

Sixtieth  
Legislative Assembly  
of North Dakota

## REENGROSSED HOUSE BILL NO. 1421

Introduced by

Representatives Headland, Brandenburg, Froelich, Pollert

Senators Erbele, Wanzek

1 A BILL for an Act to create and enact two new sections to chapter 36-21.1 of the North Dakota  
2 Century Code, relating to agricultural and game and fish activities; and to amend and reenact  
3 sections 36-21.1-01 and 36-21.1-02 of the North Dakota Century Code, relating to the humane  
4 treatment of animals.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 36-21.1-01 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **36-21.1-01. Definitions.** In this chapter, unless the context otherwise requires:

9 1. "Abandoned animal" means an animal that is or reasonably appears to have been  
10 deserted by its owner or keeper. The term may include an animal that is running  
11 loose on property other than that of its owner or the owner's agent if the animal  
12 bears no identification indicating the owner or the owner's agent and the owner or  
13 owner's agent is not known to the sheriff, police officer, licensed veterinarian, or  
14 investigator taking custody of the animal under this chapter.

15 2. "Adequate care" means normal and prudent attention to the needs of an animal,  
16 including wholesome food, clean water, shelter, and health care, as necessary to  
17 maintain good health in a specific species of animal.

18 3. "Animal" includes every living animal except the human race.

19 ~~3.~~ 4. "Commissioner" means the agriculture commissioner.

20 ~~4.~~ 5. "Cruelty" or "torture" ~~includes every~~ means any act, omission, or neglect whereby  
21 unnecessary or unjustifiable pain, suffering, or death is caused or permitted. The  
22 term does not include:

23 a. Any activity that requires a license or permit under chapter 20.1-03;

24 b. Any activity that is usual and customary practice in production agriculture;

- c. Any show, fair, competition, performance, or parade;
- d. A rodeo;
- e. A wagon or buggy ride;
- f. Trail or pleasure riding; or
- g. Any activity that involves the training or teaching of animals.

5- 6. "Investigator" means any person approved by the board to determine whether there has been a violation of this chapter.

**SECTION 2. AMENDMENT.** Section 36-21.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**36-21.1-02. Overworking, mistreating, or abandoning animals.**

1. No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.
2. No person may deprive any animal over which the person has charge or control of necessary food, water, or shelter.
3. No person may keep any animal in any ~~enclosure~~ building, room, cage, or pen without ~~exercise and wholesome change of air~~ adequate care.
4. No person may abandon any animal.
5. A person shall reclaim an animal within forty-eight hours of the agreed-upon time for termination of a boarding contract and pay all charges for boarding the animal.
6. No person may allow any maimed, sick, infirm, or disabled animal of which the person is the owner, or of which the person has custody, to lie in any street, road, or other public place for more than three hours after notice.
7. No person may willfully instigate, or in any way further, any act of cruelty to any animal or animals, or any act tending to produce such cruelty.
8. No person may cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements, and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. This subsection does not apply to the North Dakota state fair association, to agricultural fair associations, to any agricultural display of caged animals by any political subdivision, or to district,

1 regional, or national educational livestock or poultry exhibitions. Zoos which have  
2 been approved by the health district or the governing body of the political  
3 subdivision which has jurisdiction over the zoos are exempt from this subsection.

4 **SECTION 3.** A new section to chapter 36-21.1 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Animal husbandry - Agricultural management.** The usual and customary practices  
7 of animal husbandry and the usual and customary practices of a science-based agricultural  
8 management system do not constitute cruelty, torture, or the inhumane treatment of animals  
9 and a person who engages in these usual and customary practices is not in violation of this  
10 chapter.

11 **SECTION 4.** A new section to chapter 36-21.1 of the North Dakota Century Code is  
12 created and enacted as follows:

13 **Game and fish activities.** Any lawful activity under title 20.1 does not constitute  
14 cruelty, torture, or the inhumane treatment of animals and a person who engages in the lawful  
15 activity is not in violation of this chapter.