

# **An Animal Control Officer's Guide to Minnesota Animal Laws**



**Minnesota Animal Control Association**

**2007 Edition**

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the Minnesota Animal Control Association, Inc.  
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## **A Note to Users of This Guide**

This guide is intended to serve as an aid to animal control officers and others who need a ready reference to Minnesota state statutes relating to animals and animal control-related topics. It is not intended to be comprehensive, but includes most statutes commonly used by animal control officers in the pursuit of their duties. Although the text has been proofread several times, there are undoubtedly errors, and users should not regard this guide as the final word on exact wordings of the statutes. Laws contained herein are, to the best of our knowledge, current as of publication, but it should be recognized that statutes are constantly changing.

In addition, it should be recognized that there are myriad state administrative regulations promulgated by such organizations as the Minnesota Department of Health and the Board of Veterinary Health, as well as federal statutes and regulations which may enter into animal control enforcement decisions.

It should also be noted that many of the statutes included in this manual are contradictory and/or archaic, and care should be taken to consult with municipal or county attorneys regarding enforcement policies.

This book is an ongoing project, and revisions will be made periodically. If users have suggestions about statutes or regulations which they would like to see included, or items which should be indexed (or indexed differently), please let us know by contacting MACA at:

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MACA also offers an annual Public Health and Minnesota Statutes School, part of the MACA animal control officer certification program. Approximately two-thirds of the two-day school cover the material in this book. For information about the school, contact MACA at one of the above addresses.

--The editors



# LIVESTOCK SANITATION

## CHAPTER 35

### 35.02 BOARD OF ANIMAL HEALTH

Subdivision 1. **Members; officers.** The board has five members appointed by the governor with the advice and consent of the senate, three of whom are producers of livestock in the state, and two of whom are practicing veterinarians licensed in Minnesota. The dean of the college of veterinary medicine of the University of Minnesota may serve as consultant to the board without vote. Appointments to fill unexpired terms must be made from the classes to which the retiring members belong. The board shall elect a president and a vice-president from among its members and a veterinarian licensed in Minnesota who is not a member to be its executive director for a term of one year and until a successor qualifies. The board shall set the duties of the director.

Subdivision 2. **Terms; compensation; removal; vacancies.** The membership terms, compensation, removal of members, and filling of vacancies on the board are governed by section 15.0575.

**HISTORY:** (53-43,5395) RL s 155; 1913 c 160 s 1; 1925 c 426 art 16 s 1; 1951 c 713 s 5; 1959 c 23 s 1; 1976 c 134 s 13; 1980 c 467 s 3; 1985 c 265 art 1 s 1

### 35.03 POWERS, DUTIES, AND REPORTS.

The board shall protect the health of Minnesota domestic animals and carry out the provisions of this chapter. The board shall make rules necessary to protect the health of domestic animals. The board shall meet at least quarterly. Officers must be elected each April. On or before November 1 of each year the board shall publish an annual report.

**HISTORY:** (5396) RL s 2156; 1955 c 847 s 3; 1980 c 467 s 4; 1985 c 100 s 1; 1985 c 265 art 1 s 1; art 12 s 1

### 35.04 DUTY OF LOCAL BOARDS OF HEALTH.

Local boards of health shall assist the board in the prevention, suppression, control, and eradication of contagious and infectious dangerous diseases among domestic animals when directed to do so by the director or any member of the board. Two or more local boards may be required in emergencies to cooperate in giving assistance. The rules of the state board prevail over conflicting local board rules.

**HISTORY:** (5397) RL s 2157; 1985 c 265 art 1 s 1

### 35.05 AUTHORITY OF STATE BOARD.

(a) The state board may quarantine or kill any domestic animal infected with, or which has been exposed to, a contagious or infectious dangerous disease if it is necessary to protect the health of the domestic animals of the state.

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(b) The board may regulate or prohibit the arrival in and departure from the state of infected or exposed animals and, in case of violation of any rule or prohibition, may detain any animal at its owner's expense. The board may regulate or prohibit the importation of domestic animals which, in its opinion, may injure the health of Minnesota livestock.

(c) The board may implement the United States, Voluntary Johne's Disease Herd Status Program for cattle.

(d) Rules adopted by the board under authority of this chapter must be published in the State Register.

**HISTORY:** (5398) *RL s 2158; 1980 c 467 s 5; 1985 c 100 s 2; 1985 c 265 art 1 s 1, 1999 c 231 s 69-81*

### **35.06 REPORTING DISEASES; COMPELLING TESTIMONY.**

A person who knows or reasonably suspects that a contagious or infectious disease exists in a domestic animal shall immediately notify the board. The board, or any member or authorized agent of the board, may examine under oath all persons believed to have knowledge of the existence or threat of disease among domestic animals and, for this purpose, may take depositions and compel witnesses to attend and testify.

**HISTORY:** (5399) *RL s 2159; 1980 c 467 s 6; 1985 c 265 art 1 s 1*

### **35.063 QUARANTINE MAINTAINED.**

The board may establish and maintain, at the owner's expense, a quarantine of domestic animals imported into the state when, in its judgment, a quarantine is necessary to protect the health of Minnesota domestic animals. The quarantine must specify its terms, conditions, scope, and application.

**HISTORY:** (5460-17) *1933 c 33 s 1; 1980 c 467 s 7; 1985 c 265 art 1 s 1*

### **35.065 MAY NOT BREAK QUARANTINE.**

It is unlawful for the owner or the person having the custody or control of domestic animals subject to a quarantine to remove any of them from their first location within the state after the interstate shipment or transportation is completed until they are released by authority of the board.

**HISTORY:** (5460-18) *1933 c 333 s 2; 1980 c 467 s 8; 1985 c 265 art 1 s 1*

### **35.067 [Repealed, 1Sp 1986 c 3 art 1 s 5]**

### **35.069 PENALTY**

A person violating any quarantine imposed under section 35.05 or 35.063 or any rule adopted by the board is guilty of a misdemeanor.

**HISTORY:** (5460-19) *1933 c 33 s 3; 1985 c 100 s 3; 1985 c 265 art 1 s 1; art 12 s 1*

### **35.07 [Repealed, 1980 c 467 s 44]**

**35.08 KILLING OF DISEASED ANIMALS.**

If the board decides upon the killing of an animal affected with tuberculosis, paratuberculosis, or brucellosis, it shall notify the animal's owner or keeper of the decision. If the board, through its executive director, orders that an animal may be transported for immediate slaughter to any abattoir where the meat inspection division of the United States Department of Agriculture maintains inspection, or where the Animal and Plant Health Inspection Service of the United States Department of Agriculture or the board establishes field postmortem inspection, the owner must receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of the owner, the representative or authorized agent of the board must agree with the owner in writing as to the value of the animal. In the absence of an agreement, three competent, disinterested persons, one appointed by the board, one by the owner, and a third by the first two, shall appraise the animal at its full replacement cost taking into consideration the purpose and use of the animal.

The appraisal made under this section must be in writing, signed by the appraisers, and certified by the board to the commissioner of finance, who shall draw a warrant on the state treasurer for the amount due the owner.

**HISTORY:** (5402) RL S 2160; 1905 C 115; 1909 C 401; 1913 C 148 S 1; 1915 C 114 S 1; 1921 C 485 S 1; 1925 C 230 S 1; 1929 C 35 S 1; 1935 C 32; 1939 C 171 S 1; 1945 C 328 S 1; 1965 C 472 S 1; 1973 C 492 S 14; 1974 C 161 S 2; 1980 C 467 S 9; 1985 C 265 ART 1 S 1

**35.09 INSPECTION BEFORE KILLING; OWNER'S INDEMNITY.**

Subdivision 1. **General rule.** Notwithstanding any provision of this chapter to the contrary, cattle affected with tuberculosis, paratuberculosis, or brucellosis may not be killed for that reason until they have been inspected by a veterinarian appointed by the board and are determined by the veterinarian to have one of those diseases.

For each animal slaughtered because of tuberculosis, paratuberculosis, or brucellosis, the value of the net salvage of the carcass must be deducted from the appraised value of the living animal. Two-thirds of the remainder must be paid to the owner by the state. If the Animal and Plant Health Inspection Service of the United States Department of Agriculture compensates the owner for the animal, in whole or in part, the amount of the compensation received from the federal government must be deducted from the amount of indemnity payable by the state. No payment may be more than \$37.50 for grade animals or more than \$75, for a registered purebred animal, and no payment may be made unless the owner has complied with all rules of the board.

Subdivision 2. **Exceptions.** The owner of an animal is entitled to the indemnity provided in subdivision 1 except in the following cases:

- (1) steers.
- (2) animals which have not been kept in good faith for one year or since their birth in the state;
- (3) animals brought into the state, contrary to law or rules of the board;
- (4) animals diseased on arrival in the state;
- (5) animals belonging to the United States;
- (6) animals belonging to institutions maintained by the state, a county, or a municipality;

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(7) animal which the owner or claimant knew or should have known were diseased at the time they were acquired;

(8) animals exposed to brucellosis through the owner's negligence;

(9) animals which have been injected with brucellosis vaccine, bacterin, or other preparations made from or through the agency of *Brucella* microorganisms unless it was done in compliance with the rules of the board;

(10) animals belonging to a person who has received indemnity as a result of a former inspection or test and has then introduced into the same herd any animals which have not passed the tuberculin or brucellosis test;

(11) animals if the owner, agent, or person in possession of them has not complied with the rules of the board with respect to condemned animals;

(12) condemned animals which are not destroyed within 15 days after the date of appraisal, or for which the owner refuses to sign the appraisal or report of the members of the appraisal board, except that in extraordinary circumstances and in meritorious cases and at the discretion of the executive director of the board the time limit of 15 days may be extended an additional 15 days if the owner receives permission from the executive director within 15 days of the date of appraisal;

(13) livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the entire herd of which the affected livestock is a part, or from which the affected livestock has originated, is examined and tested under the supervision of the board, in order to determine if they are free from the diseases;

(14) livestock affected with tuberculosis, paratuberculosis, or brucellosis unless the owner has carried out the instructions of the board relating to cleaning, disinfection, and rendering the stables and premises in a sanitary condition within 15 days of the time of removal of the animals from the premises, except when, because of inclement weather or other extenuating circumstances, the time is extended by the executive director of the board;

(15) livestock affected with tuberculosis, paratuberculosis, or brucellosis, if the owner has fed milk or milk products derived from creameries which was not pasteurized as required by state laws, and

(16) animals owned by a nonresident if neither the owner nor the owner's agent breed livestock in Minnesota.

If, at any time, the annual appropriation for payment of indemnities becomes exhausted as a result of condemnation and slaughter of animals, the board shall discontinue making further official tests or authorizing tests unless an owner signs a waiver on blanks furnished by the board of payment of indemnity for any animals that may be condemned as the result of a test and inspection which releases the state from any obligation to pay indemnity from any future appropriation.

Subdivision 2a. **Nonreactors; cattle ineligible for test.** The board may condemn and appraise nonreactors to the brucellosis test and exposed cattle not eligible to be tested from herds affected with brucellosis and may pay the owner the difference between the appraisal value and the salvage value up to \$300, for grade animals or \$600 for purebred registered animals if the board through its executive director has determined according to criteria adopted by the board that herd depopulation is essential to the goal of bovine brucellosis eradication. Indemnity

payable by the state must be reduced by the amount paid by the United States Department of Agriculture. No indemnity may be paid for steers.

Subdivision 3. **Emergencies.** When it is determined by the board that it is necessary to eradicate any dangerous, infectious, communicable disease among domestic animals in the state, the presence of which constitutes an emergency declared by resolution of the board or by the United States Department of Agriculture, the board may take reasonable and necessary steps to suppress and eradicate the disease. If the emergency is declared by the United States Department of Agriculture, the board may cooperate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture in the suppression and eradication of the disease.

When an emergency has been declared, the board may appraise and destroy animals affected with, or which have been exposed to the disease, and appraise and destroy property in order to remove the infection and complete the cleaning and disinfection of the premises, and do any act and incur any other expense reasonably necessary to suppress the disease. The board may accept, on behalf of the state, the rules adopted by the Animal and Plant Health Inspection Service of the United States Department of Agriculture pertaining to the disease, authorized under an act of Congress, or the portion of the regulations deemed necessary, suitable, or applicable, and cooperate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture, in the enforcement of those rules. Alternatively, the board may follow the procedure only as to quarantine, inspection, condemnation, appraisal, destruction, burial of animals, disinfection, or other acts the board considers reasonably necessary for the suppression of the disease, as agreed upon and adopted by the board and representatives or authorized agents of the Animal and Plant Health Inspection Service of the United States Department of Agriculture. If the procedures have been followed under an emergency declared by the United States Department of Agriculture, the total expense must be shared equally between the state and federal governments.

Appraisals of animals affected with, or exposed to, the disease, or contact animals, or property destroyed in order to remove the infection and complete the cleaning and disinfection of premises where the animals are found, must be made by an appraisal board consisting of a representative of the board, a representative of the Animal and Plant Health Inspection Service of the United States Department of Agriculture, and the owner of the animals or the owner's representative. Appraisals must be in writing and signed by the appraisers, and must be made at the true market value of all animals and property appraised.

Upon destruction of animals or property, or both, and burial or other disposition of the carcasses of the animals in accordance with the law and rules of the board and the animal and plant health inspection service of the United States Department of Agriculture, and the completion of the cleaning and disinfection of the premises, the board shall certify the appraisal to the commissioner of finance, who shall draw a warrant on the state treasurer for the proper amount payable to the owner. If the appraisal is made in respect to animals or other property destroyed under an emergency declared by the United States Department of Agriculture, The commissioner of finance shall draw a warrant on the state treasurer for one-half of the amount of the appraisal payable to the owner, and the remaining one-half must be paid by the federal government under the cooperative arrangement. If the disease is of a nature that any part of the carcasses of the diseased or exposed animals may be salvaged for human food or other purposes, the net amount of the salvage paid to the owner must be deducted from the appraisal, and the remainder must be paid to the owner or by the state or by the state and federal government pursuant to this section.

**HISTORY:** (5403) RL 2161; 1921 C 485 S 2; 1923 C 319 S 1; 1925 C 230 S 2; 1939 C 171 S 2; 1941 C 67 S 1; 1945 C 328 S 2; 1953 C 223 S 1; 1965 C 472 S 2, 3; 1973 C 492 S 14; 1967 C 227 S 1, 2; 1980 C 467 S 10; 1985 C 248 S 10; 1985 C 265 ART 1 S 1; ART 12 S 1

### **35.10 INDEMNITY SUBJECT TO LIEN OR MORTGAGE ON ANIMALS.**

If an animal is condemned and killed by the state pursuant to law, indemnity is provided, the animal is subject to a mortgage or other lien, and written notice of the lien is given by the lienholder to the board or officer whose duty it is to order payment of the indemnity before the indemnity is ordered paid, then the lien attaches to the indemnity to the same extent it attached to the animal and the indemnity is payable to the owner and the lienholder.

If the owner and lienholder execute and deliver to the board or officer, on blanks furnished by the board or officer, a written agreement providing for the distribution and payment of an indemnity, payment must be made as specified and directed in the agreement, a copy of which must be transmitted by the board or officer to the officer by whom payment is to be made; otherwise the indemnity must be placed in the custody of the district court of the county in which the animal was condemned, in the manner provided by the rules of civil procedure for the deposit of money claimed adversely by two or more persons, and the state is relieved from further liability for the indemnity.

**HISTORY:** (5403-3) 1927 c 274; 1969 c 6 s 2; 1980 c 467 s 11; 1985 c 265 art 1 s 1

### **35.11 EXPENSES OF AUTOPSIES AND APPRAISALS.**

The expense of autopsies must be defrayed by the state, except that in cases of protest where the animal is found infected, the charges of the expert appointed by the owner shall be paid by the owner. The compensation of experts and appraisers must be fixed by the board, which must approve before payment all claims made under this chapter. No employee of the board may receive any fee for action as an expert or appraiser.

**HISTORY:** (5404) RL S 2162; 1980 C 467 S 13; 1985 C 265 ART 1 S 1

### **35.12 EXPENSES OF KILLING, BURIAL, AND QUARANTINE; LIEN.**

The expense of killing and burial or destruction of a diseased animal, if the killing was ordered by the board, must be borne by the board. The expense of quarantine, if the animal is taken from the possession of its owner, must be defrayed by the state. If a quarantined animal is left upon the premises of its owner or keeper, that person shall bear the expense. If an animal is quarantined while being shipped into the state, the expense must be borne by the owner or keeper. If the owner or keeper of any animal becomes liable for an expense incurred by the board under this chapter, the board has a lien on the animal and may also maintain an action for the amount.

**HISTORY:** (5405) RL S 2163; 1980 C 467 S 13; 1985 C 265 ART 1 S 1

### **35.13 ENTRY TO PREMISES FORBIDDEN.**

During the prevalence among domestic animals of any of the diseases referred to in this chapter, any owner or keeper of these animals may post upon the

premises a notice forbidding all persons to enter any building or enclosure in which animals are kept. No person may then enter, except a member or agent of the board.

**HISTORY:** (5406) *RL S 2164; 1980 C 467 S 14; 1985 C 265 ART 1 S 1*

**35.14 LIVESTOCK DETECTIVES FROM OTHER STATES.**

Any person commissioned by the governor, or the livestock commission, or any other proper authority of another state may act as a livestock detective in this state in accordance with Minnesota law upon paying a fee of \$5 and filing with the department of agriculture:

- (1) a commission or a certified copy of it;
- (2) a bond to the state on the penal sum of \$2,000, approved by the commissioner of agriculture and conditioned for the payment of all damages resulting to any person from any wrongful seizure of property or other unlawful act within the state by the person or by any of the person's deputies; and
- (3) a stipulation that service upon the commissioner of agriculture of any summons, order, notice, or process in civil action upon the bond is sufficient service upon the person or the person's deputies.

The commissioner of agriculture shall issue certificates to the person and no more than three of the person's deputies for whose acts the person is responsible, authorizing the holder to perform the duties in this section while the commission is in force.

Each certificate holder may seize and hold any animal which the person knows or has reason to believe has strayed or been stolen from the state by which the commission issued.

**HISTORY:** (5408) *RL S 2167; 1933 C 303; 1984 C 618 S 1; 1985 C 265 ART 1 S 1*

**35.15 TRANSPORTATION OF LIVESTOCK; COMPLIANCE WITH RULES.**

Subdivision 1. **Importation of animals and poultry.** Animals or poultry may not be brought in the state for work, feeding, breeding, dairy purposes, or sale except in compliance with the rules of the board.

Subdivision 2. **Repealed**

**HISTORY:** *1988, c 485 s 15; 1985 c 265 art 1 s 1*

**35.16 TRANSPORTATION COMPANIES TO HOLD LIVESTOCK AND POULTRY.**

If rules of the board have not been complied with, transportation companies shall notify the board and shall hold the animals or poultry at the first station within Minnesota where there are suitable facilities for holding animals or poultry for inspection by the board. The inspection must be at the owner's expense.

**HISTORY:** (5410) *1907 c 355 s 2; 1935 c 31 s 2; 1980 c 467 s 16; 1985 s 265 art 1 s 1*

**35.165 LIABILITY FOR ILLEGALLY TRANSPORTING LIVESTOCK.**

A transportation company or corporation or its agent, the owner or driver of a vehicle for hire or a private vehicle used to haul livestock, or a person violating section 35.15 or 35.16 is liable in a civil action to a person injured for the full amount of damages that may result from a violation of section 35.15 or 35.16. Action may be brought in a county where the livestock is sold, offered for sale, delivered to a purchaser, or detained in transit.

**HISTORY:** 1988 c 485 s 1

**35.245 CATTLE; SALE, LEASE, LOAN.**

Subdivision 1. **Limitation on sale.** No person may sell or offer for sale cattle over six months of age at public auction, livestock auction markets, private stockyards or concentration points, mortgage foreclosure sales or court-ordered sales, or lease or loan cattle for breeding purpose in violation of the board's rules. This subdivision does not apply to steers, spayed heifers, or calves of beef type and breed which are under eight months of age and not known to have brucellosis.

Subdivision 1a. **Untested; unvaccinated cattle.** No person may sell or offer for sale cattle which have not been tested and found free of brucellosis for which a certificate of test is furnished or posted as provided in subdivision 2, unless the cattle have been vaccinated against brucellosis in accordance with the rules of the board and a certificate of vaccination is exhibited as provided in subdivision 2. This subdivision does not apply to cattle under 18 months of age of beef type sold for feeding purposes as provided in subdivision 3, or to cattle sold for immediate slaughter or consigned to a public stockyard under supervision of the United States Department of Agriculture.

Subdivision 2. **Tests and vaccination.** A test and vaccination must be made at the time and in the manner prescribed by the board and a certificate of the test and vaccination or both, approved by the board, must be furnished to the purchaser by the vendor at the time of sale. When cattle are sold at public auction, a certificate of test or vaccination or both may be posted in a place plainly visible to the purchasers at the sale, and the auctioneer or other person conducting the sale shall publicly announce prior to conducting the sale, that the certificate of the test or vaccination or both, approved by the board, has been posted and is available for inspection. No auctioneer or other person conducting a sale may conduct any public sale in this state unless a certificate of the test or vaccination or both, approved by the board, is posted by the vendor of the cattle at the time of the sale.

Subdivision 3. **Female cattle; Sale without test or vaccination.** Female cattle under 18 months of age of beef type and breed may be sold in quarantine for feeding purposes without a test for or vaccination against brucellosis, in compliance with board rules, if the purchaser of the cattle furnishes the seller an affidavit certifying the cattle are purchased for feeding purposes and will be kept apart from other cattle except other quarantined feeding cattle until they are resold under affidavit, resold for immediate slaughter, delivered to a public stockyard under supervision of the United States Department of Agriculture, or tested in accordance with board rules relating to the class of cattle. A purchaser of cattle under this section must comply with the terms of the affidavit furnished the seller and with rules or quarantines prescribed by the board under this section.

Subdivision 4. **Other identification.** The board may authorize the use of ear tattoos, brands, or other suitable identification instead of the vaccination certificate required by this section.

Subdivision 5. **Penalty.** An auctioneer convicted to knowingly conducting a sale of livestock on violation of this section shall forfeit the auctioneer's license until its renewal is approved by the authority which issued the license.

**HISTORY:** *1981 c 86 s 1; 1985 c 265 art 1 s 1; 1988 c 485 s 2*

**35.25** [REPEALED, 1980 C 467 S 44]

**35.251 ANAPLASMOSIS TESTING.**

Breeding cattle entering Minnesota must have a health certificate evidencing a negative test for anaplasmosis conducted at a state or federal laboratory within 30 days of entry. Cattle without a certificate must be immediately quarantined and tested for anaplasmosis at the expense of the cattle owner. Cattle having a positive reaction to the anaplasmosis test must remain quarantined until they test free of anaplasmosis or be slaughtered. An anaplasmosis test is not required of steers, cattle shipped directly to a slaughtering establishment, cattle sent to a quarantine feed lot, and other cattle excepted by board rule. The board may adopt rules to implement this section.

