

Title 9 Guam Administrative Rules Article 1 Chapter 3 DRAFT AMMENDMENTS:

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3104 is *reordered and amended* to read:

§ 3104. Definitions

(a) 'Animal' means any live non-human vertebrate creature, domestic or wild.

~~(m)(b)~~ ~~'Pet Pound'~~ 'Animal Shelter' means the place where any animal apprehended by the Pet Control Unit is impounded.

(c) 'Community Animal' is a dog or cat who consistently visits one or more residences or establishments, and so, has built a relationship with parties at consistently visited location(s). A community animal may consistently receive food, water, temporary shelter, or veterinary medical care from parties at these locations. The animal is not confined to one specific location, but rather has personal autonomy and may travel between multiple locations during a day, week, or month. A community animal may be considered collectively cared for by parties at one or multiple locations, but is not owned by any of the visited parties because the parties do not control the animal. A community animal is considered a stray animal but is not a feral animal.

(d) 'Control' occurs when a party prevents an animal from leaving the party's property, shelter, body, or supervision for three (3) or more consecutive days.

~~(b)(e)~~ 'Department' means the Department of Agriculture

~~(e)(f)~~ 'Director' means the Director of the Department of Agriculture

~~(d)(g)~~ 'Division' means the Division of ~~[-]~~ Animal Health, Department of Agriculture

~~(e)(h)~~ 'Euthanasia' means the act by which a licensed veterinarian or certified euthanasia technician puts ~~putting~~ an animal to death by administering drugs in a manner provided by regulations of the Department.

(i) 'Feral Animal' is a dog or cat that has been living as a wild animal, with minimal to no direct human contact.

~~(f) 'Harbor' means providing a place of refuge, safety, retreat, food, shelter or protection for pets. A pet is deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more on the same property.~~

~~(g)(i)~~ 'Impoundment' means an animal's strict confinement under restraint by a tether, leash cage or padlock upon premises specified by the Director.

~~(h)(k)~~ 'Officer' means an Animal Control Officer from the Department, ~~a~~ a member of the Guam Police Department, a Mayor of Guam or a person authorized by the Director.

~~(i)(l)~~ 'Person' means any ~~natural person~~ neutral individual, association, partnership, firm, corporation or any government entity.

~~(j)(m)~~ 'Pet' means a cat or dog

~~(k)~~ (n) 'Pet Control Unit' means the unit of the Department which is responsible for providing and carrying out a territory wide plan to collect and place under observation biting pets, reduce the number of pets running at large and, ~~upon request, collect and dispose of~~

humanely transport any sick, aged, injured or unwanted small animal pets to the Animal Shelter.

~~(h)~~(o) 'Pet owner' means any person or legal entity who ~~harbors,~~ cares for, exercises control over or knowingly permits any pet to remain on premises occupied by that person or legal entity. Exceptions: Persons involved in the instances listed below will not be considered legal owners of the animals in question.

(1) Any person that controls an animal to execute a trap-neuter-vaccinate-return (TNVR) program.

(2) Any person that performs the actions listed in provision (c) for a community animal(s).

~~(g)~~(p) 'Running at large' means any dog that:

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

~~(2)~~ when on public property, or any public area, is not restrained by a leash, tether or other ~~physical control device that prevents the dog's free movement beyond not to exceed eight (8) feet away from their owner/handler in length and under the physical control of a capable person.~~

~~(e)~~ 'Small animals' mean any animal, ~~whether domestic or wild weighing less than fifty (50) pounds. Such animals include, but are not limited, to dogs, cats, rabbits, chickens, goats, ducks and other fowl.~~

~~(f)~~ (q) 'Sterilization' means the surgical operation on a pet to remove the reproductive organs, commonly called spaying for female pets and neutering for male pets.

(r) 'Stray Animal' is an owned or unowned dog or cat that is roaming or lost. Stray animals include running-at-large, community and feral animals.

(s) 'TNVR program' means a trap-neuter-vaccinate-return program that humanely manages the population of stray or feral animals through trapping, spaying or neutering, vaccinating for rabies, and returning to the animals their original habitat.

~~(g)~~(t) 'Unlicensed pet' means any pet who is not exempted under the provisions of Article 1, Chapter 34 of Title 10 Guam Code Annotated, for which the license for the current year has not been issued or to which the license tag is not attached.

