

**SECOND ENGROSSMENT
with Senate Amendments**

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 amend and reenact sections 36-21.1-01 and 36-21.1-02 of the North
2 Dakota Century Code, relating to the humane treatment of animals.

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

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

6 **36-21.1-01. Definitions.** In this chapter, unless the context otherwise requires:

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

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

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

17 ~~3.~~ 4. "Commissioner" means the agriculture commissioner.

18 ~~4.~~ 5. "Cruelty" or "torture" ~~includes every~~ means any act, omission, or neglect whereby
19 unnecessary or unjustifiable pain, suffering, or death is caused or permitted. The
20 term does not include:

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

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

23 c. Any scientific research conducted at a public or private facility or laboratory by
24 or under the direction of a qualified researcher;

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

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

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

10 **36-21.1-02. Overworking, mistreating, or abandoning animals.**

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

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- 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.