**HISTORY:** *1980 c 467 s 35; 1983 c 216 art 1 s 11; 1985 c 265 art 1 s 1*

**35.255 PSEUDORABIES PROGRAM RULES.**

The board of animal health shall adopt rules to implement a program to control pseudorabies in swine, including pseudorabies testing of breeding swine and restricted movement of feeder pigs.

**HISTORY:** *1983 c 367 s 1; 1985 c 265 art 1 s 1*

**35.26 - 35.35** [Repealed, 1980 C 467 S 44]

**35.36 - 35.39** [Repealed, 1959 C 406 S 5]

**35.40 - 35.51** [Repealed, 1980 C 467 S 44]

**35.52 - 35.53** [Repealed, 1967 C 166 S 3]

**35.54** [Repealed, 1959 C 406 S 5]

**35.55 - 35.58** [Repealed, 1980 C 467 S 44]

**35.59** [Repealed, 1959 C 406 S 5]

**35.60 - 35.605**[Repealed, 1980 C 467 S 44]

**35.61 - 35.65** [Repealed, 1959 C 406 S 5]

**35.66** [Repealed, 1967 C 147 S 1]

**35.67 RABIES INVESTIGATION.**

If the executive director of the board of animal health, or a board of health as defined in section 145a.02, subdivision 2, receives a written complaint that rabies exists in a town or city in the board's jurisdiction, the board of health shall investigate, either personally or through subordinate officers, the truth of the complaint. A board of health may also make an investigation and determination independently, without having received a complaint. The fact that a board of health has investigated and determined that rabies does not exist in a jurisdiction does not deprive the executive director of the board of animal health of jurisdiction or authority to make an investigation and determination with reference to the territory.

For the purposes of sections 35.67 to 35.69, the jurisdiction of the executive director of the board of animal health is the entire state.

**HISTORY:** *1987 c 309 s 14*

**35.68 RABIES PROCLAMATION.**

If a board of health as defined in section 145a.02, subdivision 2, investigates and finds that rabies does exist in a town or city the board of health shall make and file a proclamation of the investigation and determination which prohibits the owner or custodian of any dog from allowing the dog to be at large within the town or city unless the dog is effectively muzzled so that it cannot bite any other animal or person.

If the executive director of the board of animal health, after investigation, has determined that rabies exists in any territory in the state, similar proclamations must be issued in all towns and cities within the territory or area in which it is necessary to control the outbreak and prevent the spread of the disease. The proclamation must prohibit the owner or custodian of any dog within the designated territory from permitting or allowing the dog to be at large within the territory unless the dog is effectively muzzled so that it cannot bite any other animal or person.

All local peace officers and boards of health shall enforce sections 35.67 to 35.69. A proclamation issued by the board of health must be filed with the clerk of the political subdivision responsible for the board of health. One issued by the executive director of the board of animal health must be filed with the clerk of each town and city within the territory it covers.

Each officer with whom the proclamation is filed shall publish a copy of it in one issue of legal newspaper published in the clerk's town or city if one is published there. If no newspaper is published there, the clerk must post a copy of the proclamation in three public places. Publication is at the expense of the municipality.

Proof of publication must be by affidavit of the publisher and proof of posting must be by the person doing the posting. The affidavit must be filed with the proclamation. The proclamation is effective five days after the publication or posting and remains effective for the period of time not exceeding six months specified in it by the board of health making the proclamation.

**HISTORY:** *1985 c 265 1 s 1; 1987 c 309 s 15; 1988 c 485 s 3*

**35.69 UNMUZZLED DOGS NOT PERMITTED AT LARGE.**

The owner or custodian of a dog may not permit it to be at large, either on the premises of the owner or elsewhere, within any city or town covered by a proclamation made under section 35.68, during the time the proclamation is in force, unless the dog is effectively muzzled so that it cannot bite any animal or person.

Any person may kill a dog running at large on the public streets or roads in violation of sections 35.67 to 35.69. The owner of the dog has no claim against the person who kills the dog.

Peace officers and health officers shall file a complaint concerning any known violation of section 35.67 to 35.69.

**HISTORY:** *(5391) 1913 c 541 s 3; 1973 c 123 art 5 s 7; 1985 c 265*

**35.695 [Repealed, 1982 c 514 s 21]**

35.70. [Repealed, 1988, c 485 s 15]

**35.701 INFLUENCING A SALE OF DISEASED ANIMAL.**

A veterinarian who is an agent or representative of the board or another public official may not suggest, recommend, or try to influence or persuade the owner of an animal affected with a diseases listed in section 35.08, directly or indirectly, to sell, barter, exchange, ship, or otherwise dispose of the animal to a particular person, firm, association, or corporation.

**HISTORY:** 1988 c 485 s 4

**35.71 UNCLAIMED AND UNREDEEMED ANIMALS IMPOUNDED; SCIENTIFIC USE OR OTHER DISPOSITION.**

*(See also MN §343.235 and Rule 1720.660)*

Subdivision 1. **Definitions.** As used in this section, "establishment" means any public or private agency, person, society, or corporation having custody of animals which are seized under the authority of the state or any political subdivision of the state and "institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, or dentistry, or an educational or scientific establishment properly concerned with investigation or instruction concerning the structure of functions of living organisms or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

Subdivision 2. **Application for license.** An institution may apply to the board for a license to obtain animals from establishments. If, after investigation, the board finds that the institution requesting a license is a fit and proper agency to receive a license, and that the public interest will be served by granting it a license, the board may issue a license to the institution authorizing it to obtain animals under this section.

Subdivision 3. **Stray animals; seizure, disposition.** All animals seized by public authority must be held for redemption by the owner for at least five regular business days of the impounding agency or for a longer time specified by municipal ordinance. For the purpose of this subdivision, "regular business day" means a day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m. Establishments must maintain the following records of the animals in custody, and preserve the records for at least six months;

- (a) the description of the animal by species, breed, sex, approximate age, and other distinguishing traits;
- (b) the location at which the animal was seized;
- (c) the date of seizure;
- (d) the name and address of the person from whom any animal three months of age or over was received; and
- (e) the name and address of the person to whom any animal three months of age or over was transferred.

The records must be maintained in a form permitting easy perusal by the public. A person may view the records and animals in custody at any time during which the establishment is open to the public. At the end of the five-day period, all animals which remain unredeemed must be made available to any licensed institution which has requested that number of animals. However, if a tag affixed to the animal or a statement by the animal's owner after the animal's seizure specifies

that the animal may not be used for research, the animal must not be made available to any institution and may, in the discretion of the establishment, be destroyed after the expiration of the five-day period. If a request is made by a licensed institution to an establishment for more animals than are available at the time of the request, the establishment must withhold from destruction all unclaimed and unredeemed animals until the request has been filled. The actual expense of holding animals beyond the time of notice to the institution of their availability must be borne by the institution receiving them. An establishment which fails or refuses to comply with this section is ineligible for any further public funds from any county or municipality. Upon receipt of a sworn statement by an authorized officer or employee of a licensed institution of noncompliance by any establishment with this section, the treasurer of any municipality or other political subdivision of the state may not pay any public funds to the establishment until the complainant withdraws its statement of noncompliance or until the board either determines that the complaint of noncompliance was without foundation or that the establishment has given adequate assurance of future compliance and the treasurer of the municipality or other political subdivision has been notified of the determination in writing. If it appears upon a person's complaint that an officer, agent, or employee of an establishment is violating or failing to carry out the provisions of this section, the attorney general or county attorney of the county in which the establishment is located, in addition to any other remedies, may bring an action in the name of the state against the establishment, officer, agent, or employee to enjoin compliance with this section.

Subdivision 4. **Transportation of animals.** A licensed institution must provide, at its own expense, for the transportation of animals from the establishment to the institution and must use them only in the conduct of its scientific and educational activities.

Subdivision 5. **Annual license fee.** Each licensed institution must pay to the board a license fee of \$50 for each calendar year or part of calendar year. License fees must be deposited in the general fund of the state treasury.

Subdivision 6. **Revocation of license.** After 15 days' written notice and an opportunity to be heard, the board may revoke the license granted any institution if the institution has (1) violated this section, or (2) failed to comply with the conditions of the board in respect to the issuance of its license.

Subdivision 7. **Rules.** The board may adopt rules consistent with this section necessary to carry out the provisions of this section, and may, if the board considers it advisable or in the public interest, inspect or investigate any institution which has applied for a license or has been granted a license under this section.

Subdivision 8. Repealed.

**HISTORY:** 1988 c 485 s 15

### **35.72 MILK OR CREAM; TESTING BY BOARD**

Subdivision 1. **Establishment defined.** As used in this section "establishment" means a creamery, milk or cream collecting station, or place of business where milk or cream is purchased or assembled for processing or sale.

Subdivision 2. **Right of entry on premises.** The board or its authorized agents may enter the premises or buildings of any establishment to collect samples of milk or cream delivered to the establishment.

Subdivision 3. **Samples, procurement.** Upon demand of the board or its authorized agents, the operator of an establishment shall submit containers of milk or cream delivered to the establishment to the board or agents before any milk or cream is removed or any substance or thing is added, and shall allow the board or agent to take a sample of one ounce in weight or less of milk or cream from each

container for the purpose of applying any recognized test to determine the existence of disease in the cattle which produced the milk or cream.

Subdivision 4. **Names, addresses.** The operator of the establishment shall furnish the board or agents the name and address of the person delivering each container of milk or cream to the establishment, and the name and address of the owner or caretaker of the cattle which produced the milk or cream.

Subdivision 5. **Contamination, prevention.** The board or agent shall use due diligence to prevent contamination of the milk or cream while procuring samples and to delay as little as possible the normal operation of the establishment.

Subdivision 6. Repealed

**HISTORY:** *1988 c 485 s 15*

### **35.73 DEFINITIONS.**

Subdivision 1. **Terms.** For the purpose of sections 35.73 to 35.80 the terms defined in this section have the meanings given.

Subdivision 2. [Repealed, 1980 c 467 s 44]

Subdivision 3. **Person.** "Person" means an individual, firm, partnership, company, or corporation, including the state of Minnesota, its public institutions and agencies, and all political subdivisions of the state.

Subdivision 4. **Garbage.** "Garbage" means animal or vegetable refuse, including all waste material, by-products of a kitchen, restaurant, or slaughter house, and refuse accumulation of animal fruit, or vegetable matter, liquid or solid, but does not mean vegetable waste or by-products resulting from the manufacture or processing of canned or frozen vegetables.

**HISTORY:** *1953 c 355 s 1; 1985 c 265 art 1 s 1*

### **35.74 EXCEPTIONS.**

Sections 35.73 to 35.80 do not apply to a person who has animals or poultry who are fed garbage obtained only from the person's private household.

**HISTORY:** *1953 c 355 s 2; 1985 c 265 art 1 s 1; 1986 c 444*

### **35.75 LICENSE.**

Subdivision 1. **Requirement, renewal.** No person shall feed garbage to livestock or poultry without first securing a license from the board, and no person shall transport garbage over the public highways of this state for the purpose of feeding it to livestock or poultry unless the person has a license. A license must be renewed on or before the first day of July each year.

Subdivision 2. **Application.** A person desiring a license or the renewal of a license to feed garbage to livestock and poultry shall make written application to the board in accordance with its rules.

Subdivision 3. **Revocation; refusal to issue.** Upon determination that a person who has or has applied for a license issued under sections 35.73 to 35.80 has violated or failed to comply with sections 35.73 to 35.80 or any rules made under those sections, the board may revoke the license or refuse to issue a license to the applicant.

**HISTORY:** *1953 c 355 s 3-5; 1985 c 265 art 1 s 1*

**35.76 GARBAGE, TREATMENT.**

No person may feed garbage to livestock or poultry until it has been thoroughly heated to at least 212 degrees Fahrenheit for a continuous period of at least 30 minutes unless it is treated in some other manner which is approved in writing by the board as being equally effective for the protection of public health and the control of livestock diseases, and no person may knowingly permit livestock or poultry owned or controlled by that person to have access to any garbage which has not been heated or otherwise treated pursuant to this section.

*HISTORY: 1953 c 355 s 6; 1985 c 265 art 1 s 1; 1986 c 444*

**35.77 QUARANTINE. PERMIT FOR REMOVAL OF LIVESTOCK OR POULTRY.**

All premises on which garbage is fed to livestock or poultry are under quarantine and must be maintained in a reasonably sanitary condition. Livestock or poultry to which garbage has been fed may not be removed from the premises except under a permit from the board.

*HISTORY: 1953 c 355 s 7; 1985 c 265 art 1 s 1*

**35.78 INSPECTION AND INVESTIGATION OF PREMISES, RECORDS.**

An authorized representative of the board may enter any property at reasonable times for the purpose of inspecting and investigating conditions relating to the feeding and treating of garbage to be fed to livestock and poultry. An authorized representative of the board may examine records or memoranda pertaining to the feeding of garbage to livestock and poultry. The board may require the maintenance of record relating to the operation of equipment for a procedure of treating garbage to be fed to swine. Copies of the records must be submitted to the board on request.

*HISTORY: 1953 c 355 s 8; 1985 c 265 art 1 s 1*

**35.79 ENFORCEMENT.**

The board shall administer and enforce sections 35.73 to 35.80 and may make and enforce reasonable rules it considers necessary to carry out their provisions.

*HISTORY: 1953 c 355 s 9; 1985 c 265 art 1 s 1*

**35.80 VIOLATIONS.**

A person violates sections 35.73 to 35.80, who fails to perform any duties imposed by those sections or violates any rule made under those sections.

*HISTORY: 1985 c 265 art 1 s 1; 1988 c 485 s 5*

**35.82 RENDERING PLANT PERMITS; DISPOSITION OF CARCASSES.**

**Subdivision 1b. Carcasses for pet or mink food.**

(a) The board, through its executive director, may issue a permit to the owner or operator of a pet food processing

establishment, a mink rancher, or a supplier of an establishment, located with the boundaries of Minnesota, to transport the carcasses of domestic animals that have died or have been killed, other than by being slaughtered for human or animal consumption, over the public highways to the establishment for pet food or mink food purposes only. The owners and operators of pet food processing establishments or their suppliers and mink ranch operators located in any adjacent state with which a reciprocal agreement is in effect under subdivision 3 are not required to possess a permit issued under this subdivision. The permit is valid for one year following the date of issue unless it is revoked.

(b) The owner or operator of a pet food processing plant or mink ranch shall employ an official veterinarian. A veterinarian named in the permit application who is accepted by the board to act as the official veterinarian is authorized to act as its representative.

(c) Carcasses collected by owners or operators under permit may be used for pet food or mink food purposes if the official veterinarian examines them and finds them suitable for pet food or mink food purposes.

(d) Carcasses not passed by the official veterinarian for pet food or mink food purposes must be disposed of by a rendering plant operating under permit from the board.

(e) The board must require pet food processing establishments, owners and operators of mink ranches, and suppliers of these establishment to conform to rules of the board applicable to rendering plants within the state.

**Subdivision 2. Disposition of carcasses.**

(a) Except as provided in subdivision 1b, every person owning or controlling any domestic animal that has died or been killed otherwise than by being slaughtered for human or animal consumption, shall as soon as reasonably possible bury the carcass at a depth adequate to prevent scavenging by other animals in the ground or thoroughly burn it or dispose of it by another method approved by the board as being effective for the protection of public health and the control of livestock diseases. The board, through its executive director, may issue permits to owners of rendering plants located in Minnesota which are operated and conducted as required by law, to transport carcasses of domestic animals and fowl that have died, or have been killed otherwise than by being slaughtered for human or animal consumption, over the public highways to their plants for rendering purpose in accordance with the rules adopted by the board relative to transportation, rendering, and other provisions the board considers necessary to prevent the spread of disease. The board may issue permits to owners of rendering plants located in an adjacent state with which a reciprocal agreement is in effect under subdivision 3.

(b) Carcasses collected by rendering plants under permit may be used for pet food or mink food if the owner or operator meets the requirements of subdivision 1b.

(c) An authorized employee or agent of the board may enter private or public property and inspect the carcass of any domestic animal that has died or been killed other than by being slaughtered

for human or animal consumption. Failure to dispose of the carcass of any domestic animal within the period specified by this subdivision is a public nuisance. The board may petition the district court of the county in which a carcass is located for a writ requiring the abatement of the public nuisance. A civil action commenced under this paragraph does not preclude a criminal prosecution under this section. No person may sell, offer to sell, give away, or convey along a public road or on land the person does not own, the carcass of a domestic animal when the animal died or was killed other than by being slaughtered for human or animal consumption unless it is done with a special permit pursuant to this section. The carcass or parts of a domestic animal that has died or has been killed other than by being slaughtered for human or animal consumption may be transported along a public road for a medical or scientific purpose if the carcass is enclosed in a leak proof container to prevent spillage or the dripping of liquid waste. The board may adopt rules relative to the transportation of the carcass of any domestic animal for a medical or scientific purpose. A carcass on a public thoroughfare may be transported for burial or other disposition in accordance with this section.

No person who owns or controls diseased animals shall negligently or willfully permit them to escape from that control or to run a large.

Subdivision 4. Domestic animals. The term "domestic animal" as used in this section does not include any species of domestic animal which in common practice is maintained in the home of the owner whether or not the particular domestic animal was so housed at any time prior to its death. Nothing in this section limits the authority of local governmental units to regulate the disposition of carcasses of domestic animals excluded from the provisions of this section by this subdivision.

**HISTORY:** (10273) RL s 5011; 1921 c 486 s 1; 1927 c 218; 1939 c 104; 1949 c 484 s 1; 1961 c 625 s 1; 1967 c 275 s 1,2; 1967 c 305 s 1; 1969 c 32 s 1,2; 1974 c 159 s 1-4; 1980 c 467 s 27; 1985 c 265 art 1 s 1; 1986 c 444; 1988 c 485 s 6; 1991 c 37 s 1,2; 1995 c 233 art 1 s 4; 1998 c 401 s 18

### **35.830 SALE OF BRANDED LIVESTOCK; WRITTEN BILL OF SALE**

Persons selling animals marked or branded with their mark or brand recorded in a current state brand book or its supplement or registered with the board shall execute to the purchaser a written bill of sale bearing the signature and residence of seller, the name and address of the purchaser, the total number of animals sold, a description of each animal sold as to sex and kind, and all registered brands. The bill of sale must be kept by the purchaser for two years and for as long afterwards as the purchaser owns any of the animals described in the bill of sale. A copy of the bill of sale must be given to each hauler of the animals, other than railroads, and must accompany the shipment of animals while in transit. The bill of sale or a copy must be shown by the possessor on demand to any peace officer or compliance representative of the board. The bill of sale is *prima facie* evidence of the sale of the animals described by the bill of sale.

**HISTORY:** 1985 c 265 art 1 s 1; 1988 c 485 s 7

**35.90 GENERAL INSPECTION AUTHORITY.**

Subdivision 1. **Access and entry.** Except as otherwise specifically provided, the board of animal health and the board's agents, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the board has reason to believe a violation of this chapter is occurring or has occurred.

Subdivision 2. **Notice of inspection; samples and analyses.** Before leaving the premises inspected, the board of animal health or the board's agents must provide the owner, operator, or agent in charge with a receipt describing any samples obtained. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge.

**HISTORY:** 1988 c 485 s 8

**35.91 VIOLATION OF RULES AND ORDERS.**

Violation of a rule adopted under this chapter or an order made under the authority of this chapter is a violation of this chapter.

**HISTORY:** 1988 c 485 s 9

**35.92 ENFORCEMENT.**

Subdivision 1. **Enforcement required.**

(a) The board of animal health shall enforce this chapter and rules adopted under this chapter. The board may delegate to the executive director authority to act on behalf of the board.

(b) Upon the request of the board of animal health or an agent authorized by the board, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter, or special orders, standards, stipulations, and agreements of the board.

Subdivision 2. **Criminal actions.** For a criminal action, the county attorney where a violation occurred is responsible for prosecuting a violation of this chapter. If the county attorney or, if appropriate, the city attorney refuses to prosecute, the attorney general may prosecute at the request of the board.

Subdivision 3. **Civil actions.** Civil judicial enforcement actions may be brought by the attorney general in the name of the state on behalf of the board of animal health. A county attorney may bring a civil judicial enforcement action upon the request of the board and the attorney general.

Subdivision 4. **Injunction.** The board of animal health may apply to court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of this chapter.

Subdivision 5. **Subpoenas.** The board of animal health through its executive director may issue subpoenas to compel the attendance of witnesses or submission of books, documents, and records affecting the authority of privilege granted by a license, registration, certification, or permit issued under this chapter or by the board or issued by the commissioner of agriculture if agreed to by the commissioner.

**HISTORY:** 1988 c 485 s 10

**35.93 ADMINISTRATIVE ACTION.**

Subdivision 1. **Administrative remedies.** The board of animal health may seek to remedy violations by authorizing the executive director to issue a written warning, administrative meeting, cease and desist, stop-sale, or other special order, seizure, stipulation, or agreement, if the board determines that the remedy is in the public interest.

Subdivision 2. **Revocation and suspension.** The board may, after written notice and hearing, revoke, suspend, or refuse to renew a permit, license, or certification if a person violates this chapter.

Subdivision 3. **Remedial action orders.**

(a) If the board of animal health has probable cause to believe that a diseased animal is kept, sold, transported, or disposed of in violation of this chapter, the board may investigate and issue a written cease and desist, stop-sale, stop-use, or removal order or other remedial action to the owner, custodian, or other responsible party. If the owner, custodian, or other responsible party is not available for service of the order, the board may attach the order to the animal and notify the owner, custodian or other responsible party. The animal may not be sold, slaughtered, or transported until the violation has been corrected or brought into compliance and the order has been released in writing under conditions specified by the board, or until the violation has been otherwise disposed of by a court.

(b) If a violation of this chapter results in condition that may have an unreasonable adverse effect on humans, domestic animals, wildlife, or the environment, the board of animal health may, by order, require remedial action, including removal and proper disposal.

**HISTORY:** 1988 c 485 s 11

**35.94 DAMAGES AGAINST STATE FOR ADMINISTRATIVE ACTION WITHOUT CAUSE**

If the board of animal health did not have probable cause for an administrative action under section 35.93, including the issuance of a stop-sale or removal order, a court may allow recovery for damages caused by the administrative action.

**HISTORY:** 1988 c 485 s 12

## **PENALTIES**

**35.95 CIVIL PENALTIES**

Subdivision 1. **General penalty.** Except as provided in subdivisions 2 and 5, a person who violates this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the board is subject to a civil penalty of up to \$10,000 as determined by the board.

Subdivision 2. **Wildlife and other damages.**

a) A person who violates this chapter is liable for and must pay to the state a sum to constitute just compensation for the loss or

destruction of wild animals, fish, or other aquatic life and for actual damages to the state.

(b) The amounts paid as compensation for loss or destruction of wildlife, fish, or other aquatic life must be deposited into the state treasury and credited to the game and fish fund.

Subdivision 3. **Defense to civil remedies and damages.** As a defense to a civil penalty or claim for damages under subdivisions 1 and 2, the defendant may prove that the violation was caused solely by an act of God, and act of war, an act or failure to act that constitutes sabotage or vandalism, or combination of these defenses.