Title 9 Guam Administrative Rules Article 1 Chapter 3 §3105 is *amended* to read:

§ 3105. Pet License Required.

It shall be unlawful for a person to own a pet unless ~~it is~~ they are currently licensed and implanted with a pet identifier microchip wearing a license tag as prescribed in Section 34102, Chapter 34 of Title 10, Guam Code Annotated. This practice does not apply to pets who are younger less than three (3) months old, and pets who are under quarantine, and ~~pets brought into Guam for a temporary term not to exceed one (1) month for the purpose of entering such pets in a show or exhibition.~~

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3106 (b), (c), (e), and (f) are amended to read:

§ 3106. Pet License and Fees

- (a) Each pet shall be licensed by its owner or an authorized representative of the owner.
- (b) The license year shall be from ~~January first to December thirty-first~~ the date of application for pet license to exactly one (1) year following, or to the date the rabies vaccination expires, whichever date comes first. Renewal of a license shall be within ninety (90) days ~~before December thirty-first of the expiration date indicated on the pet license.~~
- (c) Imported pets ~~coming from rabies free areas, government owned pets or guide dogs for the blind or hearing aid dogs~~ shall obtain a pet the license ~~within thirty (30) days upon arrival into Guam~~ in conjunction with their pet entry permit.
- (d) Pets exempted under § 3105 shall be licensed by the owner when such exemption expires.
- (e) The Director shall set the annual license fee for pets on the basis of operating costs related to the issuance of licenses. Until changed by the Director and issuance of a public notice, the annual license fee shall be Five Dollars (\$5.00). Payment of the fee may be made at the Department or any other place authorized by the Director, and shall be made payable to the Treasurer of Guam. The fee shall be paid in full for any fraction of the year for which the license is issued.
- (f) A penalty of One Dollar (\$1.00) per month shall be assessed for late renewal of a license. The penalty shall be in addition to the license fee and shall be paid in full at the time of issuance.
- (g) The pet license is not transferrable to another pet. The license number shall be assigned to one pet and shall remain with that pet upon transfer to another owner for the entire life of the license.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3107 remains unchanged and reads:

§3107. Application for License.

Before a pet license is issued to the pet owner, the pet owner shall fill out an application for a license containing the following information in addition to the requirements stipulated in § 3109:

- (a) The name and address (street address and mailing address) of the pet owner;
- (b) The date of application;
- (c) A description of the pet for which the license is issued including its sterilization status (whether spayed or neutered), its breed, age, color and sex;
- (d) The date of the rabies vaccination, vaccine expiration date, the type of vaccine used, the manufacturer's name and the serial number of the vaccine lot used; and
- (e) Other information, such as phone or facsimile numbers, etc. as required by the Director.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3108 remains unchanged and reads:

§ 3108. Exemption from Payment of License Fee.

Guide dogs for the blind and hearing-aid dogs to assist the deaf are exempted from payment of the license fee but are still required to obtain the license.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3109 (d) and (e)(2) are *amended* to read:

§3109. Requirements of Rabies Vaccination Prior to Licensing.

A pet license shall be issued only upon presentation of a valid rabies certificate and a rabies tag. The agency copy of the Rabies Vaccination Certificate providing immunity during the period of licensure and duly signed by a licensed veterinarian shall be submitted to the Division. Procedures for immunization shall be as follows:

- (a) All rabies vaccines shall be administered by or under the direct supervision of a licensed veterinarian.
- (b) Vaccines with a three (3) year duration of immunity shall be administered if available. This constitutes the most effective method of increasing the proportion of immunized pets in any population.
- (c) All vaccines must be administered in accordance with the instructions on the product label or package insert, and if given intramuscularly, at one site in the thigh.
- (d) All licensed veterinarians shall adopt the National Association of State Public Health Veterinarians, Inc (NASPHV) standard tag system. ~~Pet license tags shall be distinguishable in shape and color from rabies tags.~~ Anodized aluminium rabies tags shall be no less than 0.064 inches in thickness.
- (e) Rabies ~~V~~vaccination certificates shall be as follows:
 - (1) All licensed veterinarians shall use the NASPHV form #50 or #51, "Rabies Vaccination Certificate," which may be obtained from vaccine manufacturers. Computer generated forms containing the same information are acceptable.
 - (2) When a vaccination is renewed ~~the third~~ a signed copy of the certificate shall be submitted by the pet owner to the Division.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3110 remains unchanged and reads:

§3110. Issuance and Description of the License

Upon compliance with the requirements of § 3109 and receipt of the license fee, the Department shall issue to the pet owner a license stating the information required under § 3107 above except for (d), and shall also include the following:

- (a) The date and payment of a license fee;
- (b) The expiration date of the license;
- (c) The serial number of the license tag issued for the pet;
- (d) The rabies tag number, issue and expiry dates.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3111 Description and Attachment of the Pet License Tag and §3112 Lost License Tags are *removed*

~~**§ 3111. Description and Attachment of the Pet License Tag.**~~

- ~~(a) The form and design of the license tag shall be determined by the Department and the serial number of the tag and the year of the license shall be inscribed on the tag.~~

- ~~(b) The form and design of the tag shall be determined annually by the Department in conjunction with the NASPHV.~~
- ~~(c) The tag shall be attached to a collar around the neck of, or to a harness worn by the pet for which the license tag was issued.~~
- ~~(d) Pets will be exempted from wearing the license tag when they are displayed in an exhibition or pet show; when the pet is being kept in an approved kennel or veterinary hospital; or when the pet is being trained provided that in each of these cases, the person in charge of the pet shall have in his possession the license tag and shall display such tag when requested by an officer.~~
- ~~(e) It shall be unlawful for any person to remove any tag from any pet not owned by him or under his control, or to affix to any pet any license tag not issued as required herein or to make or have in his possession or to place on any pet any counterfeit or imitation of any license tag required herein.~~

~~§ 3112. Lost License Tags.~~

~~———— If any license tag is lost, mutilated or stolen, the pet owner to whom such tag was issued shall be entitled to receive a replacement by presenting to the Department the original license certificate and a notarized affidavit stating that such tag was lost, mutilated or stolen. Upon determination that the required information is legitimate, a substitute tag shall be issued upon payment of a fee equal to one half (1/2) the annual license fee.~~

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3113 is *amended* to read:

§ 3113. Seizure of Unlicensed Pets. An Officer is authorized to seize any unlicensed pet, as defined above in § 3104(n), found running at large or found upon any public property or any private property, including the pet owner's, whether in the immediate presence of the owner or otherwise, and confine it in the Pet Pound Animal Shelter in accordance with part 4 of Article 1 of these rules and regulations.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3118 is *amended* to read:

§ 3118. Vicious Pet. Any pet which, while running at large has bitten a person or persons two (2) or more times, is considered a vicious pet and shall be ordered confined at the Pet Pound Animal Shelter. The pet shall be observed for ten (10) days for possible signs of rabies, ~~and~~. At the end of the observation period, the pet may be returned to the pet owner, or adopted after payment of applicable charges; or humanely disposed of euthanized by the Pet Control Unit a certified Euthanasia Technician. The decision to humanely ~~dispose of~~ euthanize the pet shall be based upon whether conditions of treatment or confinement of the pet or other circumstances existing at the time of the bites have not changed so as to remove the danger to other persons. The pet owner may voluntarily request the pet to be humanely ~~disposed of~~ euthanized.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3120 is repealed by PL-35-144, in conjunction with repealing Title 10 Guam Code Annotated §§34112 and 34120

~~**§ 3120. Special Methods of Apprehending and Controlling Pets Running at Large.**~~

~~When the Director shall determine that the use of poison baits, tranquilizer guns, or any other methods are necessary beyond the regular methods of using snare and traps to reduce the number of pets running at large, the following guidelines shall be observed:~~

- ~~(a) Poison baits may be placed on private property only upon the written consent of the owner or tenant of such property;~~
- ~~(b) Poison baits may, after public announcement, be placed on public lands within a municipality only with the written consent of the mayor or that municipality or without the mayor's written consent during a public health emergency due to rabies;~~
- ~~(c) Handling of poison baits shall be done only by an authorized person of the Department;~~
- ~~(d) Only poison baits approved by GEPA and the Food and Drug Administration: shall be used for this purpose;~~
- ~~(e) Tranquilizer guys shall be used only by an authorized person of the Department;~~
- ~~(f) Any other method which the Director deems reasonably necessary under the circumstances shall only be carried out by trained personnel authorized by the Department.~~

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3121 is *amended* to read:

§3121. Licensed Stray ~~Dog~~Pet.

