

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED 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.~~ 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.
- 22 ~~5.~~ 6. "Investigator" means any person approved by the board to determine whether
23 there has been a violation of this chapter.

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

3 **36-21.1-02. Overworking, mistreating, or abandoning animals.**

- 4 1. No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably
5 injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for
6 labor.
- 7 2. No person may deprive any animal over which the person has charge or control of
8 necessary food, water, or shelter.
- 9 3. No person may keep any animal in any ~~enclosure~~ building, room, cage, or pen
10 without ~~exercise and wholesome change of air~~ adequate care.
- 11 4. No person may abandon any animal.
- 12 5. A person shall reclaim an animal within forty-eight hours of the agreed-upon time
13 for termination of a boarding contract and pay all charges for boarding the animal.
- 14 6. No person may allow any maimed, sick, infirm, or disabled animal of which the
15 person is the owner, or of which the person has custody, to lie in any street, road,
16 or other public place for more than three hours after notice.
- 17 7. No person may willfully instigate, or in any way further, any act of cruelty to any
18 animal or animals, or any act tending to produce such cruelty.
- 19 8. No person may cage any animal for public display purposes unless the display
20 cage is constructed of solid material on three sides to protect the caged animal
21 from the elements, and unless the horizontal dimension of each side of the cage is
22 at least four times the length of the caged animal. This subsection does not apply
23 to the North Dakota state fair association, to agricultural fair associations, to any
24 agricultural display of caged animals by any political subdivision, or to district,
25 regional, or national educational livestock or poultry exhibitions. Zoos which have
26 been approved by the health district or the governing body of the political
27 subdivision which has jurisdiction over the zoos are exempt from this subsection.

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

30 **Animal husbandry - Agricultural management.** The usual and customary practices
31 of animal husbandry and the usual and customary practices of a science-based agricultural

1 management system do not constitute cruelty, torture, or the inhumane treatment of animals
2 and a person who engages in these usual and customary practices is not in violation of this
3 chapter.

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

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