Subdivision 4. **Actions to compel performance.** In an action to compel performance of an order of the board of animal health to enforce this chapter, the court may require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

Subdivision 5. **Recovery of penalties by civil action.** The civil penalties and payments provided for in this section may be recovered by a civil action brought by the county attorney, the board, or the attorney general in the name of the state.

Subdivision 6. **Recovery of litigation costs and expenses.** In an action brought by the attorney general or a county attorney in the name of the state under this chapter for civil penalties or injunctive relief or in an action to compel compliance, if the state finally prevails, the state, in addition to other penalties provided in this chapter, must be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses including attorney fees incurred by the state or county attorney. In determining the amount of these litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

**HISTORY:** 1988 c 485; 1993 c 129 s 1-2

## **35.96 CRIMINAL PENALTIES**

Subdivision 1. **General violation.** Except as provided in subdivisions 2 to 6, a person is guilty of a misdemeanor if the person violates this chapter, a rule adopted under this chapter, or a special order, standard, stipulation, agreement, or schedule of compliance of the board of animal health.

Subdivision 2. **Violation endangering humans.** A person is guilty of a gross misdemeanor if the person violates this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the board of animal health and the violation endangers humans.

Subdivision 3. **Violation with knowledge.** A person is guilty of a gross misdemeanor if the person knowingly violates this chapter or a standard, a special order, stipulation, agreement, or schedule of compliance of the board of animal health.

Subdivision 4. **Brucellosis in cattle.** A person who violates a provision of section 35.245 relating to cattle testing, vaccination, and brucellosis control or a quarantine imposed by the board under section 35.245 is guilty of a gross misdemeanor.

Subdivision 5. **Killing diseased animals.** A person who violates a provision of section 35.08 or 35.09 relating to inspection and killing of diseased animals is guilty of a gross misdemeanor.

Subdivision 6. **Transportation of livestock.** A person violating a provision of section 35.15 or 35.16 relating to transportation of livestock is guilty of a gross

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misdemeanor, except that a person who fails or refuses to stop for inspection when directed to stop by a compliance representative is guilty of a misdemeanor.

**HISTORY:** *1988 c 485*

# **PUBLIC HEALTH PROVISIONS**

## **CHAPTER 145**

### **145.365 TRAFFICKING IN SKUNKS.**

Subdivision 1. **Prohibition.** In order to protect the public health and prevent human and domestic animal exposure to rabies, it shall be unlawful to:

(a) Import into or export out of this state any live skunk, for sale, barter, exchange or gift for any purpose whatsoever;

(b) Acquire, sell, barter, exchange, give, or purchase any live skunks.

Subdivision 2. **Exception.** The provisions of subdivision 1 do not apply to the importation, acquisition, or exportation of a skunk by a publicly or privately owned zoological park or circus or any other show where a skunk is exhibited but is not in physical contact with the public, or by scientific or educational institutions for research or educational purposes.

Subdivision 3. **Repealed**, 1982 c 591 s 1

Subdivision 4. **Penalty.** Violation of subdivision 1 or 3 is a misdemeanor.

**HISTORY:** 1982 c 591 s 1



**CONSUMER PROTECTION**  
**PET DEALERS - DOG, CAT SALES**

**CHAPTER 325F**

**325F.79 DEFINITIONS.**

For purposes of sections 1 to 3, the following definitions apply:

(a) "Animal" means a dog, wholly or in part of the species *Canis familiaris*, or a cat, wholly or in part of the species *Felis domesticus*.

(b) "Pet dealer" means any person, firm, partnership, corporation, or association, including breeders, that is required to collect sales tax for the sale of animals to the public. Pet dealer does not include humane societies, nonprofit organizations performing the functions of humane societies, or animal control agencies.

(c) "Breeder" means any person, firm, partnership, corporation, or association, that breeds animals for direct or indirect sale to the public.

(d) "Broker" means any person, firm, partnership, corporation, or association that purchases animals for resale to other brokers or pet dealers.

(e) "Health problem" means any disease, illness, or congenital or hereditary condition which would impair the health or function to the animal that is at the time of sale, or which should have been apparent to the seller from the veterinary history of the animal.

(f) "Veterinarian" means a licensed veterinarian in the state of Minnesota.

**325F.791 SALES OF DOGS AND CATS.**

Subdivision 1. **Disclosure.** Every pet dealer shall deliver to each retail purchaser of an animal written disclosure as follows:

(a) The name, address, and USDA license number of the breeder and any broker who has had possession of the animal; The date of the animal's birth; the date the pet dealer received the animal; the breed, sex, color, and identifying marks of the animal; the individual identifying tag, tattoo, or collar number; the name and registration number of the sire and dam and the litter number; and a record of inoculations, worming treatments, and medication received by the animal while in the possession to the pet dealer.

(b) A statement signed by the pet dealer that the animal has no known health problem, or a statement signed by the pet dealer disclosing any known health problem and a statement signed by a veterinarian that recommends necessary treatment.

The disclosure shall be made part of the statement of consumer rights set forth in subdivision 10. The disclosure required in paragraph (a) need not be made

for mixed breed animals if the information is not available and cannot be determined by the pet dealer.

Subdivision 2. **Records.** The pet dealer shall maintain, for one year, a copy of the statement of consumer rights delivered to the purchaser.

Subdivision 3. **Registration.** A pet dealer who represents an animal as eligible for registration with an animal pedigree organization shall provide the retail purchaser, within 90 days of final payment, the documents necessary for registration. If these documents are not received from the pet dealer, the purchaser may retain the animal and receive a refund of 50 percent of the purchase price, or return the animal, along with all documentation previously provided, and receive a full refund. The pet dealer shall not be responsible for delays in registration which are the result of persons other than the pet dealer.

Subdivision 4. **Health.** No animal may be offered for sale by a broker or pet dealer to a retail purchaser until the animal has been examined by a veterinarian. The veterinarian used by the broker shall not be the same veterinarian used by the pet dealer. If the pet dealer is not the breeder of the animal, each animal shall be examined within two days after receipt of the animal by a pet dealer and within four days of delivery of the animal to the purchaser by the pet dealer. The cost of the examination shall be paid by the pet dealer.

Subdivision 5. **Responsibilities of purchaser.** To obtain the remedies provided in subdivision 6, the purchaser shall with respect to an animal with a health problem:

(a) Notify the pet dealer, within two business days, of the diagnosis by a veterinarian of a health problem and provide the pet dealer with the name and telephone number of the veterinarian and a copy of the veterinarian's report on the animal.

(b) If the purchaser wishes to receive a full refund for the animal, return the animal no later than two business days after receipt of a written statement from a veterinarian indicating the animal is unfit due to a health problem.

With respect to a dead animal the purchaser must provide the pet dealer a written statement from a veterinarian, indicating the animal died from a health problem which existed on or before the receipt of the animal by the purchaser.

Subdivision 6. **Rights of the purchaser.** If, within ten days after receipt of the animal by the purchaser, a veterinarian states, in writing, that the animal has a health problem which existed in the animal at the time of delivery, or if within one year after receipt of the animal by the purchaser, a veterinarian states, in writing, that the animal has died or is ill due to a hereditary or congenital defect, or is not of the breed type represented the animal shall be considered to have been unfit for sale at the time of sale.

In the event an animal dies due to a health problem which existed in the animal at the time of delivery to the purchaser, the pet dealer shall provide the purchaser with one of the following remedies selected by the purchaser; receive an animal, of equal value, if available, and reimbursement for reasonable veterinary fees, such reimbursements not to exceed the original purchase price of the animal; or receive a refund of the full purchase price.

In the event of a health problem which existed at the time of delivery to the purchaser, the pet dealer shall provide the purchaser with one of the following remedies selected by the purchaser: return the animal to the pet dealer for a refund of the full purchase price; exchange the animal for an animal of the purchaser's choice of equivalent value, providing a replacement is available or retain the animal, and receive reimbursement for reasonable veterinary fees, such reimbursements not to exceed the original purchase price of the animal.

The price of veterinary service shall be deemed reasonable if the service is appropriate for the diagnosis and treatment of the health problem and the price of the service is comparable to that of similar service rendered by other veterinarians in proximity to the treating veterinarian.

Subdivision 7. **Rights of pet dealer.** No refund, replacement, or reimbursement of veterinary fees shall be required if any one or more of the following conditions exist:

(a) The health problem or death resulted from maltreatment, neglect, or a disease contracted while in the possession of the purchaser, or from an injury sustained subsequent to receipt of the animal by the purchaser.

(b) A veterinarian's statement was provided to the purchaser pursuant to subdivision 1, paragraph (b), which disclosed the health problem for which the purchaser seeks to return the animal.

(c) The purchaser fails to carry out recommended treatment prescribed by the examining veterinarian, pursuant to subdivision 1, paragraph (b).

Subdivision 8. **Contest.**

(a) In the event that a pet dealer wishes to contest a demand for the relief specified in subdivision 3 or 6, the pet dealer may require the purchaser to produce the animal for examination or autopsy by a veterinarian designated by the pet dealer. The pet dealer shall pay the cost of this examination or autopsy. The pet dealer shall have the right of recovery against the purchaser if the pet dealer is not obligated to provide a remedy under subdivision 6.

(b) If the pet dealer does not provide the relief selected by the purchaser set forth in subdivision 3 or 6, the purchaser may initiate a court action.

(c) The prevailing party in the court action shall have the right to recover costs and reasonable attorneys fees not to exceed \$500.

Subdivision 9. **Posted notice.** Every pet dealer shall post in a prominent location of the facility, a notice, in 48-point bold-face type, containing the following language:

"Information on all dogs and cats is available. You are entitled to a statement of consumer rights. Make sure you receive this statement at the time of purchase."

Subdivision 10. **Statement of consumer rights.** Every pet dealer shall provide the retail purchaser a written notice of rights, which shall be signed by the purchaser, acknowledging that the purchaser has reviewed the notice, and signed by the pet dealer certifying the accuracy of the information contained in it. A signed copy shall be retained by the pet dealer and one given to the purchaser. The notice shall be in 16-point bold-face type and shall state as follows:

"A STATEMENT OF MINNESOTA LAW GOVERNING THE SALE  
OF DOGS AND CATS

The sale of dogs and cats is subject to consumer protection regulations. Minnesota law also provides safeguards to protect pet dealers and animal purchasers. Attached is a copy of Minnesota

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Statutes, section 325F.79. Contained within this law is a statement of your consumer rights."

The statement of consumer rights shall also contain or have attached the disclosures required under subdivision 1.

Subdivision 11. **Limitation.** Nothing in this subdivision shall limit the rights or remedies which are otherwise available to a purchaser under any other law. Any agreement of contract by the purchaser to waive any rights under this chapter shall be null and void and shall be unenforceable.

### **325F.792 ADDITIONAL PENALTIES.**

Subdivision 1. **Criminal penalty.** A violation of any United States Department of Agriculture statute or regulation covering animal breeders or groomers, pet dealers, or the transportation of dogs or cats is a misdemeanor.

Subdivision 2. **Civil penalty.**

(a) A pet dealer who:

- (1) sells an animal without delivery of the disclosure required in section 325F.791, subdivision 1;
- (2) fails to maintain the records required by section 325F.791, subdivision 2;
- (3) fails to provide registration papers as provided in section 325F.791, subdivision 3;
- (4) fails to make or provide payment for the examinations required by section 325F.791, subdivision 4;
- (5) fails to post the notice required by section 321F.791, subdivision 9; or
- (6) fails to provide the statement of consumer rights required by section 325F.791, subdivision 10;

is subject to a civil fine of up to \$1,000 per violation.

(b) Civil fines collected under this subdivision shall be collected by the court and turned over to the prosecuting attorney.

# CRUELTY TO ANIMALS

## CHAPTER 343

### 343.01 PURPOSES; POWERS; COUNTY ORGANIZATION.

Subdivision 1. **Formation authorized.** A State federation of county and district societies for the prevention of cruelty to animals may be created as a corporation under chapter 317 for the purpose provided in section 343.06. The federation may appoint representatives in any county where no active county or district society exists for the purpose of receiving and accounting for funds from any source, and may also appoint agents at large to carry out the work of the federation throughout the state. The federation and all county and district societies may appoint agents for the purpose of investigating or otherwise assisting lawful empowered officials in the prosecution of persons charged with cruelty to animals. Appointed agents must have training and experience in activities relating to prevention of cruelty to animals or enforcement of laws relating to cruelty to animals. The federation may make bylaws as are necessary to implement its authority under this chapter and under chapter 317.

Subdivision 1a. **Minnesota humane society; continuation confirmed.** The Minnesota humane society, also known as the Minnesota society for the prevention of cruelty, is confirmed and continued as a nonprofit organization under chapter 317A.

Subdivision 1b. **Independent organizations; powers of the federated humane societies.** (a) The Minnesota humane society, also known as the Minnesota society for the prevention of cruelty, and the Minnesota federated humane societies are not affiliated with each other or with the state of Minnesota.

(b) The Minnesota federated humane societies have the powers given to it under this chapter.

Subdivision 2. **Unauthorized use of names prohibited.** It is unlawful for any organization, association, firm or corporation named in this chapter to refer to itself as or in any way to use the names Minnesota federated humane societies, Minnesota society for the prevention of cruelty, the Minnesota humane society, or any combination of words or phrases using the above names which would imply that it represents, acts in behalf of, or is a branch of the society or the federation.

Subdivision 3. **Powers and duties.** The federation and the society must each be governed by a board of directors in accordance with chapter 317. The powers, duties, and organization of the federation and the society and other matters for the conduct of the business of the federation and the society are as provided in chapter 317 and in the articles of incorporation and bylaws of each organization.

**HISTORY:** 1987 c 394 s 3; 1993 c s 18-21

### 343.06 PURPOSE.

It shall be the purpose of the state federation of county and district humane societies to assist in the enforcement of the laws for the prevention of wrongs to animals; to assist in the organization of district and county societies and give them representation in the state federation; to aid such societies and agents in the

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enforcement of the laws for the prevention of wrongs to animals which may now or hereafter exist, and to promote the growth of education and sentiment favorable to the protection of animals.

**HISTORY:** *1987 c 394 s 4*

**343.08** [REPEALED, 1987 c 394 s 14]

### **343.10 COUNTY AND DISTRICT SOCIETIES.**

A county society for the prevention of cruelty to animals may be formed in any county and a district society for the prevention of cruelty to animals may be formed in any group of two or more contiguous or noncontiguous counties or parts of counties by not less than seven incorporators. County and district societies shall be created as corporations under chapter 317A and as provided in the bylaws of the state federation. No county or district society may conduct investigations outside the boundaries of the county or counties included in the county or district society.

**History:** *(7934) RL s 3126; 1975 c 369 s 7; 1987 c 394 s 5; 1989 c 304 s 137; 2007 c 45 art 1 s 60*

### **343.11 ACQUISITION OF PROPERTY, APPROPRIATIONS.**

Every county and district society for the prevention of cruelty to animals may acquire, by purchase, gift, grant, or devise, and hold, use, or convey real estate and personal property, and lease, mortgage, sell, or use the same in any manner conducive to its interest, to the same extent as natural persons. The county board of any county, of the council of any city, in which such societies exist, may in its discretion, appropriate for the maintenance and support of such societies in the transaction of the work for which they are organized, any sums of money not otherwise appropriated, not to exceed in any on year the sum of \$4,800 or the sum of 50 cents per capita based upon the county's or city's population as of the most recent federal census, whichever is greater; provided that no part of the appropriation shall be expended for the payment of the salary of any officer of the society.

**HISTORY:** *1987 c 394 s 6*

### **343.12 DUTIES OF PEACE OFFICERS.**

Upon application of any agent appointed by the federation of a county or district society, it shall be the duty of any sheriff or the agent's deputy or any police officer to investigate any alleged violation of the law relative to cruelty to animals, and to arrest any person found violating those laws. It shall also be the duty of those officers to take possession of any animals in their respective jurisdictions which have been cruelly treated, and deliver the same to the proper officers of the county or district for custody and care.

**HISTORY:** *1987 c 394 s 7 CRUELTY TO ANIMALS*

### **343.20 DEFINITIONS.**

Subdivision 1. **Application.** Except as otherwise indicated by the context, for purposes of sections 343.20 to 343.36, the terms defined in this section have the meanings given them.

Subdivision 2. **Animal.** "Animal" means every living creature except members of the human race.

Subdivision 3. **Torture; cruelty.** "Torture" or "cruelty" means every act, omission, or neglect which causes or permits unnecessary or unjustifiable pain, suffering, or death.

Subdivision 4. **Impure milk.** "Impure and unwholesome milk" means all milk obtained from diseased or unhealthy animals, of from animals fed on any substance which is putrefied or fermented.

Subdivision 5. **Animal Control Officer.** "Animal control officer" means an officer employed by or under contract with an agency of the state, county, municipality or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

Subdivision 6. **Pet Or Companion Animal.** "Pet or companion animal" includes any animal owned, possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another as a pet or companion, or any stray pet or stray companion animal.

Subdivision 7. **Service Animal.** "Service animal" means an animal trained to assist a person with a disability.

Subdivision 8. **Substantial Bodily Harm.** "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member to a service animal or a pet or companion animal.

Subdivision 9. **Great Bodily Harm.** "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other serious bodily harm to a service animal or a pet or companion animal.

**HISTORY** (10442) *RL s 5151; 1981 c 53 s 1; 2001 sp 8 s 5-8*

**343.21 OVERWORKING OR MISTREATING ANIMALS; PENALTY.**

Subdivision 1. **Torture.** No person shall overdrive, overload, torture, cruelly beat, neglect or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when it is unfit for labor, whether it belongs to that person or to another person.

Subdivision 2. **Nourishment; shelter.** No person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.

Subdivision 3. **Enclosure.** No person shall keep any cow or other animal in any enclosure without providing wholesome exercise and change of air.

Subdivision 4. **Low feed.** No person shall feed any cow on food which produces impure or unwholesome milk.

Subdivision 5. **Abandonment.** No person shall abandon any animal.

Subdivision 6. **Temporary abandonment.** No person shall allow any maimed, sick, infirm, or disabled animal to lie in any street, road, or other public place for more than three hours after receiving notice of the animal's condition.

Subdivision 7. **Cruelty.** No person shall willfully instigate or in any way further any act of cruelty to any animal or animals, or any act tending to produce cruelty to animals.

Subdivision 8. **Caging.** No person shall 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. The

provisions of this subdivision do not apply to the Minnesota State Agricultural Societies, county fairs, to any agricultural display of caged animals by any political subdivision of the State of Minnesota, or to district, regional or national educational livestock or poultry exhibitions. The provisions of this subdivision do not apply to captive wildlife, the exhibition of which is regulated by section 97A.041.

Subdivision 8a. **Harming A Service Animal.** No person shall intentionally and without justification cause bodily harm to a service animal while it is providing service or while it is in the custody of the person it serves.

Subdivision 9. **Penalty.** (a) Except as otherwise provided in this subdivision, a person who fails to comply with any provisions of this section is guilty of a misdemeanor. A person convicted of a second or subsequent violation of subdivision 1 or 7 within five years of a previous violation of subdivision 1 or 7 is guilty of a gross misdemeanor.

(b) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(c) A person convicted of violating paragraph (b) within five years of a previous gross misdemeanor or felony conviction for violating this section may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(d) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(e) A person who violates subdivision 8a where the violation results in substantial bodily harm to a service animal may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(f) A person who intentionally violates subdivision 1 or 7 where the violation results in substantial bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(g) A person who violates subdivision 8a where the violation results in death or great bodily harm to a service animal may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

(h) A person who intentionally violates subdivision 1 or 7 where the violation results in death or great bodily harm to a pet or companion animal, and the act is done to threaten, intimidate, or terrorize another person, may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$10,000, or both.

Subdivision 10. **Restrictions.** If a person is convicted of violating this section, the court shall require that pet or companion animals, that have not been seized by a peace officer or agent and are in the custody or control of the person must be turned over to a peace officer or other appropriate officer or agent unless the court determines that the person able and fit to provide adequately for an animal. If the evidence indicates lack of proper and reasonable care of an animal, the burden is on the person to affirmatively demonstrate by clear and convincing evidence that the person is able and fit to have custody of and provide adequately for an animal. The court may limit the person's further possession or custody of pet or companion animals, and may impose other conditions the court considers appropriate, including, but not limited to:

- (1) imposing a probation period during which the person may not have ownership, custody, or control of a pet or companion animal;
- (2) requiring periodic visits of the person by an animal control officer or agent appointed pursuant to section 343.01, subdivision 1;
- (3) requiring performance by the person of community service ; and
- (4) requiring the person to receive psychological, behavioral, or other counseling.

**HISTORY:** (10443) *RL s 5152 c 571 s 1-2; 1974 c 3 s 2; 1981 c 53 s 2; 1986 c 386 art 4 s 24; 1986 c 444; 1990 c 387 s 1; 1990 c 612 s 2; 1993 c 326 art 4 s 10-11; 2001 sp 8 s 9-11*

### **343.22 INVESTIGATION OF CRUELTY COMPLAINTS.**

Subdivision 1. **Reporting.** Any person who has reason to believe that a violation of this chapter has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of that section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses the applicant produces and the court shall take their affidavits in writing. The affidavits must set forth facts tending to establish the grounds for believing a violation of this chapter has occurred or is occurring, or probable cause to believe that a violation exists. If the court is satisfied of the existence of the grounds of the application, or that there is probable cause to believe a violation exists, it shall issue a signed search warrant and order for investigation to a peace officer in the county. The order shall command the officer to proceed promptly to the location of the alleged violation. The order may command that a doctor of veterinary medicine accompany the officer.

Subdivision 2. **Police investigation.** The peace officer shall search the place designated in the warrant and, together with the veterinary doctor, shall conduct an investigation of the facts surrounding the alleged violation. The peace officer may retain in custody, subject to the order of the court, any property or things which are specified in the warrant, including any animal if the warrant so specifies. The warrant shall contain the names of the persons presenting affidavits in support of the application and the grounds for its issuance. Service shall be made in accordance with the provisions of sections 626.13, 626.14, and 626.16. The warrant must be executed and returned to the court which issued the warrant within ten days after its date; after the expiration of that time, the warrant, unless executed, is void. The officer executing the warrant shall promptly return the warrant to the court, and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer. The warrant and order of investigation issued pursuant to this section and section 343.23 shall have the same force as a warrant issued pursuant to chapter 626.

Subdivision 3. **Disposal of animals.** Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to this section may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. All other animals shall be disposed of as provided in section 343.235. The authority taking custody of the animals may recover all costs incurred under this section.

**HISTORY:** *1971 c 647 s 1; 1974 c 299 s 1; 1981 c 53 s 3; 1986 c 444; 1990 c 387 s 1; 1990 c 612 s 2*

**343.23 EXPENSES OF INVESTIGATION.**

The expenses of the investigation authorized by section 343.22, including the fee of the doctor of veterinary medicine, the expenses of keeping or disposing of any animal taken into custody pursuant to an investigation, and all other expenses reasonably incident to the investigation shall be paid by the county treasurer from the general fund of the county. If the person alleged to have violated section 343.21 is found guilty of the violation, the county shall have judgement against the guilty person for the amount of the expenses.

