*any animal protection statute*] to forfeit all legal interest of the defendant in the animal subjected to the violation. The court shall award all such interest to the animal to a humane society, animal shelter or other organization that has as its principal purpose the humane treatment of animals.

### **D. OFFENDER REGISTRATION & COMMUNITY NOTIFICATION**

1. For purposes of this section, an "animal abuser" means a person over eighteen years of age who has been convicted of a felony violation of [*any animal protection statute*] of this state or of the comparable statutes of another state.

2. Any animal abuser physically within the boundaries of this state for more than ten consecutive days shall register with the county sheriff for the county in which the animal abuser is located before the end of the eleventh day in the state.

3. Any previously-registered animal abuser shall reregister with the county sheriff for the county in which the animal abuser is located no later than ten days after moving to a new location within the state.

4. When an animal abuser registers with the county sheriff, the animal abuser shall provide the following registration information:

a. The legal name and any other names or aliases that the animal abuser is using or has used;

b. The date of birth of the animal abuser;

c. The social security number of the animal abuser;

d. The current address or location of the animal abuser;

e. The place of employment of the animal abuser;

f. The animal protection offense for which the animal abuser was convicted; and

g. The date and place of the animal protection offense conviction of the animal abuser.

5. When an animal abuser registers with a county sheriff, the sheriff shall

obtain:

- a. A photograph of the animal abuser and a complete set of the animal abuser's fingerprints; and
  - b. A description of any tattoos, scars or other distinguishing features on the animal abuser's body that would assist in identifying the animal abuser.
6. Following an animal abuser's initial registration pursuant to the provisions of this section, an animal abuser shall annually renew the animal abuser's registration with the county sheriff prior to December 31 of each subsequent calendar year for a period of fifteen years.

An animal abuser who intentionally or knowingly fails to comply with the registration requirements, or provides false information when complying with the registration requirements set forth in this section, is guilty of a [Class \_\_\_felony].

8. Each county sheriff shall maintain a local registry of animal abusers in the sheriff's jurisdiction required to register pursuant to this section.
- a. The county sheriff shall forward all registration information obtained from animal abusers to the [State Department of Justice].
  - b. Within ten days of receiving initial registration information from an animal abuser, the county sheriff shall contact every residence, school, humane society, animal shelter and any other business within a half-mile radius of the animal abuser's residence or location and provide them with the animal abuser's registration information, with the exception of the animal abuser's social security number.
9. The [State Department of Justice] shall maintain a central registry of animal abusers required to register pursuant to the provisions of this section. The central registry of animal abusers shall be made available to the public through internet access, telephone access, written access and in-person access. All of the information contained in an animal abuser's registration, with the exception of the animal abuser's social security number, shall be made available. Records of each animal abuser's registration shall be maintained for the duration of the fifteen year period in which the animal abuser is required to be registered.

#### **E. CONTACT WITH ANIMALS**

1. In addition to any other penalty imposed by law, a person convicted of a misdemeanor violation of the [animal protection statutes], shall not own, possess, reside with, have custody of, or contact with any animal for a period of five years on a first offense; and for a period of fifteen years on a second or subsequent offense.
2. In addition to any other penalty imposed by law, a person convicted of a felony violation of the [animal protection statutes], shall not own, possess, reside with, have custody of, or contact with any animal for a period of fifteen years on a first offense; and for the lifetime of the offender on a second offense.
3. An violation of this section is a [Class \_\_\_misdemeanor] punishable by a



fine not exceeding \$5,000 and forfeiture of the offender's interest in the animal.

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**From:** shelly <shellyhipson@eastlink.ca>  
**Sent:** April-30-13 4:50 PM  
**To:** Office  
**Subject:** Re: Animal Protection Act "Euthanasia Procedures"  
**Attachments:** EUTHANASIA PROCEDURES April 30, 2013.doc

Dear Law Amendments Committee,

<http://www.cbc.ca/news/canada/new-brunswick/story/2009/02/03/nb-dogs-barton.html>

In 2009, a Minto man in NB was acquitted of animal cruelty charges in connection with the deaths of five Pomeranian puppies.

Keith Barton killed the dogs with a hammer in April 2008 when SPCA officers went to his kennel to seize his 13 dogs.

Judge Patricia Cumming found Barton not guilty of cruelty in killing his five dogs but she did, however, find him guilty of injuring a dog. (he didn't hit it hard enough with the hammer to kill the pup.)

We are forwarding "Euthanasia Procedures" for you to consider in regards to the Animal Protection Act.

Warmest regards,

Shelly Hipson

People for Dogs

## EUTHANASIA PROCEDURES

<http://aldf.org/article.php?id=262>

1. Unless otherwise authorized by law, sodium pentobarbital and such other agents as may be specifically approved by the rules of the board of veterinary medicine shall be the only methods used for euthanasia of an animal. A lethal solution shall be used in the following order of preference:
  - a. Intravenous injection by hypodermic needle;
  - b. Intraperitoneal injection by hypodermic needle;
  - c. Intracardial injection by hypodermic needle, but only if performed on heavily sedated, anesthetized or comatose animals; or
  - d. Solution or powder added to food.
2. An animal may be tranquilized with an approved and humane substance before euthanasia is performed.
3. Succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium or potassium or any substance which acts as a neuromuscular blocking agent, or any chamber which causes a change in body oxygen may not be used on any animal for the purpose of euthanasia.
4. Euthanasia shall be performed only by a licensed veterinarian, veterinarian medical technician or an employee or agent of a public or private agency, animal shelter or other animal care facility, provided that the veterinarian medical technician, employee or agent has successfully completed a euthanasia-technician certification course. The curriculum for such course must be approved by the board of veterinary medical examiners and must include, at a minimum, knowledge of animal anatomy, behavior and physiology; animal restraint and handling as it pertains to euthanasia; the pharmacology, proper dosages, administration techniques of euthanasia solution, verification of death techniques, laws regulating the storage, security and accountability of euthanasia solutions; euthanasia technician stress management and the proper disposal of euthanized animals.
5. An animal may not be left unattended between the time euthanasia procedures are first begun and the time that death occurs, nor may its body be disposed of until a qualified person confirms death.
6. Notwithstanding the provisions of this section or any other law to the contrary, whenever an emergency situation exists which requires the immediate euthanasia of an injured, dangerous or severely diseased animal, a peace officer, veterinarian, special humane agent, or the designee of such, may humanely destroy the animal.
7. Any violation of this act is a [Class \_\_ misdemeanor].
8. Each act or omission in violation of this act shall constitute a separate offense.