- (a) Any dog pet that is licensed and microchipped ~~whether wearing a license tag in accordance with §3111, or not~~ and found to be running at large, is subject to being apprehended by an officer and impounded at the Pet Pound Animal Shelter.
- (b) Every reasonable effort shall be made to notify the the owner, whose name is as shown on the license indicated on the microchip registration, of any licensed dog pet that has been impounded shall be notified of such impoundment and the dog. ~~If the pet is not claimed within ten (10) five (5) days after the notification impoundment, the pet may be given presented for adoption in accordance with §3126, or the dog may be humanely disposed of euthanized.~~
- (c) The notice in (b) ~~immediately above~~ shall be delivered ~~personally~~ to the pet's owner or left at his place of residence on Guam via phone call, email or sent by regular mail delivered to his the owner's last known address as indicated by the microchip registration. ~~The owner may also be informed by phone or facsimile at the number(s) as shown on the license.~~
- (d) The owner of any licensed dog pet impounded at the Pet Pound Animal Shelter may redeem the dog pet within ~~ten (10) five (5) days after notification impoundment,~~ upon payment of the impoundment fee and any applicable penalties.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3122 is *amended* to read:

§3122. Unlicensed Pet.

- (a) Any pet who is older than over three (3) months, and who old that is not currently licensed or is not wearing a license tag in accordance with §3111 not implanted with a microchip may be subject to apprehension by an officer, sterilized and released as part of a Department sanctioned TNVR program or impounded at the Pet Pound Animal Shelter.
- (b) Any unlicensed pet that is impounded at the Pet Pound Animal Shelter shall be kept for ~~three (3) days~~ twenty-four (24) hours. The owner may claim the pet after they present and may be claimed by the owner upon presentation of reasonable proof of ownership of the pet, obtain a pet and after obtaining a license, obtain a microchip for the pet, and payment the pet's of the impoundment fee and any other applicable penalties.

- (c) At the end of ~~three (3) days~~ twenty-four (24) hours of impoundment an unlicensed pet who is not claimed shall either be given up ~~presented~~ for adoption in accordance with § 3116 or ~~humanely destroyed~~ euthanized.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3123 is amended to read:

§3123. Biting Pet.

The following requirements shall be observed for the impoundment of biting pets:

- (a) Every reasonable effort shall be made to apprehend and impound a pet, whether owned or not, that has bitten a person or animal. The owner of a pet that bites a person or animal, or the person bitten by the pet shall report such biting incident to the ~~Pet Pound~~ Department within twenty-four (24) hours of the incident.
- (b) The biting pet shall be observed for ten (10) days immediately following the incident to observe the pet for evidence and the apprehension for possible signs of rabies.
- (c) Impoundment may be done in the home of the pet owner if the pet has been vaccinated against rabies or is younger ~~less than~~ three (3) months old.
- (d) Impoundment shall be done at the ~~Pet Pound Animal Shelter~~ if the pet is older ~~more than~~ three (3) months old and was not vaccinated before the biting incident ~~does not have a current rabies vaccination or the age and the vaccination status is unknown~~.
- (e) A person who has custody of a biting pet showing any signs or symptoms of rabies shall immediately notify the ~~Pet Pound Department~~. Such pet shall be impounded immediately at the ~~Pet Pound Animal Shelter~~. Signs or symptoms that the pet is rabid may include multiple unprovoked attacks, frenzy, foaming at the mouth or paralysis.
- (f) If a pet under home impoundment dies during the observation period the owner shall immediately notify the Department and make arrangements for decapitation in the presence of an officer. The head shall immediately be taken to the Department for ~~necropsy testing~~ at an approved laboratory.
- (g) For other domestic animals like pigs, horses or cows which have been involved in a biting incident, impoundment shall be done at the home of its owner.
- ~~(h)~~ If a wild animal capable of being a rabies carrier is involved in a biting incident, the animal shall be apprehended, and immediately euthanized, subsequently decapitated, to test the animal's brain for rabies. ~~and a necropsy of the brain conducted~~.
- (i) A biting pet may be declared to be vicious in accordance with § 3118.
- (j) At the end of the observation period, the pet owner may reclaim a biting pet if the pet shows no symptoms of rabies and after payment of the impoundment fee and compliance with all license requirements of Part 2 of Article 1 of these rules and regulations if the pet is unlicensed.
- (k) The pet owner may voluntarily choose to ~~give up his~~ surrender their rights of the ownership of a biting pet.
- (l) In general, a biting pet cannot be ~~put up~~ presented for adoption if the pet's biting incident was unprovoked.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3124 (a) is amended to read:

§ 3124. Unwanted Pet

- (a) A pet owner who voluntarily ~~turns his pet over~~ surrenders their pet to the ~~Pet Pound Animal Shelter~~ is required to sign a form relinquishing his their rights to the pet before ~~he turns they~~ surrender the pet ~~over~~ to the ~~Pet Pound Animal Shelter~~.

- (b) The pet will either be humanely disposed of or euthanized, or put up presented for adoption in accordance with §3126.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3125 is amended to read:

§ 3125. Other Pets

Any pet may be impounded and held at the Pet Pound-Animal Shelter when it requires protective custody and care because of mistreatment or neglect by its owner, or when otherwise ordered impounded by the court.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3126 is amended to read:

§ 3126. Disposition of Diseased, Injured or Dangerous ~~or Unadoptable~~ Pets.

All pets turned over to the Pet Pound-Animal Shelter which by reason of age, ~~or disease,~~ injury or ~~other cause are unlikely to be adopted~~ or are dangerous to keep impounded need not go through any impoundment period and may be humanely ~~destroyed~~ euthanized as soon as possible. This Section shall not apply to biting pets under the post bite observation period.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3127 is amended to read:

§3127. Adoption of Impounded Pets.

- (a) The Department shall not release a pet for adoption without taking reasonable measures to place the animal in a safe and humane environment. Such measures shall include that:

(6) All pets ~~over the age of six (6)~~ shall be sterilized before being released to the new owner(s). Any expense incurred for such operations or vaccinations shall be included with ~~the costs of care and keep and borne by the new owner(s)~~ the adoption fee.

(7) ~~All pets below the age of six (6) months shall not be released to the adopter unless a written agreement signed by the adopter guaranteeing that such pets will be sterilized prior to the pets reaching the age of six (6) months.~~

(8) ~~A minimum sterilization guaranty deposit shall be paid by the adopter for the following pets under six (6) months of age:~~

~~———— (A) \$75.00 — male puppy~~

~~———— (B) \$125.00 — female puppy~~

~~———— (C) \$50.00 — male kitten~~

~~———— (D) \$60.00 — female kitten~~

(9) ~~The impoundment fees, regardless of the age of the pet, shall be paid by the adopter.~~

(10) ~~The payment of the sterilization guaranty deposit may be waived under the following conditions:~~

~~(A) The pet to be adopted is ready to be sterilized and the pet has a confirmed appointment for sterilization with a licensed veterinarian, and;~~

~~(B) The pet will only be released to the adopter after the pet has been sterilized~~

~~(b) For pets below six (6) months of age at the time of adoption, failure to perform the sterilization within thirty (30) days after the scheduled date of sterilization as indicated in the adoption agreement shall result in forfeiture of the sterilization deposit and the pet shall be confiscated and returned to the Pet Pound.~~

~~(e)~~(b) The Department may delegate pet adoption activities to a non-profit organization or society formed for the humane treatment of animals. If the Department so delegates, the private non-profit organization shall run the adoption activities in accordance with the provisions of these rules and regulations and the policies, procedures and directives of the Department.

~~(d)~~(c) A person who has been convicted of inhumane treatment of animals shall not be qualified to adopt a pet.

Title 9 Guam Administrative Rules Article 1 Chapter 3 § 3129(e) is *amended* to read:

§ 3129. Seizure of Pets

(e) When home impoundment of a biting pet is not practical or the owner wants the pet to be impounded at the ~~Pet Pound~~ Animal Shelter.