**HISTORY:** 1971 c 647 s 2; 1977 c 332 s 16; 1981 c 53 s 4

**343.235 DISPOSITION OF SEIZED ANIMALS**

Subdivision 1. **General rule.** An animal taken into custody under section 343.12, 343.22, 343.29, or 343.31 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, provided that the procedures in subdivision 3 are followed. An animal raised for food or fiber products may not be seized or disposed of without prior examination by a licensed veterinarian pursuant to a warrant issued by a judge.

Subdivision 2. **Security** A person claiming an interest in an animal in custody under subdivision 1 may prevent disposition of the animal by posting security in an amount sufficient to provide for the animal's actual costs of care and keeping. The security must be posted within ten days of the seizure inclusive of the date of the seizure.

Subdivision 3. **NOTICE; RIGHT TO HEARING.**

(a) The authority taking custody of an animal under section 343.12, 343.22, 343.29, or 343.31 shall give notice of this section by delivering or mailing it to a person claiming an interest in the animal or by posting a copy of it at the place where the animal is taken into custody or by delivering it to a person residing on the property, and telephoning, if possible. The notice must include:

(1) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, telephone number, and contact person where the animal is kept;

(2) a statement that a person claiming an interest in the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure or impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and

(3) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the person claiming an interest in the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing under this subdivision.

(b) Upon request of a person claiming an interest in the animal, which request must be made within ten days of the date of seizure, a hearing must be held within five business days of the request, to determine the validity of the seizure and impoundment. If the seizure was done pursuant to a warrant under section 343.22, the hearing must be conducted by the judge who issued the warrant. If the seizure was done under section 343.12, 343.29, or 343.31, the municipality taking custody of the animal or, in the case of a humane society, the municipality from which the

animal was seized, may either (1) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party or (2) use the services of a hearing officer to conduct the hearing. A person claiming an interest in the animal who is aggrieved by a decision of a hearing officer under this subdivision may seek a court order governing the seizure or impoundment within five days of notice of the order.

(c) The judge or hearing officer may authorize the return of the animal, if the judge or hearing officer finds that: (1) the animal is physically fit; and (2) the person claiming an interest in the animal can and will provide the care required by law for the animal.

(d) The person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the municipality and the person claiming an interest in the animal before return of the animal to the person.

**HISTORY:** 1991 C 122 S 4, 1995 C 244 S 7; 2001 sp 8 s 12-13

#### **343.24 CRUELTY IN TRANSPORTATION.**

Subdivision 1. **Penalty.** Any person who does any of the following is guilty of a misdemeanor:

(a) Carries or causes to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages in which the animals can both stand and lie down during transportation and while awaiting slaughter;

(b) Except as provided in subdivision 2, paragraph (a), carries or causes to be carried, upon a vehicle or otherwise, any live animal having feet or legs tied together, or in any other cruel or inhumane manner;

(c) Transports or detains livestock in cars or compartments for more than 28 consecutive hours without unloading the livestock in a humane manner into properly equipped pens for rest, water, and feeding for a period of at least five consecutive hours, , unless requested to do so as provided in subdivision 2, paragraph (b), or unless prevented by storm or unavoidable causes which cannot be anticipated or avoided by the exercise of diligence and foresight; or

(d) Permits livestock to be crowded together without sufficient space to stand, or so as to overlies, crush, wound, or kill each other.

Subdivision 2. **Exceptions.**

(a) A person may carry or cause to be carried, upon a vehicle or otherwise, a cloven-hoofed animal having legs tied together, if:

(1) the person transporting the animal is the animal's owner, or an employee or agent of the owner;

(2) the animal weighs 250 pounds or less;

(3) the tying is done in a humane manner and is necessary for the animal's safe transport; and

(4) the animal's legs are tied for no longer than one-half hour.

(b) A person or corporation engaged in transporting livestock may confine livestock for 36 consecutive hours if the owner or the person with custody of that particular shipment of livestock requests in writing that an extension be allowed. That written request shall be separate from any bill of lading or other railroad form.

**HISTORY:** (10444) RL s 5153; 1921 c 186 s 1; 1981 c 53 s 5; 1998 c 402 s 1

**343.25 DOCKING HORSES; PENALTY.**

A person who cuts the bony part of a horse's tail for the purpose of docking it, or who causes or knowingly permits the same to be done upon premises of which the person is owner, lessee, or user, or who assists in the cutting is guilty of a misdemeanor. When a horse is found so cut, upon the premises or in the custody of any person, and the wound resulting is unhealed, that fact shall constitute *prima facie* evidence that the offense was committed by the person. All fines resulting from complaint made by an officer or agent of any society of this state for the prevention of cruelty to animals for any offense specified in this section shall be paid the society whose officer or agent made the complaint.

**HISTORY:** (10445) RL s 5154; 1981 c 53 s 6; 1986 c 444

**343.26 CLIPPED ANIMALS; PENALTY.**

No person who has custody of any animal which has had its hair removed by clipping or shearing shall cause or permit the animal to stand on a road, street, or other unsheltered place between November 1 and May 1 within 60 days after the clipping or shearing, unless the animal is blanketed. Violation of this section is a misdemeanor.

**HISTORY:** (10448) RL s 5155; 1981 c 53 s 7

**343.27 POISONING ANIMALS.**

Any person who unjustifiably administers any poisonous, or noxious drug or substance to any animal, or procures or permits it to be done, or unjustifiably exposes that drug or substance with the intent that the drug be taken by any animal, whether the animal is property of the person or another, is guilty of a gross misdemeanor.

**HISTORY:** (10448) RL s 5157; 1979 c 102 s 13; 1981 c 53 s 8; 1986 c 444

**343.28 ANIMAL WITH INFECTIOUS DISEASE.**

An owner or person having charge of any animal who knows the animal has any infectious or contagious disease, or knows the animal has recently been exposed to an infectious or contagious disease, who sells or barter the animal, or knowingly permits the animal to run at large or come into contact with any other animal, or with another person without that person's knowledge and permission shall be guilty of a misdemeanor.

**HISTORY:** (10450) RL s 5159, 1980 c 467 s 36; 1981 c 53 s 9

**343.29 EXPOSURE OF ANIMALS; DUTY OF OFFICERS.**

Subdivision 1. **Delivery to shelter.** Any peace officer, animal control officer, or agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink in circumstances that threaten the life of the animal. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified as provided in section 343.235, subdivision 3, and the person having possession of the animal, shall have a lien thereon for its actual costs of care and keeping and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ten days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be disposed of as provided in section 343.235.

Subdivision 2. **Disposal of animals.** Upon a proper determination by a licensed doctor of veterinary medicine, any animal taken into custody pursuant to subdivision 1 may be immediately disposed of when the animal is suffering and is beyond cure through reasonable care and treatment. The expenses of disposal shall be subject to the provisions of section 343.23.

**HISTORY:** (10451) RL s 5160; 1907 c 398 s 1; 1973 c 123 art 5 s 7; 1974 c 299 s 2; 1981 c 53 s 10; 1995 c 244 s 8

**343.30 INJURY TO BIRDS.**

A person who in any manner maliciously maims, kills, or destroys any bird designated as unprotected by section 97A.015, subdivision 52, or who maliciously destroys the nests or eggs of any such bird shall be guilty of a petty misdemeanor.

**HISTORY:** (10447) RL s 5156; 1981 c 53 s 11; 1986 c 386 art 4 s 25

**343.31 ANIMAL FIGHTS AND POSSESSION OF FIGHTING ANIMALS.**

Subdivision 1. **Penalty for animal fighting; attending animal fight.** A person who: (1) promotes, engages in, or is employed in the activity of cockfighting, dogfighting, or violent pitting of one domestic animal against another of the same or a different kind; (2) receives money for the admission of a person to a place used, or about to be used, for that activity; (3) willfully permits a person to enter or use for that activity premises of which the permitter is the owner, agent, or occupant; or (4) uses, trains, or possesses a dog or other animal for the purpose of participating in, engaging in, or promoting that activity is guilty of a felony. A person who purchases a ticket of admission or otherwise gains admission to that activity is guilty of a misdemeanor.

Subd. 2. **Presumption of training a fighting dog.** There is a rebuttable presumption that a dog has been trained or is being trained to fight if:

- (1) the dog exhibits fresh wounds, scarring, or other indications that the dog has been or will be used for fighting; and
- (2) the person possesses training apparatus, paraphernalia, or drugs known to be used to prepare dogs to be fought.

This presumption may be rebutted by a preponderance of the evidence.

Subd. 3. **Presumption of training fighting birds.** There is a rebuttable presumption that a bird has been trained or is being trained to fight if:

- (1) the bird exhibits fresh wounds, scarring, or other indications that the bird has been or will be used for fighting; or
- (2) the person possesses training apparatus, paraphernalia, or drugs known to be used to prepare birds to be fought.

This presumption may be rebutted by a preponderance of the evidence.

Subd. 4. **Peace officer duties.** Animals described in subdivisions 2 and 3 are dangerous weapons and constitute an immediate danger to the safety of humans. A peace officer or animal control authority may remove, shelter, and care for an animal found in the circumstances described in subdivision 2 or 3. If necessary, a peace officer or animal control authority may deliver the animal to another person to be sheltered and cared for. In all cases, the peace officer or animal control authority must immediately notify the owner, if known, as provided in subdivision 5. The peace officer, animal control authority, or other person assuming care of the animal shall

have a lien on it for the actual cost of care and keeping of the animal. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within ten days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be disposed of as provided in subdivision 5.

Subd. 5. **Disposition.** (a) An animal taken into custody under subdivision 4 may be humanely disposed of at the discretion of the jurisdiction having custody of the animal ten days after the animal is taken into custody, if the procedures in paragraph (c) are followed.

(b) The owner of an animal taken into custody under subdivision 4 may prevent disposition of the animal by posting security in an amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within ten days of the seizure inclusive of the date of the seizure. If, however, a hearing is scheduled within ten days of the seizure, the security amount must be posted prior to the hearing.

(c)(1) The authority taking custody of an animal under subdivision 4 must give notice of this section by delivering or mailing it to the owner of the animal, posting a copy of it at the place where the animal is taken into custody, or delivering it to a person residing on the property and telephoning, if possible. The notice must include:

- (i) a description of the animal seized; the authority and purpose for the seizure; the time, place, and circumstances under which the animal was seized; and the location, address, and telephone number of a contact person who knows where the animal is kept;
- (ii) a statement that the owner of the animal may post security to prevent disposition of the animal and may request a hearing concerning the seizure and impoundment and that failure to do so within ten days of the date of the notice will result in disposition of the animal; and
- (iii) a statement that all actual costs of the care, keeping, and disposal of the animal are the responsibility of the owner of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The notice must also include a form that can be used by a person claiming an interest in the animal for requesting a hearing.

(2) The owner may request a hearing within ten days of the date of the seizure. If requested, a hearing must be held within five business days of the request to determine the validity of the impoundment. The municipality taking custody of the animal or the municipality from which the animal was seized may either (i) authorize a licensed veterinarian with no financial interest in the matter or professional association with either party, or (ii) use the services of a hearing officer to conduct the hearing. An owner may appeal the hearing officer's decision to the

district court within five days of the notice of the decision.

(3) The judge or hearing officer may authorize the return of the animal if the judge or hearing officer finds that (i) the animal is physically fit, (ii) the person claiming an interest in the animal can and will provide the care required by law for the animal, and (iii) the animal has not been used for violent pitting or fighting.

(4) The person claiming an interest in the animal is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the municipality and the person claiming an interest in the animal before the return of the animal to the person.

**Subd. 6. Photographs.** (a) Photographs of animals seized during an investigation are competent evidence if the photographs are admissible into evidence under all the rules of law governing the admissibility of photographs into evidence. A satisfactorily identified photographic record is as admissible in evidence as the animal itself.

(b) A photograph must be accompanied by a written description of the animals seized, the name of the owner of the animals seized, the date of the photograph, and the name, address, organization, and signature of the photographer.

**Subd. 7. Veterinary investigative report.** (a) A report completed by a Minnesota licensed veterinarian following an examination of an animal seized during an investigation is competent evidence. A satisfactorily identified veterinary investigative report is as admissible in evidence as the animal itself.

(b) The veterinary investigative report may contain a written description of the animal

seized, the medical evaluation of the physical findings, the prognosis for recovery, and the date of the examination and must contain the name, address, veterinary clinic, and signature of the veterinarian performing the examination.

**History:** (10449) *RL s 5158; 1981 c 22 s 1; 1986 c 444; 2005 c 136 art 17 s 4*

#### **343.15 LIVE LURE GREYHOUND TRAINING OR RACING.**

No person may train a greyhound for racing using a live lure or live bait or conduct a greyhound race using a live lure or bait.

**HISTORY:** *1991 c 74 s 1*

#### **343.32 ARTIFICIALLY COLORED ANIMALS; SALES.**

No chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially may be sold or offered for sale; raffled; offered or given as a prize, premium, or advertising device; or displayed in any store, shop carnival or other public place.

**HISTORY:** *1956 c 620 s 1*

#### **343.33 USE AS ADVERTISING DEVICES.**

Chicks, ducklings and goslings younger than four weeks of age shall not be sold or offered for sale; raffled; or offered or given as a prize, premium, or advertising device, in a quantity of fewer than twelve birds to an individual person unless sold by a person, firm, partnership or corporation engaged in the business of selling chicks, ducklings, and goslings for agricultural or wildlife purposes.

**HISTORY:** 1965 c 620 s 2; 1981 c 53 s 12

**343.34 CARE OF ANIMALS USED AS ADVERTISING DEVICES.**

Stores, shops, vendors, and others offering chicks, ducklings, or goslings for sale; raffle; or as a prize, premium, or advertising device; or displaying chicks, ducklings, or goslings to the public; shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health, and shall keep adequate food and water available to the birds at all times.

**HISTORY:** 1965 c 620 s 3; 1981 c 53 s 13

**343.35 VIOLATIONS.**

A violation of sections 343.32 to 343.34 is a petty misdemeanor; provided that after any violation has been called to the attention of the violator by any law enforcement officer, each day on which the violation continues or is repeated constitutes a separate offense.

**HISTORY:** 1965 c 620 s 4; 1981 c 53 s 14

**343.36 GREASED PIG CONTESTS AND TURKEY SCRAMBLES.**

No person shall operate, run or participate in a contest, game or other like activity, in which a pig, greased, oiled or otherwise, is released and wherein the object is the capture of the pig, or in which a chicken or turkey is released or thrown into the air and wherein the object is the capture of the chicken or turkey. Any violation of this section is a misdemeanor.

**HISTORY:** 1971 c 649 s 1; 1981 c 53 s 15

**343.37 DECOMPRESSION CHAMBERS PROHIBITED.**

A person may not use a decompression chamber to destroy an animal. A violation of this section is a misdemeanor.

**HISTORY:** 1985 c 270 s 1

**343.40 DOG HOUSES.**

Subdivision 1. **In general.** A person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide the dog with shelter and bedding as prescribed in this section as a minimum.

Subdivision 2. **Building specifications.** The shelter shall include a moistureproof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, moisture-proof floor or a floor raised at least two inches from the ground. Between November 1 and March 31 the structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable bedding material consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

Subdivision 3. **Shade.** Shade from the direct rays of the sun, during the months of June to September shall be provided.

Subdivision 4. **Farm dogs.** In lieu of the requirements of subdivision 2 and 3, a dog kept on a farm may be provided with access to a barn with a sufficient quantity of loose hay or bedding to protect against cold and dampness.

Subdivision 5. **Zoning.** All shelter required by this section shall be subject to all building or zoning regulations of any city, township, county or state.

Subdivision 6. **Penalty.** Whoever violates the provisions of this section is guilty of a petty misdemeanor.

**HISTORY:** 1959 c 571 s 2; 1965 c 764 s 1; 1973 c 123 art 5 s 7; 1981 c 53 s 16; 1998 c 402 s 2



## **ANIMALS; ESTRAYS, DAMAGE, CRUELTY**

### **CHAPTER 346**

#### **346.01 WHO MAY TAKE UP.**

No person shall take up any estray, except horses or mules, unless such estray shall be found on lands owned or occupied by the person in the town wherein the person resides.

*HISTORY: (7267) RL S 2769; 1986 C 444*

#### **346.02 FINDER TO GIVE NOTICE; PENALTY.**

A person who finds an estray and knows who owns it shall notify the owner within seven days after finding the estray and request the owner to pay all reasonable charges and take such estray away. A finder who does not know who owns the estray shall within ten days file a notice with the town clerk. The clerk shall transmit a copy thereof to the county recorder, who shall record the same in a book designated "estrays book." The finder shall give posted notice of the finding of the estray in said town. The notice shall briefly describe the estray, giving its marks, natural and artificial, as nearly as practicable, naming the residence of the finder, and specifying the town, section, and time when taken up. For failure to give such notice, the finder shall be liable to the owner of the estray in double the amount of damages sustained by the owner thereby.

*HISTORY: (7268) RL s 2770; 1976 c 181 s 2; 1984 c 543 s 31; 1986 c 444*

#### **346.03 APPRAISEMENT.**

Every finder of an estray of the value of \$10 or more at the time of taking up shall, within one month, have it appraised by a county or municipal judge. The certificate of appraisement shall be filed with the town clerk. The finder shall pay 50 cents for the certificated and six cents per mile for each mile necessarily traveled to make the appraisal.

*HISTORY: (7269) RL s 2771; 1983 c 359 s 34*

#### **346.04 CHARGES FOR KEEPING.**

The person entitled to the possession of any estray, at any time within one year after notice is filed with the town clerk, may have it restored upon proving the right to it an paying all lawful charges that occur in relation to it. If the person and the finder cannot agree as to the amount of the charges, or upon what should be allowed for the use of the estray, either party, on notice to the other, may apply to a district court judge to settle the disagreement. The judge may examine witnesses on oath. If any amount is owed to the finder, over the value use of the estray, the money, with costs, shall be a lien upon the estray. The costs of the adjudication shall be allocated by the judge.

*HISTORY: (7270) RL s 2772; 1983 c 359 s 35; 1986 c 444; 1998 c 254 art 2 s*

**346.05 SALE OF ESTRAY.**

If no claimant for such estray shall cause its return to the claimant as before provided, and if such estray shall not have been appraised at more than \$10, the finder shall thereupon become the owner thereof; but, if such appraised value exceeds \$10, the estray shall be sold at public auction by any constable of the county on the request of the finder. Notice thereof shall be given and the sale conducted and the same fees allowed as in the sales upon justice's execution. The finder may bid at such sale, and at the time thereof shall deliver to such officer a statement, in writing, of the finder's charges. After deducting such charges, if reasonable, and the cost of the sale, the officer shall deposit the remainder of the money, together with the written statement and a statement of the costs of the sale, with the county treasurer, taking the treasurer's receipt therefor. If the finder of any such estray shall fail to cause the sale to be made, the finder shall pay the town the value of the estray, to be recovered in an action by the town.

*HISTORY: (7271) RL s 2773; 1986 c 444*

**346.06 MONEY, HOW DISPOSED OF.**

If the money so deposited be not claimed by the former owner of the estray within one year after such sale, the same shall be paid by the county treasurer into the public school fund.

*HISTORY: (7272) RL s 2774*

**346.07 REMOVAL OF ESTRAY; NEGLECT TO GIVE NOTICE.**

If any person, without the consent of the finder, shall take away any stray taken up pursuant to this chapter, without first paying all lawful charges incurred in relation to the same, the person shall be liable to the finder for the value of the estray; and, if any person taking up the estray shall neglect to comply with the provisions of this chapter, that person shall be precluded from acquiring any right of property in such estray and from receiving any charge or compensation in relation thereto.

*HISTORY: RL s 2775; 1986 c 444*

## **ANIMALS DOING DAMAGE**

### **346.08     DISTRAINT OF ANIMALS DOING DAMAGE.**

The owner or occupant of lands may distrain any beast doing damage thereon, either while upon the premises or upon immediate pursuit of such beast escaping therefrom, and before returning to the enclosure or immediate care of the owner or keeper, and such beast upon the distrainer's premises, or in some public ground in the distrainer's town, until the damages shall be appraised, as hereinafter provided.

*HISTORY: (7274 RL s 2776; 1986 c 444*

### **346.09     ANIMALS DOING DAMAGE.**

Subdivision 1. **Notice; appraisers.** The person distraining shall give notice to the owner of the beast, if known to the distrainer, within 24 hours if the owner resides in the same town, and within 48 hours if the owner resides in another town in the same county, Sundays excepted. The notice shall specify the time when and the place where distrained, the number of beasts, and the place of the detention, and that at a time and place stated therein, which shall not be less than 12 hours after service of the notice, nor more than three days after the distress, the distrainer will apply to a designated county or municipal judge of the county for the appointment of appraisers to appraise the damages. If the owner is unknown or does not reside in the county, the distraining person shall apply for the appointment of appraisers within 24 hours after the distress without notice. After the application, the judge shall appoint three disinterested residents of the town to appraise the damages.

Subdivision 2. **Owner's right to appraisal.** If the distraining person fails to apply for appointment of appraisers within the time designated in subdivision 1, the owner of the beasts distrained may in the same manner apply for appointment of appraisers.

*HISTORY: (7275) RL s 2777; 1953 c 8 s 1; 1983 c 36; 1986 c 444*

### **346.10     APPRAISEMENT; PROCEDURE.**

The appraisers, immediately after their appointment, shall be sworn and view the damage done. They may take the evidence of any witnesses of the facts and circumstances necessary to enable them to ascertain the extent of such damage, and the insufficiency of any line fence on the premises where the damage was done, if any dispute shall arise touching the same, and may administer oaths to such witnesses. They shall certify, under their hands, the amount of such damages, and the costs of keeping such beasts to that time, with their fees, not exceeding \$1 per day each; and their determination as to such damages, and the sufficiency of such fence, if in dispute, shall be conclusive.

*HISTORY: (7276) RL s 2778*

### **346.11     TENDER BY OWNER; EFFECT.**

At any time before proceedings are begun for such appraisement, or before action is brought for the recovery of damages, the owner or the owner's agent may

tender, to the person aggrieved by the depredation of such animal, the amount of damages which such owner may believe has been sustained. If the tender be accepted, no further damages shall be recovered in any way; if refused, and the person aggrieved fails to substantiate or recover as damages a sum greater than that tendered, no costs, disbursements, or expenses shall be collected or recovered in the aggrieved person's favor, but the aggrieved person shall pay the costs and disbursements of such owner.

**HISTORY:** (7277) *RL s 2779; 1986 c 444*

**346.12 IMPOUNDMENTS.**

Unless the damages so ascertained, together with the fees of the appraisers and justice, shall be paid within 24 hours after appraisal, the person distraining shall cause the beasts to be put into the nearest pound of the same town, if there be one; and, if not, then in some secure enclosure therein, where the same shall remain until sold, as hereinafter directed, or until the damages, fees, and the costs of keeping the beasts after appraisal shall be paid, or until otherwise seized or discharged according to law. From the time of seizure until discharged or sold, such beasts shall be furnished with suitable food, the expense of which, after the appraisal, shall be added thereto as additional costs; and, if the beasts be put in a pound, the certificate of appraisal shall be delivered to the keeper thereof.

**HISTORY** (7278) *RL s 2780*

**346.13 POUNDMASTER; CUSTODY; SALE; NOTICE.**

The poundmaster shall receive and keep in the public pound any beasts so delivered to the poundmaster; and, unless seized or discharged according to law within six days, shall sell the same or as many as shall be necessary to pay such damages, fees, and costs, at public auction, giving three days posted Notice thereof, and posting one such notice on the pound.

**HISTORY:** (7279) *RL s 2781; 1986 c 444*

**346.14 SALE OF ANIMAL NOT IMPOUNDED.**

If, by reason of there being no pound within such town, such beast shall be kept within some other enclosure, and shall not be discharged therefrom in the manner hereinbefore provided within six days after being placed therein, the sheriff or any constable of the county shall sell such beasts, or so many as may be necessary to pay such damages, fees, and costs of keeping, upon the same notice as is required in sales of personal property, on execution.

**HISTORY:** (7280) *RL s 2782*

**346.15 REDEMPTION.**

The purchaser of any animal sold under section 346.13 and 346.14 shall keep the same at least two months, during which time the owner may redeem such animal by paying all costs and charges of keeping, and the amount paid therefor at the sale, with interest thereon at 12 percent per annum.

**HISTORY:** (7281) *RL s 2783*

## **Regulated Animals**

### **346.155 POSSESSING REGULATED ANIMALS.**

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Person" means any natural person, firm, partnership, corporation, or association, however organized.

(c) "Wildlife sanctuary" means a 501(c)(3) nonprofit organization that:

(1) operates a place of refuge where abused, neglected, unwanted, impounded,

abandoned, orphaned, or displaced wildlife are provided care for their lifetime;

(2) does not conduct any commercial activity with respect to any animal of which the organization is an owner; and

(3) does not buy, sell, trade, auction, lease, loan, or breed any animal of which the organization is an owner, except as an integral part of the species survival plan of the American Zoo and Aquarium Association.

(d) "Possess" means to own, care for, have custody of, or control.

(e) "Regulated animal" means:

(1) all members of the Felidae family including, but not limited to, lions, tigers, cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats recognized as a domestic breed, registered as a domestic breed, and shown as a domestic breed by a national or international multibreed cat registry association;

(2) bears; and

(3) all nonhuman primates, including, but not limited to, lemurs, monkeys, chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

Regulated animal includes any hybrid or cross between an animal listed in clause (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of those crosses or hybrids.

(f) "Local animal control authority" means an agency of the state, county, municipality, or other governmental subdivision of the state that is responsible for animal control operations in its jurisdiction.

(g) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the meanings given them in section Subd. 2. **Possession of regulated animals.** (a)

Except as provided in this section, it is unlawful for a person to possess a regulated animal.

(b) A person who possesses a regulated animal on January 1, 2005, has 90 days to come into compliance with regulations promulgated by the United States Department of Agriculture for regulated animals under the Animal Welfare Act, Public Law 89-544, and its subsequent amendments, and the regulations adopted under that act relating to facilities and operations, animal health and husbandry, and veterinary care for regulated animals.

(c) Except as provided in paragraph (e), a person must not take possession of a regulated animal after January 1, 2005.

(d) Except as provided in paragraph (e), a person must not allow regulated animals in their possession to breed after January 1, 2005.

(e) Except as provided in paragraph (g), a person who possesses a valid United States Department of Agriculture license and is in compliance with the United States Department of Agriculture Animal Welfare Act regulations and standards on January 1, 2005, may breed, purchase, or otherwise acquire new regulated animals after January 1, 2005, in order to:

(1) maintain the operating inventory of regulated animals possessed on January 1, 2005;

(2) sell regulated animals to other United States Department of Agriculture licensed and compliant facilities within Minnesota for replacement purposes as provided in clause (1);

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(3) sell regulated animals outside Minnesota; or  
(4) sell regulated animals to persons eligible under paragraph (f). Offspring under six months

of age shall not be counted for the purpose of determining the number of replacement animals that can be possessed under this paragraph.

(f) Except as provided in paragraph (g), a person who does not hold a United States Department of Agriculture license for regulated animals, possesses a regulated animal on January 1, 2005, and has properly registered the animal may replace the regulated animal if it dies, but may replace it only once.

(g) If a regulated animal dies of neglect or cruelty, is seized pursuant to subdivision 5, or if the person is involved in illegal activities, the person cannot acquire a replacement animal.

**Subd. 3. Registration.** (a) Within 60 days after January 1, 2005, a person who possesses a regulated animal must notify in writing the local animal control authority using a registration form prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health. The notification shall include the person's name, address, telephone number, and a complete inventory of each regulated animal that the person possesses. The inventory shall include the following information: number and species of each regulated animal; the microchip number and manufacturer for each regulated animal if available; the exact location where each

regulated animal is kept; and age, sex, color, weight, scars, and any distinguishing marks of each regulated animal.

(b) If a person who possesses a regulated animal has a microchip implanted in the animal for identification, the name of the microchip manufacturer and the identification number of the microchip must be provided to the local animal control authority. If a regulated animal is sedated for any reason and the animal does not have a microchip implanted, a microchip must be implanted in the regulated animal. Within 30 days after the microchip is implanted, the name of the microchip manufacturer and the identification number of the microchip must be provided to the local animal control authority. A person selling or transferring ownership of offspring under six months of age as provided in subdivision 2, paragraph (e), is encouraged to have a microchip implanted in the animal prior to the sale or transfer. Within 30 days of acquisition, a person acquiring ownership of an offspring with a microchip implanted shall comply with microchip information reporting requirements under this section.

(c) If a local animal control authority performs an initial site inspection, a fee of up to \$50 may be charged. An annual fee of \$25 per animal to register regulated animals up to a maximum of \$250 annually per person may be charged. The local animal control authority may charge an additional site inspection fee of \$50 if the person acquires and possesses another type of regulated animal. A certificate of registration must be issued by the local animal control authority to the person upon payment of the fee.

**Subd. 4. Requirements.** (a) A person who possesses a regulated animal must maintain health and ownership records on each animal and must maintain the records for the life of the animal. If possession of the regulated animal is transferred to another person, a copy of the health and ownership records must accompany the animal.

(b) A person who possesses a regulated animal must maintain an ongoing program of veterinary care which includes a veterinary visit to the premises at least annually.

(c) A person who possesses a regulated animal must notify the local animal control authority in writing within ten days of a change in address or location where the regulated animal is kept. The notification of change in address or location form must be prepared by the Minnesota Animal Control Association and approved by the

Board of Animal Health.

(d) A person with a United States Department of Agriculture license for regulated animals shall forward a copy of the United States Department of Agriculture inspection report to the local animal control authority within 30 days of receipt of the inspection report.

(e) A person who possesses a regulated animal shall prominently display a sign on the structure where the animal is housed indicating that a dangerous regulated animal is on the premises.

(f) A person who possesses a regulated animal must notify, as soon as practicable, local law enforcement officials of any escape of a regulated animal. The person who possesses the regulated animal is liable for any costs incurred by any person, city, county, or state agency resulting from the escape of a regulated animal unless the escape is due to a criminal act by another person or a natural event.

(g) A person who possesses a regulated animal must maintain a written recovery plan in the event of the escape of a regulated animal. The person must maintain live traps, or other equipment necessary to assist in the recovery of the regulated animal.

(h) A person may not move a regulated animal from its location unless the person notifies the local animal control authority prior to moving the animal. The notification must include the date and the location where the animal is to be moved. This paragraph does not apply to a regulated animal transported to a licensed veterinarian.

(i) If a person who possesses a regulated animal can no longer care for the animal, the person shall take steps to find long-term placement for the regulated animal.

Subd. 5. **Seizure.** (a) The local animal control authority, upon issuance of a notice of inspection, must be granted access at reasonable times to sites where the local animal control authority has reason to believe a violation of this chapter is occurring or has occurred.

(b) If a person who possesses a regulated animal is not in compliance with the requirements of this section, the local animal control authority shall take possession of the animal for custody and care, provided that the procedures in this subdivision are followed.

(c) Upon request of a person possessing a regulated animal, the local animal control authority may allow the animal to remain in the physical custody of the owner for 30 days, during which time the owner shall take all necessary actions to come in compliance with this section. During the 30-day period, the local animal control authority may inspect, at any reasonable time, the premises where the animal is kept.

(d) If a person who possesses a regulated animal is not in compliance with this section following the 30-day period described in paragraph (c), the local animal control authority shall seize the animal and place it in a holding facility that is appropriate for the species for up to ten days.

(e) The authority taking custody of an animal under this section shall provide a notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at the place where the animal is taken into custody, or by delivering it to a person residing on the property. The notice must include:

(1) a description of the animal seized; the authority for and purpose of the seizure; the time, place, and circumstances under which the animal was seized; and a contact person and telephone number;

(2) a statement that a person from whom a regulated animal was seized may post security to prevent disposition of the animal and may request a hearing concerning the seizure and that failure to do so within five business days of the date of the notice will result in disposition of the animal;

(3) a statement that actual costs of the care, keeping, and disposal of the regulated animal are the responsibility of the person from whom the animal was seized, except to the extent that a court or hearing officer finds that the seizure or impoundment

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was not substantially justified by law; and

(4) a form that can be used by a person from whom a regulated animal was seized for

requesting a hearing under this subdivision.

(f) If a person from whom the regulated animal was seized makes a request within five business days of the seizure, a hearing must be held within five business days of the request to determine the validity of the seizure and disposition of the animal. The judge or hearing officer may authorize the return of the animal to the person from whom the animal was seized if the judge or hearing officer finds:

(1) that the person can and will provide the care required by law for the regulated animal; and

(2) the regulated animal is physically fit.

(g) If a judge or hearing officer orders a permanent disposition of the regulated animal, the local animal control authority may take steps to find long-term placement for the animal with a wildlife sanctuary, persons authorized by the Department of Natural Resources, or an appropriate United States Department of Agriculture licensed facility.

(h) A person from whom a regulated animal is seized is liable for all actual costs of care, keeping, and disposal of the animal, except to the extent that a court or hearing officer finds that the seizure was not substantially justified by law. The costs must be paid in full or a mutually satisfactory arrangement for payment must be made between the local animal control authority and the person claiming an interest in the animal before return of the animal to the person.

(i) A person from whom a regulated animal has been seized under this subdivision may prevent disposition of the animal by posting security in the amount sufficient to provide for the actual costs of care and keeping of the animal. The security must be posted within five business days of the seizure, inclusive of the day of the seizure.

(j) If circumstances exist threatening the life of a person or the life of any animal, local law enforcement or the local animal control authority may seize a regulated animal without an opportunity for hearing or court order, or destroy the animal.

**Subd. 6. Disposal of animals.** Upon proper determination by a Minnesota licensed veterinarian, any regulated animal taken into custody under this section may be immediately disposed of when the regulated animal is suffering and is beyond cure through reasonable care and treatment. The authority taking custody of the regulated animal may recover all costs incurred under this section.

**Subd. 7. Exemptions.** This section does not apply to:

(1) institutions accredited by the American Zoo and Aquarium Association;

(2) a wildlife sanctuary;

(3) fur-bearing animals, as defined in section

(5) a licensed or accredited research or medical institution; or

(6) a United States Department of Agriculture licensed exhibitor of regulated animals while transporting or as part of a circus, carnival, rodeo, or fair.

**Subd. 8. License transfer.** Nothing in this section precludes a person who holds a valid United States Department of Agriculture license from selling or transferring the entire business and the regulated animals covered by that license to another person who holds a valid United States Department of Agriculture license.

**Subd. 9. Report to Board of Animal Health.** By July 1 each year, a local animal control authority shall report to the Board of Animal Health on regulated animals registered with the local animal control authority. The report shall include all registration information submitted to the local animal control authority under subdivision 3, paragraph (a), and information on enforcement actions taken under this section.

**Subd. 9a. Confinement and control.** A person violates this subdivision who possesses a regulated animal and negligently fails to control the animal or keep it

properly confined and as a result the animal causes bodily harm, substantial bodily harm, or great bodily harm to another person.

Subd. 10. **Penalty.** (a) A person who knowingly violates subdivision 2, 3, paragraph (b) or

(c), or 4 is guilty of a misdemeanor.

(b) A person who knowingly violates subdivision 3, paragraph (a), is guilty of a gross misdemeanor.

(c) A person who violates subdivision 9a, resulting in bodily harm is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

(d) A person who violates subdivision 9a, resulting in substantial bodily harm is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(e) A person who violates subdivision 9a, resulting in great bodily harm or death is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both, unless a greater penalty is provided elsewhere.

**History:** 2004 c 264 s 1; 2006 c 260 art 1 s 5-9



## ANIMALS AT LARGE

### **346.16     RUNNING AT LARGE; DEFINED; PROHIBITED; TREBLE DAMAGES.**

The herding of any animal of the species of cattle, horse, ass, mule, sheep, swine, or goat upon any land over the protest and against the will of the owner shall be deemed a running at large.

It shall be unlawful for any owner or any person having the control of any such animal to permit the same to run at large in the state.

Any person who shall knowingly permit the running at large of any such domestic animal shall be liable to the person aggrieved for treble damages sustained by the aggrieved person, to be recovered in a civil action brought for that purpose.

*HISTORY: (7295, 7296, 7297) 1913 c 459 s 1-3; 1986 c 444*

### **346.17     PROCEEDS OF SALE.**

From the proceeds of such sale the person making it shall retain sales fees, which shall be the same as are allowed constables on execution sales, and the costs of keeping such beasts, and shall pay to the distrainer the damages so certified, with fees of the appraisers and justice; and the surplus, if any, shall be paid to the owner of the beasts, if known. If no one appears at the time of the sale, or within one week thereafter, who claims such surplus, the same shall be paid to the treasurer of the town, to be paid to the owner of the beasts, if claimed within one year after the distress. If not applied for within one year, the money shall be applied to the use of the town.

*HISTORY: (7282) RL s 2784; 1986 c 444*

### **346.18     TAKING DISTRAINED BEASTS A MISDEMEANOR.**

If any person, without authority of law, and without first paying the damages and costs, takes any distrained beast out of the possession of the person making the distress, or that of the sheriff, constable, or poundmaster, as the case may be, without the possessor's consent, the taker shall be guilty of a misdemeanor, and shall also be liable to the person injured in double the amount of the damage done by such beasts.

*HISTORY: (7283) RL s 2785; 1986 c 444*

### **346.19     CERTAIN MALE ANIMALS OR BREACHY CATTLE.**

Subdivision 1. **Running at large; penalty.** The owner of any stallion over the age of one year, bull over the age of nine months, boar or ram over the age of three months, or of any breach cattle, who shall suffer the same to run at large in any town, shall forfeit to such town \$5 for each day any such animal shall be so at large. "Run at large" means any animal which is not picketed, confined in a corral or otherwise restricted by properly constructed and maintained legal fence as defined by Minnesota Statutes 1945, section 344.02.

Subdivision 2. **Owner notified; proceedings; sale.** Upon notice that any such animal is running at large, the chair of the town board shall forthwith notify its owner, and, if the owner does not immediately confine such animal, the chair shall cause suit to be brought against the owner, in the name of the town. to recover the

forfeiture, and the animal may be sold under execution in such action to pay the forfeiture and costs.

Subdivision 3. **Disposal of proceeds.** After deducting the costs and expenses of suit, all such forfeitures collected shall be paid into the town treasury for the use of the road and bridge fund.

Subdivision 4. **When owner not found.** If unable to find the owner of any such animal, the chair shall cause it to be confined in the public pound, if there be one, and, if not, in some other enclosure, for three days; and, if not then claimed, the chair shall cause it to be sold, at public auction, upon five days' posted notice. From the proceeds of the sale the chair shall deduct the amount of the forfeiture and expenses, and deposit the balance with the town treasurer, which shall be paid to the owner of the animal if applied for within one year. If not so applied for, the same shall be paid into the town treasury for the use of the town.

Subdivision 5. **Castration; limitation of liability in case of rams.** If, after being notified, the owner of any such stallion, bull, boar, or ram shall permit the same to continue or again to run at large, such chair shall forthwith cause the same to be taken up and castrated in the usual manner, and shall have a lien on such animals for the expenses of so doing, and may also recover the amount of such expenses from the owner of the animal in a civil action brought in the name of the town; provided, that any such ram running at large may be castrated without liability for damages by any person among whose sheep he shall be found, Any chair who shall refuse or neglect to perform any of the duties required by this section shall be guilty of a misdemeanor.

**HISTORY:** (7291, 7292, 7293, 7294) RL s 2793, 2794, 2795, 2796; 1947 c 448 s 1; 1986 c 444

**346.20 - 346.34** [Renumbered 343.20 - 343.36]

# PET AND COMPANION ANIMAL WELFARE ACT

## CHAPTER 346

### 346.35 CITATION.

Sections 346.35 to 346.44 may be cited as the "pet and companion animal welfare act."

**HISTORY:** *1983 c 358 s 1*

### 346.36 DEFINITIONS.

Subdivision 1. **Scope.** Sections 346.35 to 346.44 shall only apply to veterinarians, animal boarding facilities, and commercial animal facilities. As used in sections 346.35 to 346.44 the terms defined in this section have the meanings given them.

Subdivision 2. **Abuse.** "Abuse" means intentionally causing unnecessary pain, injury, suffering, or harassment to a pet or companion animal.

Subdivision 3. **Cruelty.** "Cruelty" means causing or allowing unnecessary pain, suffering, or unjustifiable injury or death to a pet or companion animal.

Subdivision 4. **Expert opinion.** "Expert opinion" means the opinion of at least one licensed Minnesota veterinarian selected by an investigating officer.

Subdivision 5. **Neglect.** "Neglect" means failure to provide the minimum care required for the health and well being of a pet or companion animal.

Subdivision 6. **Pet or companion animal.** "pet" or "companion animal" means a nonhuman mammal, bird, or reptile impounded or held for breeding, or possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another.

Subdivision 7. **Shelter; confinement area.** "Shelter" or "confinement area" means an enclosure provided to protect or confine a pet or companion animal when it is not in transit.

**HISTORY:** *1983 c 216 art 2 s 14; 1983 c 358 s 2*

### 346.37 GENERAL PROVISIONS.

Subdivision 1. **Abandoned animals.** (a) If an animal is left with a veterinarian, boarding facility, or commercial facility pursuant to a written agreement with the owner or person in possession of the animal and the owner or lawful possessor of the animal has not claimed the animal within ten days after notice in accordance with paragraph (b) or (d), the animal is abandoned and the owner has no further rights or claim to the animal.

(b) The notice required under paragraph (a), must be given by the veterinarian, boarding facility, or commercial facility to the owner or the owner's agent at the person's last known address by certified mail, return receipt requested, or may by [*so enrolled in bill—ed.*] served upon the owner or owner's agent in the manner that a summons is served in a civil court action in the district courts. The notice must notify the owner or owner's agent that the animal may be redeemed by paying all prior expenses incurred within ten days or the animal is abandoned and will be disposed of in accordance with this subdivision.

(c) If the animal is not claimed within ten days, the veterinarian, boarding facility, or commercial facility becomes the owner of the animal and the animal may be disposed of by the veterinarian, boarding facility, or commercial facility as they consider proper. Upon the veterinarian, boarding facility, or commercial facility becoming the owner of the animal, the veterinarian, boarding facility, or commercial facility is relieved of any liability for disposal of the animal.

(d) If the notice under paragraph (c) is not given to the owner or owner's agent, or if the address of the owner or owner's agent is not known, notice must be given by the veterinarian, boarding facility, or commercial facility by publishing one notice in a legal newspaper circulated in the county where the animal was delivered to the veterinarian, boarding facility, or commercial facility not less than ten days before the animal is to become the property of the veterinarian, boarding facility, or commercial facility under paragraph (c). The published notice must contain the information required in paragraph (b).

(e) Each veterinarian, boarding facility, or commercial facility shall warn its patrons of the provisions of this subdivision by a conspicuously posted notice or by conspicuous type in a written document delivered to the owner or the owner's agent

Subdivision 2. **Good Samaritans.** A person is not liable for rendering humane assistance to an injured pet or companion animal.

Subdivision 3. **Cruel training or handling.** A person may not inflict cruelty on a pet or companion animal by the use of a cruel training or handling device or method.

Subdivision 4. **Health care.** Adequate health care, including parasite and pest control, must be provided to each pet or companion animal.

Subdivision 5. **Interpretation of terms.** A dispute as to the meaning of "abuse," "cruelty," or "neglect" shall be resolved by expert opinion.

Subdivision 6. **Reports of abuse, cruelty, or neglect.** A veterinarian must report known or suspected cases of abuse, cruelty, or neglect to peace officers and humane agents as provided in 343.12 and 343.29.

**HISTORY:** 1987 c 394 s 10; 1994 c 401

### **346.38 EQUINES.**

Subdivision 1. **Definition.** "Equines" are horses, ponies, mules, and burros.

Subdivision 2. **Food.** Equines must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subdivision 3. **Water.** Equines must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subdivision 4. **Shelter.** Equines must be provided a minimum of free choice protection or constructed shelter from adverse weather conditions, including direct rays of the sun in extreme heat or cold, wind, or precipitation. Natural or constructed shelters must be of sufficient size to provide the necessary protection. Constructed shelters must be structurally sound, free of injurious matter, maintained in good repair, and ventilated. Outside exercise paddocks for equines do not require separate constructed shelter where a shelter is accessible to the equine on adjacent or other accessible areas of the property provided that equines are not kept in outdoor exercise paddocks during adverse weather conditions.

Subdivision 5. **Space and cleanliness requirements.** Constructed shelters except for tie stalls must provide space for the animal to: (1) roll with a minimum danger of being cast; or (2) easily stand, lie down, and turn around.

Stalls must be cleaned and kept dry to the extent the animal is not required to lie or stand in fluids. Bedding must be provided in all stalls, kept reasonably clean, and periodically changed. The nature of the bedding must not pose a health hazard to the animal.

Subdivision 6. **Exercise.** Equines must be provided opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subdivision 7. **Hoof care.** All equines must have their hooves properly trimmed periodically to prevent lameness.

Subdivision 8. **Transportation.** A vehicle used to transport an equine must have a floor capable of supporting the animal's weight safely. Floors must be of nonskid construction or of nonskid material sufficient to provide the animal with traction while in transport. A minimum of 12 inches must be allowed between the withers of the largest equine and the structure above the animal while it is in a natural standing position. Sturdy partitions must be provided at a minimum of approximately every ten feet inside the vehicle. Interior compartments of transporting vehicles must be of smooth construction with no protruding of sharp objects and must provide ventilation. Food and water must be provided in sufficient quantities to minimize stress and maintain hydration.

**HISTORY:** 1983 c 358 s 4; 1986 c 444; 1998 c 402 s 3,4

### **346.39 DOGS AND CATS.**

Subdivision 1. **Food.** Dogs and cats must be provided with food of sufficient quantity and quality to allow for normal growth or the maintenance of body weight. Feed standards shall be those recommended by the National Research Council.

Subdivision 2. **Water.** Dogs and cats must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow and ice is not an adequate water source.

Subdivision 3. **Transportation and shipment.** When dogs or cats are transported in crates or containers, the crates or containers must be constructed of nonabrasive wire or a smooth, durable material suitable for the animals. Crates and containers must be clean, adequately ventilated, contain sufficient space to allow the animals to turn around, and provide maximum safety and protection to the animals. Exercise for 20 to 30 minutes and water must be provided at least once every eight hours. Food must be provided at least once every 24 hours of more often, if necessary, to maintain the health and condition of the animals.

Subdivision 4. **Shelter size.** A confinement area must provide sufficient space to allow each animal to turn about freely and to easily stand, sit and lie in a normal position. Each confined animal must be provided a minimum square footage of floor space as measured from the tip of its nose to the base of its tail, plus 25 percent, expressed in square feet. The formula for computing minimum square footage is; (length of animal plus 25 percent) times (length of animal plus 25 percent), divided by 144. A shaded area must be provided sufficient to protect the animal from the direct rays of the sun at all times during the months of May to October.

Subdivision 5. **Exercise.** All dogs and cats must be provided the opportunity for periodic exercise, either through free choice or through a forced work program, unless exercise is restricted by a licensed veterinarian.

Subdivision 6. **Group housing and breeding.** Animals housed together must be kept in compatible groups. Animals must not be bred so often as to endanger their health.

Subdivision 7. **Temperature.** Confinement area must be maintained at a temperature suitable for the animal involved.

Subdivision 8. **Ventilation.** An indoor confinement area must be ventilated. Drafts, odors, and moisture condensation must be minimized. Auxiliary ventilation, such as exhaust fans, vents, and air conditioning, must be used when the ambient temperature rises to a level that may endanger the health of the animal.

Subdivision 9. **Lighting.** An indoor confinement area must have at least eight hours of illumination sufficient to permit routine inspection and cleaning.

Subdivision 10. **Confinement and exercise area surfaces.** Where applicable, the interior surfaces of confinement and exercise areas, including crates or containers, must be constructed and maintained so that they are substantially impervious to moisture and may be readily cleaned. They must protect the animal from injury and be kept in good repair.

Subdivision 11. **Drainage.** Where applicable, a suitable method must be used to rapidly eliminate excess fluids from confinement areas.

Subdivision 12. **Sanitation.** Food and water receptacles must be accessible to each animal and located so as to minimize contamination by excreta. Feeding and water receptacles must be kept clean. Disposable food receptacles must be discarded when soiled. Measures must be taken to protect animal from being contaminated with water, wastes, and harmful chemicals. Wastes must be disposed of properly. Where applicable, flushing methods and a disinfectant must be used periodically. Bedding, if used, must be kept clean and dry. Outdoor enclosures must be kept clean and base material replaced as necessary.

**HISTORY:** 1983 c 385 s 5

#### **346.40 PET BIRDS.**

Subdivision 1. **Food.** Birds must be fed at least once each day except as otherwise required to provide adequate health care. The food must be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the bird, and must be free from contamination.

Subdivision 2. **Water.** Except for birds in shipment for less than four hours, all birds must be provided with clean, potable water in sufficient quantity to satisfy the bird's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subdivision 3. **Transportation.** Birds may be transported only in containers constructed of a smooth, durable material. Containers must:

- (A) be suitable for the species being shipped;
- (B) be constructed to prevent escape or chewing of the container by the bird that may be injurious to the health of the bird;
- (C) have ventilation on only one side to prevent cross drafts;
- (D) provide enough space for the bird to stand up, turn around, and obtain necessary food, and water, and roosting space;
- (E) have fresh food and water available to the bird at all times if the shipping period exceeds four hours.

Subdivision 4. **Shelter or cage construction.** A shelter or cage of a bird must be constructed of materials that are impervious to moisture and can be readily cleaned. Perches or other space must be provided to allow the bird to roost without physical harassment from other birds.

Subdivision 5. **Exercise.** Room must be provided for a bird to obtain exercise to maintain itself in good health.

Subdivision 6. **Temperature.** A confinement area must be maintained at a temperature suitable for the bird involved.

Subdivision 7. **Ventilation.** A bird shelter or cage must provide ventilation with minimized drafts, odors, and moisture condensation.

Subdivision 8. **Lighting.** Shelters or cages for birds must have at least eight hours of either natural or artificial light to allow for intake of food and water. Lighting must be of sufficient intensity and distribution to permit routine inspection and cleaning on a regular basis.

Subdivision 9. **Sanitation.** Excreta must be removed from the bottom of a bird cage on a regular basis to prevent the contamination of the caged bird. The cage, perches, and food and water receptacles must be cleaned on a regular basis.

**HISTORY:** 1983 c 358 s 6

#### **346.41 RODENTS.**

Subdivision 1. **Food.** Food must be made available to every pet rodent at least once a day. This food must be fresh, wholesome, palatable, free from contamination, and of sufficient nutritive value to meet the normal daily requirements necessary to maintain the health and condition of the animal.

Subdivision 2. **Water.** A pet rodent must be provided with clean, potable water in sufficient quantity to satisfy the animal's needs or supplied by free choice. Snow or ice is not an adequate water source.

Subdivision 3. **Transportation.** Rodents may be transported only in containers constructed of a smooth, durable material. Containers must:

(A) Be constructed so as to prevent escape or injury by chewing;

(B) provide fresh air to each contained animal and yet prevent exposure to injurious drafts;

(C) provide enough space for each animal to stand up, turn around, and obtain necessary food and water;

(D) have fresh food and water available to each animal during all shipping periods exceeding six hours. Food and water requirements may be met by providing vegetables or fruits sufficient to meet an animal's food and water needs.

Subdivision 4. **Shelter and cage construction.** Shelter or cages must be constructed in a manner that allows cleaning of the entire surface area. The materials used must be of sufficient strength to prevent escape or injury by chewing and to protect the animal from predators.

A shelter or cage with a solid bottom must be constructed of materials that are impervious to moisture. A shelter or cage with a wire or mesh bottom must be constructed to allow excreta to pass through the spaces in the wire or mesh. The wire or mesh floor must be constructed to prevent injury to the feet and legs of the animals.

Outdoor confinement areas must provide sufficient shade to protect the animal from the direct rays of the sun and shelter the animal from rain or snow.

Subdivision 5. **Exercise.** A shelter or cage must be of sufficient height and have sufficient floor space to allow the caged animals to obtain proper exercise and maintain good health.

Subdivision 6. **Temperature.** A confinement area must be maintained at a temperature suitable for the confined animal.

Subdivision 7. **Ventilation.** A shelter or cage must provide ventilation to the confined animals. It must be constructed to minimize drafts, odors, and moisture condensation. Additional ventilation must be provided when the ambient temperature rises to a level that may endanger the health of the animal.

Subdivision 8. **Lighting.** Lighting of sufficient intensity and distribution must be available to permit routine inspection and regular cleaning.

Subdivision 9. **Sanitation.** A shelter or cage must be cleaned on a regular basis to prevent the accumulation of excreta, hair, contaminated or wet litter, and uneaten or contaminated food. If the shelter or cage has a solid floor, the floor must be covered with clean, dry bedding which must be changed at least once a week. If the shelter or cage has a wire or mesh floor, the catch pans or troughs under the cage must be cleaned at least once a week. If the cage or shelter becomes soiled or wet to a degree that may be harmful to the caged animals due to water leakage, dead animals, or spoiled foods, the animals must be transferred to clean dry quarters as soon as possible after discovery of the condition. The shelter or cage, and food and water receptacles, must be regularly cleaned.

Subdivision 10. **Chewing materials.** A rodent must be provided with materials that allow necessary chewing to prevent detrimental overgrowth of the animal's teeth.

**HISTORY:** 1983 c 358 s 7

#### **346.42 OTHER ANIMALS.**

Animals not covered in detail in sections 346.38 to 346.41 must be maintained in accordance with a general standard of care necessary for the species as determined by an expert opinion.

**HISTORY:** 1983 c 358 s 8

#### **346.43 FARM ANIMALS EXCLUDED.**

Sections 346.35 to 346.44 do not apply to the care or treatment of an agricultural or farm animal which is used for food or other products or any other agricultural use.

**HISTORY:** 1983 c 358 s 9

#### **346.44 PENALTIES.**

Except where otherwise indicated, a person found guilty of failure to comply with a provision of sections 346.35 to 346.42 is guilty of a misdemeanor.

**HISTORY:** 1983 c 358 c s 10

## **Miscellaneous Dog and Cat Statutes**

### **346.50 DOGS; IDENTIFICATION.**

An owner or custodian of a dog who permits the dog to be uncontrolled off the owner's or custodian's premises shall have the dog identified in one of the following ways:

(1) by a device, tag, or plate attached to the dog by a collar, harness, or device giving the name, address, and telephone number of the current owner;

(2) by an electronically activated identification device within or attached to the body of the dog through which the owner can be promptly identified;

(3) by a number legibly tattooed on the thigh, abdomen, or ear of the dog through which the owner can be promptly identified using information from official dog registries, city or county registries, veterinary hospital registries, or driver's license records;

(4) by on official license tag of a city or county through which the owner can be promptly identified; or

(5) by a current rabies vaccination tag or other identification device of a city, a county, of a veterinarian through which the owner can be promptly identified.

**HISTORY:** 1985 c 294 s 1

### **346.51 BITES.**

An Owner or custodian of a dog which does not have an appropriate antirabies vaccination and which bites or otherwise exposes a person to rabies virus may be penalized under section 346.53.

**HISTORY:** 1985 c 294 s 2

### **346.52 LOCAL PROGRAMS.**

Sections 346.50 to 346.54 do not prohibit or restrict a local governmental unit from imposing an identification or rabies control program with more restrictive provisions or prohibiting dogs from running uncontrolled.

**HISTORY:** 1985 c 294 s 3

### **346.53 PENALTIES.**

Violation of sections 346.50 and 346.51 is a petty misdemeanor.

**HISTORY:** 1985 c 294 s 4

### **346.54 NOTIFICATION OF OWNERS.**

Animal shelter personnel who receive animals shall check for identification on each animal, identify the owner by the identification whenever possible, and

promptly notify the owner of the location of the animal by the most expedient means.

(cross reference: see 346.50)

**HISTORY:** 1985 c 294 s 5

**346.55 CIVIL LIABILITY.**

Subdivision 1. **Penalty.** The transfer by a person other than the owner of a dog or cat to a dealer, the possession of a dog or cat by a dealer without the permission of the owner, or the transfer of a dog or cat by a dealer to an institution without the permission of the owner is prohibited. Nothing in this section prohibits the transfer of a dog or cat to a dealer if the dog or cat is removed from a property by or at the request of a person in possession of the property. For the purpose of this subdivision, "dealer" and "institution" have the meaning given them in section 347.31.

A person who transfers or possesses a dog or cat without claim of right with intent to deprive the owner permanently of possession of the dog or cat violates this section and is liable for a civil penalty of up to \$1,000 per dog or cat for each violation. In bringing a civil action under this section the charging attorney shall consider, and in imposing a fine the court shall consider:

- (1) the history of previous violations;
- (2) the number of violations;
- (3) the degree of willfulness of the violation;
- (4) the good faith of the dealer;
- (5) the good faith of the person delivering the dog or cat to the dealer; and
- (6) the gravity of the violation.

A fine paid by the defendant in a criminal action that arose from the same violation may not be applied toward payment of the civil penalty under this subdivision.

Subdivision 2. **Jurisdiction.** Notwithstanding sections 487.15, 488A.10, and 488A.18, the district courts may hear, try, and determine actions started under this section. Trials under this section must be to the court, sitting without a jury.

Subdivision 3. **Appearances.** Notwithstanding section 8.01, county or city attorneys may appear for the board of animal health in civil actions started under this section at the request of the attorney general. Actions under this section may be brought in the name of the state of Minnesota with the consent of the board of animal health or directly by a city or county attorney at the request of a person filing a complaint.

Subdivision 4. **Venue.** Civil actions under this section may be started in any county in which the animal in question was transferred or possessed, or from which the dog or cat was removed without the permission of the lawful owner.

Subdivision 5. **Fines.** Fines collected under this section must be disposed of as follows:

- (a) if the violation occurs in the county, and the county attorney appears in the action, 50 percent to the county and 50 percent to the state.
- (b) if the violation occurs within the municipality, and the city attorney appears in the action, 50 percent to the city and 50 percent to the state.

(c) if the attorney general appears in the action, all penalties imposed and fines collected must be credited to the general fund in the state treasury.

**HISTORY:** *1987 c 380 art 3 s 1; 1998 c 254 art 2 s 34*

**346.56 UNAUTHORIZED RELEASE OF ANIMALS**

Subdivision 1. **Repealed** 1989 c 55 s 3.

Subdivision 2. **Liability for damages.** A person who without permission releases an animal lawfully confined for science, research, commerce, or education is liable:

(1) to the owner of the animal for damages, including the costs of restoring the animal to confinement and to its health condition prior to release; and

(2) for damage to personal and real property caused by the released animal.

If the release causes the failure of an experiment, the person is liable for all costs of repeating the experiment, including replacement of the animals, labor, and materials.

**HISTORY:** *1988 c 535 s 1; 1989 c 55 s 1*

(CROSS REFERENCE - Release of research animals without permission, crime, see 609.552)

**346.57 DOGS AND CATS IN MOTOR VEHICLES.**

Subdivision 1. **Unattended dogs or cats.** A person may not leave a dog or a cat unattended in a standing or parked motor vehicle in a manner that endangers the dog's or cat's health or safety.

Subdivision 2. **Removal of dogs or cats.** A peace officer, as defined in section 626.84, a humane agent, a dog warden, or volunteer or professional member of a fire or rescue department of a political subdivision may use reasonable force to enter a motor vehicle and remove a dog or cat which has been left in the vehicle in violation of subdivision 1. A person removing a dog or cat under this subdivision shall use reasonable means to contact the owner of the dog or cat to arrange for its return home. If the person is unable to contact the owner, the person may take the dog or cat to an animal shelter.

Subdivision 3. **Petty misdemeanor.** A person who violates subdivision 1 is subject to a fine of \$25.00.

**HISTORY:** *1988 c 711 s 6*

**346.58 DOGS AND CATS; BEST MANAGEMENT STANDARDS FOR CARE BY DEALERS, COMMERCIAL BREEDERS, AND BROKERS.**

The commissioner of agriculture shall consult with interested persons, including but not limited to persons representing dog and cat dealers, breeders, and brokers, the Minnesota federated humane society, the Minnesota council for dog clubs, the American dog owners association, the board of animal health, the Minnesota purebred dog breeders association, the Minnesota citizens for animal care, the United States Department of Agriculture, and the Minnesota veterinary medical association. The commissioner shall issue an order containing best management standards of care for dogs and cats by dealers, commercial breeders,

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and brokers. These standards are not subject to chapter 14. The commissioner shall urge dealers, commercial breeders, and brokers to follow the standards issued in the order.

The commissioner of agriculture shall make recommendations to the 1995 legislature on changes to statutory dog and cat care standards in relation to the commercial breeding and sale of dogs and cats. The commissioner shall recommend enacting into law standards that, if violated, are serious enough to warrant a civil or criminal penalty and shall also recommend changes in law to improve the ease of enforcement in Minnesota Statutes, sections 325F.79 to 325F.792, and other laws related to animal cruelty.

**HISTORY:** *1994 c 642 s 8-9*

## **DOGS**

### **CHAPTER 347**

#### **347.01 OWNER'S LIABILITY; PENALTY.**

(a) Owners or keepers of any dog or dogs, that kill, wound, or worry any domestic animal or animals, shall be jointly and severally liable to the owner of such animal or animals for all damages done by such dog or dogs, without proving notice to or knowledge by any such owner or keeper of such dog or dogs, that any or either of them was mischievous or disposed to kill or worry any domestic animal.

(b) The owner of any dog that kills or pursues domestic livestock is guilty of a petty misdemeanor.

*HISTORY: (7284) RL s 2786; 1915 c 344 s 1; 1985 c 269 s 2*

#### **347.02 KEEPING AFTER NOTICE; PENALTY.**

Every person who shall keep or harbor a dog which has bitten any domestic animal, after having notice of such fact, shall pay a fine of \$5 for every day the person keeps, harbors, or permits such dog to remain on the person's premises thereafter.

*HISTORY: (7286) RL s 2787; 1986 c 444*

#### **347.03 DOGS MAY BE KILLED.**

Any owner or caretaker may kill any dog found chasing, injuring, or worrying sheep or other livestock or poultry owned by or in care of such owner or caretaker, on lands or premises owned or controlled by the owner or caretaker, and any owner or care taker of sheep may kill any dog found on the owner's or caretaker's premises where sheep are kept, not under human restraint or control.

*HISTORY: (7286) RL s 2788; 1927 c 217 s 1; 1986 c 444*

#### **347.04 PUBLIC NUISANCE.**

Any dog that habitually worries, chases, or molests teams or persons traveling peaceably on the public road is a public nuisance. Upon complaint in writing to a district court judge containing a description of the dog, including the name of the dog and its owner, or stating that the name or names are not known, and alleging that the dog is a public nuisance, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge at a specified time, not less than six nor more than ten days from the date of the summons, to answer the complaint. The summons shall be served not less than six days before the day of the hearing in the same manner as other district court summonses.

*History: (7287) RL s 2789; 1983 c 359 s 37; 1986 c 444; 1998 c 254 art 2 s 35; 2006 c 260 art 5 s 835*

**347.05 OWNER NOT KNOWN.**

If it appears from the complaint that the owner is not known, ten days posted notice, containing a description of the dog as given in the complaint, and stating that a complaint has been made, and the time and place of hearing on it, shall be given in the town where the judge presides.

**HISTORY:** (7288) *RL s 2790; 1983 c 359 s 38*

**347.06 HEARING; JUDGMENT; EXECUTION.**

The judge shall hear the evidence in the case. Upon finding that the dog is a public nuisance, the judge shall enter judgment accordingly, and shall order the appropriate public official to kill and dispose of the dog.

**History:** (7289) *RL s 2791; 1983 c 359 s 39; 1986 c 444; 2007 c 13 art 1 s 15*

**347.07 COSTS.**

Costs in the first instance shall be paid by the complainant, but if the dog is adjudged a nuisance, and the owner is known, judgment shall be entered against the owner therefor.

**HISTORY:** (7290) *RL s 2792; 1986 c 444*

**347.08 COUNTY BOARD MAY LICENSE.**

Subdivision 1. The board of county commissioners of any county is hereby authorized to establish a system of licensing and regulating the running at large of dogs, except in cities of the first class, and create a livestock indemnity fund to be handled and disbursed as hereinafter provided.

Before regulating and licensing, there must be filed with the county auditor a petition signed by at least 25 percent of the persons actually engaged in raising livestock, including poultry, in the county, as shown by the assessors' records, requesting the board to establish such system. When the petition has been filed the board of county commissioners shall establish such system; or the board of county commissioners may, by a majority vote, on their own motion and without petition, establish such system. The board of county commissioners shall exclude from the operation of sections 347.08 to 347.21, statutory cities, second, third, and fourth class cities if such city has in operation a satisfactory law regulating dogs running at large.

Subdivision 2. At any time after a system has been in effect for a period of two years from the date of its establishment, it may be revoked by a majority vote of the board of county commissioners, but provided that before such revocation the board shall hold a public hearing and give at least ten days notice of such hearing by publication in at least one newspaper published or circulated in the county.

**HISTORY:** (7297-41) *1983 c 410 s 1; 1943 c 294 s 1; 1973 c 123 art s 7*

**347.09 LICENSES.**

In every county in which sections 347.08 to 347.21 shall become operative every dog more than six months of age must have a license. The owner of any dog (the word "owner," when used in sections 347.08 to 347.21, in relation to property

in, or possession of, dogs shall include every person who owns, harbors, or keeps a dog) shall, on or before February 1 each year, obtain a license for the dog, and shall pay for such license the fee prescribed by the county commissioners, which shall not be less than 50 cents not more than \$1 for a male dog and not less than \$1 nor more than \$2 for a female dog; such payments to be made to the town, or city clerk or deputy. The application for such license shall be in such written form as prescribed by the county auditor, and shall state the name, sex, breed, age, color and marking of the dog for which the license is sought.

The license year shall correspond to the calendar year. The sale or transfer of any licensed dog shall carry with it and transfer the license.

**HISTORY:** (7297-42) 1939 c 410 s 2; 1943 c 294 s 2; 1973 c 123 art 5 s 7; 1986 c 444

#### **347.10 OWNERS OF DOGS AND KENNELS LISTED BY ASSESSORS; LICENSE.**

The term "kennel" shall mean any establishment where dogs are kept for the purpose of breeding, sale or sporting purposes. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by sections 347.08 to 347.21, apply to the town or city treasurer for a kennel license for the keeping or operating of such kennel. For such a kennel license the person shall pay a fee of \$10 for the license year. With the kennel license the clerk shall issue a number of metal tags equal to the number in the kennel. The tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee of a kennel shall at all times keep one of such tags attached to the collar of each dog over six months old kept under a kennel license. The tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The clerk may appoint a deputy or deputies to issue such licenses. The clerk shall receive ten cents for each license issued, to be paid by the town out of the revenue fund.

A license shall be issued by the clerk or the clerk's deputy upon application being made therefor and upon payments made as herein provided. The license shall be in the form prescribed by the county auditor and shall be executed by the proper town, or city clerk or deputy. The license shall state the year for which it was issued, shall bear a serial number, the owner's name and address, and the mane, sex breed, and color of the dog licensed.

**HISTORY:** (7297-43) 1939 c 410 s 3; 1973 c 123 art 5 s 7; 1986 c 444; 1993 c 375 art 3 s 41

#### **347.11 DOG COLLARS TO BE TAGGED.**

**Subdivision 1. Metal tags and license blanks.** The clerk or the clerk's deputy issuing a license shall at the same time deliver to the licensee a metal tag, which shall bear the same serial number as the license. The tag shall also bear the name of the county in which issued and the license year. The county auditor shall contract for and have prepared and furnished, annually, a sufficient number of such metal tags, and a sufficient supply of suitable blank licenses to be bound in books of proper size and perforated so that a duplicate of each license may be kept upon the stub thereof. The cost of making, printing, and furnishing the tags and blank license receipts shall be paid out of the dog license fund.

**Subdivision 2. Distribution.** The several county auditors shall distribute these tags and license blanks to the several town and city treasurers in proper amounts, together with blank license receipts. The licensee shall securely attach the tag to a collar and this collar, with the tag attached, shall at all times be kept on the

dog for which the license is issued. A new tag, with a new number, shall be furnished to the licensee by the town or city clerk, or deputy, in place of the original tag, upon presentation of the license and proof of the loss of the original tag. The town clerk or deputy shall then endorse the new tag number on the license and shall enter it upon the register. The clerk shall receive for services rendered in issuing the new tag the sum of ten cents, to be paid by the person obtaining the new tag.

Subdivision 3. **Duplicates to be kept; accounting.** Every city clerk, or clerk's deputy, shall, at time of issuing a license and before delivering it, make a complete duplicate thereof upon the stub portion of the license blank. the clerk shall, annually, during the month of January, return to the county auditor all unused tags of the preceding year, together with license books therefor and all duplicate licenses of the preceding year, and the county auditor shall carefully check the returned tags, duplicate licenses, and license blanks to ascertain whether all tags and license blanks which were furnished by the county auditor have been accounted for; and to enable the county auditor to do that the county auditor shall charge each town or city clerk with all tags and blank licenses furnished or delivered to the clerk and credit the clerk with those returned. In case of discrepancy, the county auditor shall notify the county attorney, who shall investigate and take steps to enforce the law.

**HISTORY:** (7297-44) 1939 c 410 s 5; 1973 c 123 art 5 s 7; 1986 c 444

#### **347.12 FEES PAID TO COUNTY TREASURER MONTHLY.**

Every town, or city clerk, or clerk's deputy, shall at the end of each month pay all license fees received and not before paid, to the county treasurer and, at the same time, report, in writing, to the county auditor the licenses issued during the month and for which the license fees so deposited with the county treasurer were paid. The report shall be in the form prescribed and furnished by the several county auditors.

**HISTORY:** (7297-45) 1939 c 410 s 5; 1973 c 123 art 5 s 7; 1986 c 444

#### **347.13 FEES, DOG LICENSE FUND; DISPOSAL, ACCOUNTING.**

The license fees so paid to the county treasurer shall be kept in a separate account, which shall be known as the dog license fund and shall be appropriated and disbursed for the purposes and in the manner herein set forth.

Expenses necessarily incurred by the county in purchasing and providing books, forms, and other supplies required in the administering of the dog license law shall be paid out of the dog license fund. The amount remaining thereafter in the fund shall be available for and may be used as necessary for paying claims allowed by the county to the owners of domestic animals on account of damages done by dogs during the license year for which the fees were paid. Any surplus in excess of \$1,000 which may remain from the license fees of any license year shall, on March 1 of the succeeding year, belong and be credited to and paid by the county treasurer to the towns and cities of the county for their use in the proportion in which the towns and cities shall have contributed and paid to the fund out of which the surplus arises. It shall be used as the governing body of the town or city shall determine. When any county operating under the provisions of sections 347.08 to 347.21 shall discontinue its dog licenses and livestock indemnity fund, any money remaining shall be distributed among the various towns in proportion to license money paid in.

**HISTORY:** (7297-46) 1939 c 410 s 6; 1973 c 123 art 5 s 7

**347.14 UNLICENSED DOGS.**

Subdivision 1. **Seizure; impoundment; presumption.** Any person may seize, impound, or restrain any unlicensed dog which the person may find running at large. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. The sheriff and sheriff's deputies, any marshal or constable or other police officer shall seize, impound or restrain any dog for which no license has been issued and for which one is required. Any officer who shall seize, restrain, impound, or kill any dog found in any place without a license, as required under sections 347.09 to 347.20, upon delivery of such dog or carcass and the proper disposal of the carcass and after making a report to the town or city treasurer of the town or city in which the dog was seized or killed, showing that the dog did not have a license, shall receive therefor a payment of \$2, the same to be made from any funds in the town or city treasury not otherwise appropriated.

The county auditor shall reimburse the town for any expense incurred under section 347.10 and shall charge such expense to the dog license fund.

**History:** (7297-47) 1939 c 410 s 7; 1943 c 294 s 3; 1973 c 123 art 5 s 7; 1986 c 444; 2005 c 10 art 2 s 4; 2006 c 223 s 1

**347.15 PERSONS DAMAGED, CLAIMS FILED.**

Subdivision 1. **Presentation and investigation.** The owner of any domestic animals, including poultry and game birds, attacked, chased worried, injured, or killed by a dog or dogs may, within ten days after the owner shall have knowledge or notice thereof, file a written claim for damages with the clerk of the town or city in which the damage occurred. The form of such claim may be prescribed by the auditor. Upon presentation of such claim the supervisors of the town, the board of trustees of the statutory city, of the council of the city, or a committee appointed for that purpose by the supervisors, the board of trustees or the council, shall promptly investigate the claim and may subpoena witnesses, administer oaths, and take testimony relative thereto and shall, within 30 days after the filing of the claim, make, certify, and return to the county auditor the claim, a report of the investigation, the testimony taken, and the amount of damages, if any, suffered by the owner of the animals.

Subdivision 2. **Form; proof; allowances; appeal.** The form of the report and certification shall be prescribed by the county auditor and shall be subscribed by the supervisors, board, or committee making the same. The county auditor shall lay before the county board, at its first meeting following the receipt of the claim, all claims so filed and reported and the same shall be acted upon and determined by the county board as other claims are determined and acted upon, and the county board shall equalize the values and claims between and within the various towns of the county. The amount of damages filed and reported to the county auditor shall be *prima facie* proof of the actual damages sustained, but evidence may be taken before the county board relative to the claims as in other cases, and appeals from the action of the county board shall lie as in other cases. On appeal from the action of the county board, the trial shall be the court without a jury.

Subdivision 3. **Payment.** Such claims shall be solely against the dog license fund and shall create no other liability on the part of the county.

Subdivision 4. **Limitation of amount.** The amount allowed by the county board upon any such claim shall in no case exceed \$100 for each horse, mule, or bovine; \$15 for each sheep or goat; \$30 for each swine; or \$3 for each fowl. When the claimant shall furnish conclusive evidence as to the ownership of the dog or dogs doing the damage the claimant shall be paid the full amount of the claim submitted.

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Subdivision 5. **Distribution.** Distribution of the dog license fund among claimants for loss of animals by dogs within the license year shall be made at the close of the license year.

**HISTORY:** (7297-48) 1939 c 410 s 8; 1973 c 123 art 5 s 7

### **347.16 CLAIMS, HEARINGS, NOTICE.**

No claim shall be allowed by the county board at less than the amount so certified and reported, unless the claimant shall first be notified that such action is contemplated and shall have been given a reasonable opportunity to be heard and to offer further evidence in support of the claim.

**HISTORY:** (7297-50) 1939 c 410 s 10; 1986 c 444

### **347.17 ANY PERSON MAY KILL DOGS IN CERTAIN CASES.**

Any person may kill any dog that the person knows is affected with the disease known as hydrophobia, or that may suddenly attack while the person is peacefully walking or riding and while being out of the enclosure of its owner or keeper, and may kill any dog found killing, wounding, or worrying any horses, cattle, sheep, lambs, or other domestic animals.

**HISTORY:** (7297-49) 1939 c 410 s 9; 1986 c 444

### **347.18 TAGS; RESTRICTIONS, PROHIBITIONS.**

No person, except the owner or the owner's authorized agent, shall remove any license tag from a dog collar or remove any collar with a license attached thereto from any dog. No person shall keep or harbor a dog wearing a fictitious, altered, or invalid license tag, or a license tag not issued in connection with the licensing or keeping of the dog wearing the same. No license or license tag issued for one dog shall be transferable to another dog.

**HISTORY:** (7297-51) 1939 c 410 s 11; 1986 c 444

**347.19 FAILURE TO OBTAIN LICENSE.**

Every town or city clerk shall notify the county attorney of the clerk's county of every refusal or failure of an owner to obtain a license for keeping a dog, and it shall be the duty of the county attorney to institute proceedings against such owner and against every owner with the county who has violated any of the provisions of sections 347.08 to 347.21.

*HISTORY: (7297-51) 1939 c 410 s 11; 1973 c 123 art 5 s 7; 1986 c 444*

**347.20 EXEMPTIONS.**

Dogs brought into this state temporarily for a period not to exceed 30 days shall be exempt from the provisions of sections 347.08 to 347.21.

*HISTORY: (7297-52) 1939 c 410 s 12*

**347.21 INTERPRETATION.**

Sections 347.08 to 347.21 are supplemental to all other laws relating to dogs not expressly referred to therein, and to all laws relating to taxation of dogs as personal property, and shall not be construed as to modify, repeal, or in anywise affect any part or provision of any such laws not expressly repealed therein or to prevent municipalities from prohibiting, licensing, or regulating the running at large of dogs within their respective limits by law or ordinance now or hereafter provided.

*HISTORY: (7397-56) 1939 c 410 s 16*

**347.22 DAMAGES, OWNER LIABLE.**

If a dog, without provocation, attacks or injures any person who is acting peaceably in any place where the person may lawfully be, the owner or the dog is liable in damages to the person so attacked or injured to the full amount of the injury sustained. The term "owner" includes any person harboring or keeping a dog but the owner shall be primarily liable. The term "dog" includes both male and female of the canine species.

*HISTORY: 1951 c 315 s 1; 1980 c 347 s 1; 1986 c 444*

**347.23 (Renumbered 343.40)**

**347.31 DEFINITIONS.**

Subdivision 1. **Terms.** For the purpose of sections 347.31 to 347.40 the terms defined in this section have the meanings given to them.

Subdivision 2. **Kennel.** "Kennel" means any place, building, tract of land, abode, or vehicle wherein or whereupon dogs or cats are kept congregated, or confined, if the dogs or cats were obtained from municipalities, pounds, auctions, or by advertising for unwanted dogs or cats, or dogs or cats strayed, abandoned, or stolen. "Kennel" does not include a pound owned and operated by any political subdivision of the state or a person's home where dogs or cats are kept as pets.

Subdivision 3. **Premises.** "Premises" means any building, structure, shelter or land wherein or whereon dogs or cats are kept or confined.

Subdivision 4. **Dealer.** "Dealer" means a public or private agency, person, society, or corporation that is licensed or is required to be licensed as a "Class B

dealer" under United States Code, title 7 sections 2131 to 2155, as amended through December 31, 1986, who sells or transfers dogs or cats to institutions or to other dealers who sell or transfer to institutions.

Subdivision 5. **Institution.** "Institution" means a school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of living organisms, instruction concerning the structure or functions of living organisms, or the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

**HISTORY;** 1987 C 380 ART 3 S 2

### **347.32 LICENSE FOR KENNEL OR DEALER.**

No person, firm or corporation shall establish, maintain, conduct, or operate a kennel or operate as a dealer within this state without first obtaining a license therefor from the board of animal health. The license shall be issued for a term of one year.

**HISTORY;** 1987 C 380 ART 3 S 2

### **347.33 LICENSE PROCEDURES; INSPECTIONS; ADMINISTRATION.**

Subdivision 1. **Application.** The application for a license to operate and maintain a kennel or operate as a dealer shall be made to the board of animal health, in the manner prescribed by rules of the board.

Subdivision 2. **Contents.** The application for a license shall be in writing and on a form as the board may by rule provide, and shall set forth:

(1) The full name and address of the applicant or applicants, or names and addresses of the partners if the applicant is a partnership, or the names and addresses of officers if the applicant is a corporation, and the address of the corporation.

(2) The legal description or, in its place, the address and specific location of the site, lot, field, or tract of land upon which it is proposed to operate and maintain a kennel.

Subdivision 3. **Fees; issuance of license.** The annual license fee is \$15 for each kennel and \$100 for each dealer licensed. All license fees collected by the board shall be deposited in the state treasury and credited to the general fund.

When application is made to the board, complete in the manner set forth by rule to be issued by the board, and upon payment of the license fee, the license shall be issued by the board if, after inspection of the premises, the board determines that the kennel or dealer complies with sections 347.31 to 347.40 and the rules promulgated pursuant to those sections.

**HISTORY;** 1987 C 380 ART 3 S 4

### **347.34 LICENSES REQUIRED.**

It shall be unlawful for any person, firm, or corporation to establish, maintain, conduct, carry on, or operate a kennel or operate as a dealer without first having received a license to maintain, conduct, carry on, and operate a kennel, or operate as a dealer, duly signed and executed in the name of the state of Minnesota

and signed by the board of animal health. The license shall be conspicuously displayed upon the licensed premises.

All licenses issued under sections 347.31 to 347.40 shall be personal to the licensee and be nontransferable.

**HISTORY;** *1987 C 380 ART 3 S 5*

**347.35 BOARD OF ANIMAL HEALTH AUTHORIZED TO PROMULGATE RULES.**

The board of animal health shall promulgate rules as it deems necessary for the operation of kennels and dealers and the enforcement of sections 347.31 to 347.40 which shall be in addition to rules established herein. The rules adopted by the board must provide for the cost recovery for the activities of the board with respect to licensing, inspection, and enforcement of civil penalties and must provide for cooperation with the United States Department of Agriculture Animal and Plant Health Inspection Service program and for reference of complaints to local enforcement authorities. Rules must include, but are not limited to, requirements governing the care of dogs and cats, minimum conditions, and maintenance of quarters and kennels, the humane treatment of dogs and cats while in the kennels, maintenance of detailed records showing the person from whom any dog or cat aged over three months has been received, and in the case of a dealer, including address, drivers's license number or social security number, and to whom it has been transferred, and preservation of the records for a minimum period of two years. The dealer is responsible for making a reasonable attempt to ensure the accuracy of the data collected.

A payment from a dealer to a person from whom the dealer buys dogs or cats must be by check, payable only to that person. The check must contain the dealer's name and address.

**HISTORY;** *1987 C 380 ART 3 S 6*

**347.37 PUBLIC ACCESS; NOTICE; INSPECTION; ENFORCEMENT.**

The board of animal health shall cause to be inspected from time to time all kennels and dealers licensed hereunder and all records required by sections 347.31 to 347.40 to be kept by the licensees.

Any duly authorized agent of the board, any sheriff, or sheriffs deputy, or police officer, or humane agent appointed pursuant to section 343.01 is granted the power and the authority to enter upon the premises of any kennel or dealer at any time during the daylight hours for the purposes herein set forth, and for the purposes of inspecting the compliance with the provisions of sections 346.55, 347.31 to 347.40 and the rules issued pursuant thereto, and for the purposes of enforcing sections 346.55, or 347.31 to 347.40; except that humane agents shall not enter upon the promises of a licensed veterinarian acting as a kennel.

Each dealer shall post a conspicuous notice in a format no less than 24 by 36 inches and easily readable by the general public, that states: (1) that the person is a licensed dealer in dogs and cats; (2) that dogs and cats left with the dealer may be used for research purposes; and (3) the hours the dealer is open to the public. The notice must be placed in at least two locations on the premises, one of which must be on or near the exterior mail delivery point and one of which must be at regularly used point of exchange of dogs and cats. A person may view dogs and cats in the custody of a dealer during the time the premises is open to the public. Dealers are required to be open to the public on a regular basis at least four hours between 7:00 a.m. and 10:00 p.m. on at least four of the seven days of each week including at least

one Saturday or Sunday. Any advertisement placed by a dealer seeking dogs or cats must inform the public that dogs and cats brought to the dealer may be used for research purposes.

**HISTORY;** *1980 c 467 s 41; 1986 c 444; 1987 C 380 ART 3 S 7; 1987 C 394 S 11; 1988 c 537 s 2*

**347.38 REVOCATION OF LICENSE.**

The board of animal health may as hereinafter set forth, revoke or suspend the license of any person firm, or corporation, for violation of sections 346.55 and 347.31 to 347.40 or the rules issued pursuant to sections 347.31 to 347.40.

Upon written complaint made to the board by any person, firm, or corporation alleging any violation of sections 347.31 to 347.40 or any rules pursuant thereto by any licenses, the board may cause an investigation to be made upon matters related in said complaint.

Thereupon the board shall in its discretion either dismiss the complaint or require the kennel or dealer against whom the complaint is made to correct the conditions or violations complained of within ten days after receipt of written notice of the same. If upon termination of the ten day period the licensee has failed to correct or to remedy the violation or violations of sections 346.55 or 347.31 to 347.40 or any rules pursuant thereto, or if the board considers it appropriate under the circumstances the board shall, upon a minimum of 30 days notice to the licensee, conduct a hearing for the purpose of determining whether the license to operate a kennel or as a dealer should be revoked or temporarily suspended. If after notice and hearing the board finds that any provision of sections 346.55 or 347.31 to 347.40 has been violated by the licensee or any rule issued by the board has been violated by the licensee, the board may revoke and suspend the license, The possession or transfer of a dog or cat by a dealer to an institution, without the permission of the owner, failure of a dealer or kennel to keep accurate data as required in section 347.35, or failure of a dealer or kennel to permit access to its premises as required in section 347.37, is grounds for license revocation. The licensee whose license is revoked or suspend may within 20 days after the board's decision appeal to the district court. The district court shall upon 20 days notice to the board hear the appeal within 45 days after the filing of the appeal. On the hearing of the appeal the court shall review the decision of the board in a manner as though reviewed by certiorari, except that new or additional evidence is necessary or proper to the disposition of the case.

**HISTORY;** *1987 C 380 ART 3 S 8*

**347.39 PENALTIES**

Violation of any provision of sections 347.31 to 347.40 or of any rule of the board of animal health issued pursuant to sections 347.31 to 347.40, or operation of a kennel or as a dealer without a license, or operation of a kennel or as a dealer after revocation of a license or during a period of suspension, shall constitute a misdemeanor.

**HISTORY;** *1987 C 380 ART 3 S 9*

**347.40 EXCEPTIONS.**

Sections 347.31 to 347.40 shall in no way apply to any veterinarian licensed to practice in the state of Minnesota who keeps, congregates, or confines dogs or cats in the normal pursuit of the practice of veterinary medicine.

**HISTORY;** *1987 C 380 ART 3 S 10*



## REGULATION OF DANGEROUS DOGS

*(See also MN § 609.02, 609.205, 609.226, 609.227)*

### 347.50 DEFINITIONS.

Subdivision 1. **Terms.** For the purpose of sections 347.50 to 347.56, the terms defined in this section have the meaning given them.

Subdivision 2. **Dangerous dogs.** "Dangerous Dog" means any dog that has:

- (1) without provocation, inflicted substantial bodily harm on a human being on public or private property;
- (2) killed a domestic animal without provocation while off the owner's property; or
- (3) been found to be potentially dangerous, and after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

Subdivision 3. **Potentially Dangerous Dog.** "Potentially Dangerous Dog" means any dog that:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack;
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Subdivision 4. **Proper Enclosure.** "Proper enclosure" means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Subdivision 5. **Owner.** "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

Subdivision 6. **Substantial Bodily Harm.** "Substantial bodily harm" has the meaning given it under section 609.02, subdivision 7.

Subdivision 6a. **Great Bodily Harm.** "Great bodily harm" has the meaning given it under section 609.02, subdivision 8.

Subdivision 7. **Animal Control Authority.** "Animal control authority" means an agency of the state, county, municipality or other governmental subdivision of the state which is responsible for animal control operations in its jurisdiction.

**347.51 DANGEROUS DOGS: REGISTRATION.**

Subdivision 1. **Requirement.** No person may own a dangerous dog in this state unless the dog is registered as provided in this section.

Subdivision 2. **Registration.** An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) a proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property;

(2) a surety bond issued by a surety company authorized to conduct business in this state in a form acceptable to the animal control authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog;

(3) the owner has paid an annual fee of not more than \$500, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section; and

(4) the owner has had microchip identification implanted in the dangerous dog as required under section 347.515.

Subdivision 2a. **Warning symbol.** If a county issues a certificate of registration to the owner of a dangerous dog pursuant to subdivision 2, the county must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must be uniform and specified by the commissioner of public safety, after consultation with animal control professionals. The design specification process is exempt from rulemaking under chapter 14 and is exempt from section 14.38. The commissioner shall provide the number of copies of the warning symbol requested by each county and shall charge the county the actual cost of the warning symbols received. The county may charge the registrant a reasonable fee to cover its administrative costs and the cost of the warning symbol.

Subdivision 3. **Fee.** The county may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

Subdivision 3a. **Dangerous Dog Designation Review.** Beginning six months after a dog is declared a dangerous dog, an owner may request annually that the animal control authority review the designation. The owner must provide evidence that the dog's behavior has changed due to the dog's age, neutering, environment, completion of obedience training that includes modification of aggressive behavior, or other factors. If the animal control authority finds sufficient evidence that the dog's behavior has changed, the authority may rescind the dangerous dog designation.

Subdivision 4. **Law Enforcement: Exemption.** The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

Subdivision 5. **Exemption.** Dogs may not be declared dangerous if the threat, injury, or damage was sustained by a person:

(1) who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or

(3) who was committing or attempting to commit a crime.

**Subdivision 6. Repealed, 2001 sp 8 s 30**

**Subdivision 7. Tag.** A dangerous dog registered under this section must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times. The commissioner of public safety, after consultation with animal control professionals, shall provide by rule for the design of the tag.

**Subdivision 8. Local Ordinances.** A statutory or home rule charter city, or county, may not adopt an ordinance regulating dangerous or potentially dangerous dogs based solely on the specific breed of the dog. Ordinances inconsistent with this subdivision are void.

**Subdivision 9. Contract Services.** A county may contract with another political subdivision or other person to provide the services required under sections 347.50 to 347.54. Notwithstanding any contract entered into under this subdivision, all fees collected under sections 347.50 to 347.54 shall be paid to the county and all certificates of registration must be issued in the name of the county.

**347.515 Microchip Identification.** The owner of a dangerous or potentially dangerous dog must have a microchip implanted in the dog for identification, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

**HISTORY:** 1988 c 711 s 2; 1989 c 37 ss 6 to 10; 1994 c 550; 2001 sp 8 ss 14-19

**347.52 DANGEROUS DOGS; REQUIREMENTS.**

- (a) An owner of a dangerous dog shall keep the dog, while on the owner's property, in a proper enclosure. If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.
- (b) An owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased. If the dog is removed from the jurisdiction, it must be registered as a dangerous dog in its new jurisdiction.
- (c) An owner of a dangerous dog must notify the animal control authority in writing of the death of the dog or its transfer to a new jurisdiction within 30 days of the death or transfer, and must, if requested by the animal control authority, execute an affidavit under oath setting forth either the circumstances of the dog's death and disposition or the complete name, address, and telephone number of the person to whom the dog has been transferred.

- (d) An animal control authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the animal sterilized, the animal control authority may have the animal sterilized at the owner's expense.
- (e) A person who owns a dangerous dog and who rents property from another where the dog will reside must disclose to the property owner prior to entering the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.
- (f) A person who sells a dangerous dog must notify the purchaser that the animal control authority has identified the dog as dangerous. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

**HISTORY:** 1988 c 711 s 3; 2001 sp 8 s 20

### **347.53 POTENTIALLY DANGEROUS DOGS.**

Any statutory or home rule charter city, or any county, may regulate potentially dangerous dogs. Except as provided in section 347.51, subdivision 8, nothing in sections 347.50 to 347.54 limits any restrictions the local jurisdictions may place on owners of potentially dangerous dogs.

**HISTORY:** 1988 c 711 s 4; 1989 c 37 s 11

### **347.54 CONFISCATION.**

Subdivision 1. **Seizure.** (a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

- (1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section 347.51;
- (2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section 347.51, subdivision 2;
- (3) the dog is not maintained in the proper enclosure; or
- (4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section 347.52.

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subdivision 2. **Reclaimed.** A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections 347.51 and 347.52 will be met. A dog not reclaimed under this subdivision within seven days may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subdivision 3. **Subsequent offenses; seizure.** If a person has been convicted of a misdemeanor for violating a provision of section 347.51 or 347.52, and the person is charged with a subsequent violation relating to the same dog, the dog

must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the animal control authority of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under section 35.71, subdivision 3, and the owner is liable to the animal control authority for the costs incurred in confining, impounding, and disposing of the dog.

**HISTORY:** *1988 c 711 s 5 1989 c 37 s 12*

**347.55 PENALTY.**

- (a) Any person who violates any provision of section 347.51 or 374.52 is guilty of a misdemeanor. It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog, to fail to renew the registration of a dangerous dog, to fail to account for a dangerous dog's death or removal from the jurisdiction, to sign a false affidavit with respect to a dangerous dog's death or removal from the jurisdiction, or to fail to disclose ownership of a dangerous dog to a property owner from whom the person rents property.

**HISTORY:** *1988 c 711 s 5; 2001 sp 8 s 21*

**347.56 DESTRUCTION OF DOG IN CERTAIN CIRCUMSTANCES.**

Notwithstanding sections 347.51 to 347.55, a dog that inflicted substantial or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority. The animal control authority may not destroy the dog until the dog owner has had the opportunity for a hearing before an impartial decision maker. The definitions in section 347.50, and the exemptions under section 347.51, subdivision 5, apply to this section.

**HISTORY:** *2001 sp 8 s 22*



# GAME AND FISH LAWS

## CHAPTER 97A

### 97A.015 DEFINITIONS.

Subdivision 38. **Protected birds.** "Protected birds" means all birds except unprotected birds.\*

Subdivision 39. **Protected wild animals.** "Protected wild animals" are the following wild animals: big game, small game, game fish, rough fish, minnows, leeches, alewives, ciscoes, chubs, and lake whitefish, and the subfamily *Coregoninae*, rainbow smelt, frogs, turtles, clams, mussels, timber wolf mourning doves, and wild animals that are protected by a restriction in the time or manner to taking, other than a restriction in the use of artificial lights, poison, or motor vehicles.

Subdivision 52. **Unprotected birds.** "Unprotected birds" means English sparrow, blackbird, crow, starling, magpie, cormorant, common pigeon, and great horned owl.

Subdivision 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals that are not protected wild animals including weasels, coyote (brush wolf), gopher, porcupine, striped skunk, and unprotected birds.

**HISTORY:** 1986 c 386 art 1 s 2; 1987 c 149 art 1 s 2-6; 1988 c 588 s 1; 1990 c 391 art 8 s 21; 1991 c 254 art 2 s 25; 1992 c 462 s 4,5; 1993 c 269 s 4,5; 1994 c 623 art 1 s 20,21; 1Sp1995 c 1 s 15-17; 1996 c 410 s 22,23; 1997 c 226 s 14

### 97A.105 Game and fur farms.

Subdivision 1. License requirements. (a) A person may breed and propagate fur-bearing animals, game birds, bear, moose, elk, caribou, mute swans, or deer only on privately owned or leased land and after obtaining a license. Any of the permitted animals on a game farm may be sold to other licensed game farms. "Privately owned or leased land" includes waters that are shallow or marshy, are not actually navigable, and are not of substantial beneficial public use. Before an application for a license is considered, the applicant must enclose the area to sufficiently confine the animals to be raised in a manner approved by the commissioner. A license may be granted only if the commissioner finds the application is made in good faith with intention to actually carry on the business described in the application and the commissioner determines that the facilities are adequate for the business.

(b) A person may purchase live game birds or their eggs without a license if the birds or eggs, or birds hatched from the eggs, are released into the wild, consumed, or processed for consumption within one year after they were purchased

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\* Note that this refers to animals protected by Minnesota statute--many migratory birds, as well as threatened or endangered animal species are protected under federal statutes or regulations. Contact the U.S. Fish and Wildlife Service for more information..

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or hatched. This paragraph does not apply to the purchase of migratory waterfowl or their eggs.

(c) A person may not introduce mute swans into the wild without a permit issued by the commissioner.

Subdivision 2. Transfer of license. (a) A game or fur farm license is transferable with the transfer of all or a portion of the title or leasehold of the land if:

(1) the land transferred complies with the license requirements;

(2) the land is used for the purposes of the license; and

(3) a verified written report of the existing and intended land use is made to the commissioner, accompanied by a copy of deed, assignment, lease, or other instrument transferring the corresponding title or leasehold in the enclosed land.

(b) A transfer of less than the whole interest in the license is not valid. Each bona fide partner or associate in the ownership or operation of a game or fur farm must obtain a separate license.

Subdivision 3. Ownership of wild animals. All wild animals and their offspring, of the species identified in the license, that are within the enclosure are the property of the game and fur farm licensee.

Subdivision 4. Sale of live animals. (a) A sale of live animals from a licensed fur or game farm is not valid unless the animals are delivered to the purchaser or they are identified and kept separately.

(b) Live animals sold through auction or through a broker are considered to be sold by the game farm licensee.

(c) The sale agreement or contract must be in writing. The licensee must notify a purchaser of the death of an animal within 30 days and of the number of increase before July 20 of each year.

Subdivision 5. Sale of pelts. The commissioner shall prescribe:

(1) the manner that pelts and products of wild animals raised on fur or game farms may be sold or transported; and

(2) the tags or seals to be affixed to the pelts and products.

Subdivision 6. Fox and mink. Fox and mink may not be bought or sold for breeding or propagating unless they have been pen-bred for at least two generations.

Subdivision 7. Transportation of live beaver. Live beaver may not be transported without a permit from the commissioner.

Subdivision 8. Penalty. A licensee that does not comply with a provision of this section subjects all wild animals on the game or fur farm to confiscation.

Subdivision 9. Rules. The commissioner may adopt rules for:

(1) the issuance of game farm licenses;

(2) the inspection of game farm facilities;

- (3) the acquisition and disposal of game farm animals; and
- (4) record keeping and reporting by game farm licensees, including transactions handled by auction or broker.

**HISTORY:** 1986 c 386 art 1 s 20; 1987 c 121 s 1; 1987 c 404 s 119; 1993 c 231 s 13,14; 1996 c 385 art 2 s 2 ; 2001 sp 8 s 24-25

#### **97A. 41 EXHIBITION OF WILDLIFE.**

Subdivision 1. **Definition.** For the purposes of this section, "wildlife" means any wild mammal, wild bird, reptile, or amphibian.

Subdivision 2. **Possession.** A person connected with a commercial enterprise may not possess wildlife in captivity for public exhibition purposes, except under permit as provided in this section.

Subdivision 3. **Permit.** The commissioner may issue a permit to possess wildlife for public exhibition to an applicant qualified by education or experience in the care and treatment of wildlife. The permit fee is \$10. The commissioner may prescribe terms and conditions of the permit. A permit issued under this section shall include a condition that allows an enforcement officer to enter and inspect the facilities where the wildlife covered by the permit are held in captivity.

Subdivision 4. **Permit application.** An application for a permit must include:

- (1) a statement regarding the education or experience in the care and treatment of wildlife of the applicant and each individual employed by the applicant for that purpose;
- (2) a description of the facilities used to keep the wildlife in captivity;
- (3) a statement of the number of species or subspecies of wildlife to be covered by the permit and a statement describing where and from whom the wildlife was acquired;
- (4) a signed agreement that the standards prescribed by the commissioner will be followed; and
- (5) other information requested by the commissioner.

Subdivision 5. **Care and treatment.** The commissioner shall adopt, under chapter 14, reasonable standards for the care and treatment of captive wildlife for public display purposes, including standards of sanitation.

Subdivision 6. **Violation of possession standards.** If a violation is found during an inspection, the commissioner shall give the permittee notice to abate the violation within an adequate time determined by the commissioner. If the violation has not been abated when the time expires, the commissioner may request the attorney general to bring an action to abate the violation.

Subdivision 7. **Exemption for zoos, circuses, pet shops.** This section does not apply to a publicly owned zoo or wildlife exhibit, privately owned traveling zoo or circus, or a pet shop.

**HISTORY:** 1986 c 386 art 1 s 7

**97A.321 DOGS PURSUING OR KILLING BIG GAME.**

The owner of a dog that pursues but does not kill a big game animal is subject to a civil penalty of \$100 for each violation. The owner of a dog that kills a big game animal is subject to a civil penalty of \$500 for each violation.

**History:** *1986 c 386 art 1 s 49; 2006 c 281 art 2 s 27*

## POSSESSION AND TRANSPORTATION OF WILD ANIMALS

### 97A.401 SPECIAL PERMITS.

Subdivision 1. **Commissioner's authority.** The commissioner may issue special permits for the activities in this section.

Subd. 2. **Zoological specimen collecting.** Special permits may be issued without a fee to municipalities, incorporated natural history societies, high schools, colleges, and universities that maintain a zoological collection, to collect specimens of eggs, nests, and wild animals for scientific or exhibition purposes.

Subd. 3. **Taking, possessing, and transporting wild animals for certain purposes.** (a) Except as provided in paragraph (b), special permits may be issued without a fee to take, possess, and transport wild animals as pets and for scientific, educational, rehabilitative, wildlife disease prevention and control, and exhibition purposes. The commissioner shall prescribe the conditions for taking, possessing, transporting, and disposing of the wild animals.

(b) A special permit may not be issued to take or possess wild or native deer for exhibition, propagation, or as pets.

Subd. 4. **Taking wild animals from game refuges, wildlife management, and other areas.** Special permits may be issued, with or without a fee, to take a wild animal from game refuges, wildlife management areas, state parks, controlled hunting zones, and other areas of the state that the commissioner may open for the taking of a wild animal during a special season or subject to special restrictions. In addition, an application fee may be charged for a special permit. Local units of government may charge an administrative fee in connection with special hunts under their jurisdiction. Fees to be collected shall be based upon the estimated cost of conducting the special season or administering the special restrictions.

Subd. 5. **Wild animals damaging property.** Special permits may be issued with or without a fee to take protected wild animals or to remove or destroy their dens, nests, eggs, houses, or dams for the purpose of preventing or reducing damage or injury to people, property, agricultural crops, or other interests. The commissioner may prescribe rules for taking Canada geese and their nests and eggs, with or without a permit, consistent with federal regulations.

Subd. 6. **Endangered muskrats.** Special permits may be issued with or without a fee to take muskrats in danger of freezing out or starving in the winter.

Subd. 7. **Raptors.** The commissioner shall prescribe conditions and may issue permits for persons to breed, propagate, and sell raptors.

**History:** 1986 c 386 art 1 s 53; 1986 c 450 s 2; 1989 c 287 s 2; 1993 c 231 s 17; 1Sp1995 c 1 s 21; 1996 c 410 s 24; 2003 c 128 art 1 s 55; 2005 c 146 s 9; 2007 c 131 art 1 s 21

### 97A.501 WILD ANIMALS; GENERAL RESTRICTIONS.

Subdivision 1. **General restrictions.** A person may not take, buy, sell, transport, or possess a protected wild animal unless allowed by the game and fish laws. The ownership of all wild animals is in the state, unless the wild animal has been lawfully acquired under the game and fish laws. The ownership of a wild animal that is lawfully acquired reverts to the state if a law relating to the sale, transportation, or possession of the wild animal is violated.

Subdivision 2. **Endangered Species.** A person may not take, import, transport, or sell an endangered species of wild animal, or sell, or possess with intent to sell an article made from the parts of a wild animal, except as provided in section 84.0895.

**History:** 1986 c 386 art 1 s 71; 1987 c 384 art 1 s 10

#### **97A.502 DEER KILLED BY MOTOR VEHICLES.**

Deer killed by a motor vehicle on a public road must be removed by the road authority, as defined by section 160.02, subdivision 9. The commissioner of natural resources must provide to all road authorities standard forms for statistical purposes and the tracking of wild animals.

**History:** 1987 c 404 s 133; 1988 c 437 s 4

#### **97A.505 POSSESSION OF WILD ANIMALS**

Subdivision 1.[Repealed, 1987 c 149 art 1 s 54]

Subd. 2. **Possession of unlawful animals brought into the state prohibited.** A person may not possess a wild animal that has been unlawfully taken, bought, sold, or possessed outside the state, or unlawfully shipped into the state.

Subd. 3.[Repealed, 1987 c 149 art 1 s 54]

Subd. 3a. **Transportation of animals into state.** Wild animals lawfully taken, bought, sold, or possessed outside the state may be brought or shipped into the state unless otherwise provided by law.

Subd. 3b. **Wild animals taken on Red Lake Reservation lands within the Northwest Angle.** Wild animals taken and tagged in accordance with the Red Lake Band's Conservation Code on the Red Lake Reservation lands in Minnesota north of the 49th parallel shall be considered lawfully taken and possessed under state law.

Subd. 4. **Storage of protected wild animals.** A person that stores protected wild animals for others must plainly mark the package, in ink, with the name and address of the owner, the license number of the person taking the animal, and the number and species in the package.

Subd. 5. **License not required for animals acquired by gift.** Lawfully taken protected wild animals may be transferred by gift. A person is not required to have a license to possess and transport protected wild animals acquired by gift.

Subd. 6.[Repealed, 1987 c 149 art 1 s 54]

Subd. 7. **Exceptions to this section.** This section does not apply to mounted specimens of wild animals, antlers, tanned hides, and dressed furs lawfully taken.

Subd. 8. **Importation of hunter-harvested cervidae.** Importation into Minnesota of hunter-harvested cervidae carcasses from known chronic wasting disease endemic areas, as determined by the Board of Animal Health, is prohibited except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue. Hunter-harvested cervidae carcasses taken from chronic wasting disease endemic areas outside of Minnesota may be transported on a direct route through the state by nonresidents.

Subd. 9. **Possession of live cervidae.** A person may not possess live cervidae, except as authorized in sections.

**History:** 1986 c 386 art 1 s 72; 1987 c 149 art 1 s 34,35; 1993 c 231 s 30,31; 2000 c

406 s 1; 2003 c 128 art 1 s 75,76; 2004 c 215 s 16; 1Sp2005 c 1 art 1 s 97; 2007 c 131 art 1 s 31

## **HUNTING**

### **CHAPTER 97B**

#### **SELECTED SECTIONS**

##### **97B.005 TRAINING DOGS.**

Subdivision 1. **Field training.** A person may not train hunting dogs afield on public lands administered by the commissioner from April 16 to July 14 except as specifically authorized by permit or rule.

Subd. 2. **Restriction on ammunition while training.** A person training a dog afield and carrying a firearm may only have blank cartridges and shells in personal possession when the season is not open for any game bird, except as provided in subdivision 3.

Subd. 3. **Permits for organizations and individuals to use game birds and firearms.** (a) The commissioner may issue special permits, without a fee, to use firearms and live ammunition on domesticated birds or banded game birds from game farms.

(b) Permits for holding field trials may be issued to organizations. The permit shall specify the dates and locations of the field trial. The commissioner may limit the number of dates approved for any organization.

(c) Permits for training hunting dogs may be issued to an individual.

(d) Domesticated birds, other than pigeons, and game farm birds used for trials or training under this section must be clearly marked with dye or a streamer attached to a leg in a manner that makes them visually identifiable prior to being taken.

Subd. 4.[Repealed, 2005 c 146 s 52]

**History:** 1986 c 386 art 2 s 2; 1993 c 269 s 9,10; 2005 c 146 s 21,22; 1Sp2005 c 1 art 2 s 105

##### **97B.011 DOGS PURSUING BIG GAME.**

A person who observes a dog wounding, killing or pursuing in a manner that endangers big game may kill the dog:

- (1) at any time, if the person is a peace officer or conservation officer,; or,
- (2) between January 1 and July 14, if the person is not a peace officer or conservation officer and the discharge of firearms is allowed.

The officer or person is not liable for damages for killing the dog.

**HISTORY:** 1986 c 386 art 2 s 3; 1994 c 575

##### **97B.651 UNPROTECTED MAMMALS AND BIRDS.**

Mammals that are unprotected wild animals and unprotected birds may be taken at any time and in any manner, except with artificial lights, or by using a motor vehicle in violation of section 97B.091. Poison may not be used to take unprotected mammals or unprotected birds unless the safety of humans and

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domestic livestock is ensured. Unprotected mammals and unprotected birds may be possessed, bought, sold, or transported in any quantity.

**HISTORY:** 1986 c 386 art 2 s 52; 2002 c 322 s 11

### **97B.655 TAKING ANIMALS CAUSING DAMAGE.**

Subdivision 1. Owners and occupants may take certain animals. A person may take mink, squirrel, rabbit, hare, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the person where the animal is causing damage. The person may take the animal without a license and in any manner except by poison, or artificial lights in the closed season. Raccoons may be taken under this subdivision with artificial lights during open season. A person that kills mink, raccoon, lynx, bobcat, fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer or employee of the wildlife division within 24 hours after the animal is killed.

**Subd. 2. Special permit for taking protected wild animals. The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams.**

### **97B.928 IDENTIFICATION OF TRAPS AND SNARES**

Subdivision 1. **Information required.** (a) A person may not set or place a trap or snare, other than on property owned or occupied by the person, unless the following information is affixed to the trap or snare in a manner that ensures that the information remains legible while the trap or snare is on the land or waters:

- (1) the number and state of the person's driver's license;
- (2) the person's Minnesota identification card number; or
- (3) the person's name and mailing address.

(b) The commissioner may not prescribe additional requirements for identification of traps or snares.

Subdivision 2. **Provisions not to apply.** From April 1 to August 31, the trap identification provisions of subdivision 1 do not apply to traps set for the taking of unprotected wild animals.

Subdivision 3. **Penalty.** A person who violates subdivision 1, paragraph (a), is guilty of a petty misdemeanor.

**History:** 1993 c 231 s 45

### **97B.951 USE OF SNARES TO TAKE UNPROTECTED MAMMALS.**

A snare set for an unprotected mammal may not be left in place after March 31 except as authorized by the commissioner for the predator control program under section 97B.671.

**History:** 1993 c 231 s 46

# MISCELLANEOUS ANIMAL STATUTES

## CHAPTER 84

### 84.9695 RESTRICTED SPECIES.

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Commissioner" means the commissioner of natural resources.

(c) "Restricted species" means Eurasian wild pigs and their hybrids (*Sus scrofa* subspecies and *Sus scrofa* hybrids), excluding domestic hogs (*S. scrofa domesticus*).

(d) "release" means an intentional introduction or escape of a species from the control of the owner or responsible party.

Subdivision 2. **Importation; possession; release of restricted species.** It is unlawful for a person to import, possess, propagate, transport, or release restricted species, except as provided in subdivision 3.

Subdivision 3. **Permits.** (a) The commissioner may issue permits for the transportation, possession, purchase, or importation of restricted species for scientific, research, educational, or commercial purposes. A permit issued under this subdivision may be revoked by the commissioner if the conditions of the permit are not met by the permittee or for any unlawful act or omission, including accidental escapes.

(b) The commissioner may issue permits for a person to possess and raise a restricted species for commercial purposes if the person was in possession of the restricted species on March 1, 1993. Under the permit, the number of breeding stock of the restricted species in the possession of the person may not increase by more than 25 percent and the person must comply with the certification requirements in subdivision 7.

(c) A person may possess a restricted species without a permit for a period not to exceed two days for the purpose of slaughtering the restricted species for human consumption.

Subdivision 4. **Notice of escape of restricted species.** In the event of an escape of a restricted species, the owner must notify within 24 hours a conservation officer and the board of animal health and is responsible for the recovery of the species. The commissioner may capture or destroy the escaped animal at the owner's expense.

Subdivision 5. **Enforcement.** This section may be enforced under sections 97A.205 and 97A.211.

Subdivision 6. **Penalty.** A person who violates subdivision 2, 4, or 7 is guilty of a misdemeanor.

Subdivision 7. **Certification and identification requirements.** (a) A person who possesses restricted species on the effective date of this section must submit certified numbers of restricted species in the person's possession to the board of animal health by June 1, 1993.

(b) Restricted species in the possession of a person must be marked in a permanent fashion to identify ownership. The restricted species must be marked as soon as practicable after birth or purchase.

Subdivision 8. **Containment.** The commissioner shall develop criteria for approved containment measures for restricted species with the assistance of producers of restricted species.

Subdivision 9. **Bond; security.** A person who possesses restricted species must file a bond or deposit with the commissioner security in the form and in the

amount determined by the commissioner to pay for the costs and damages caused by the escape of a restricted species.

Subdivision 10. **Fee.** The commissioner shall impose a fee for permits in an amount sufficient to cover the costs of issuing the permits and for facility inspections. The fee may not exceed \$50. Fee receipts must be deposited in the state treasury and credited to the game and fish fund and are appropriated to the commissioner for the purposes of this section.

#### **Restricted Species Task Force.**

Subdivision 1. **Creation.** A task force is created to evaluate the feasibility of allowing restricted species in the state. The task force shall consist of the following members: a member of the senate appointed by the subcommittee on committees of the committee on rules and administration, a member of the house of representatives appointed by the speaker of the house of representatives, the commissioner of natural resources or the commissioner's designee, the commissioner of agriculture or the commissioner's designee, a representative of the board of animal health, two representatives of producers of restricted species, a representative of the Minnesota pork producers association, and a representative of the conservation community appointed by the commissioner of natural resources.

Subdivision 2. **Chair.** The commissioner of agriculture or the commissioner's designee shall chair the task force and shall make the appointments for the producers of the restricted species and the board of animal health as provided in subdivision 1.

Subdivision 3. **Duties.** The task force shall conduct a study of restricted species in the state and make recommendations concerning the following issues:

- (1) the economic viability of raising restricted species in the state in a safe manner;
- (2) health threats, including the spread of diseases posed by the restricted species;
- (3) the ecological threat to the state posed by restricted species;
- (4) the administrative impact on the departments of agriculture and natural resources if restricted species are permitted in the state;
- (5) development of a plan to ban restricted species from the state and recommendations for the amount of compensation that is appropriate to pay producers if a ban is enacted into law;
- (6) a determination of the number of restricted species in the state and their location; and
- (7) any other factors relative to the costs, benefits, and feasibility of permitting restricted species in the state.

Subdivision 4. **Report.** The task force shall submit a written report containing its recommendations and findings to the legislature by January 1, 1994.

**HISTORY:** 1993 c 711 s 3-4

# HIGHWAY TRAFFIC REGULATION

## CHAPTER 169

### SELECTED SECTIONS

#### 169.974 MOTORCYCLES, MOTOR SCOOTERS AND MOTOR BIKES.

(d) No person shall operate a motorcycle while carrying animals, packages, bundles, or other cargo which prevent the person from keeping both hands on the handlebars.

#### 363.03 SERVICE ANIMALS-DISCRIMINATION

Subdivision 2. **Real Property.** It is an unfair discriminatory practice: ...

(5) For a person to deny full and equal access to real property provided for in this section to a person who is totally or partially blind, deaf, or has a physical or sensory disability and who uses a service animal, if the service animal can be properly identified as being from a recognized program which trains service animals to aid persons who are totally or partially blind or deaf or have physical or sensory disabilities. The person may not be required to pay extra compensation for the service animal but is liable for damage done to the premises by the service animal. ...

Subdivision 10. **Discrimination against blind, deaf, persons with physical or sensory disabilities prohibited.** (a) It is an unfair discriminatory practice for an owner, operator or manager of a hotel, restaurant, public conveyance or other public place, to prohibit a blind; or deaf person or a person with a physical or sensory disability from taking a service animal into the public place or conveyance if the service animal can be properly identified as being from a recognized program which trains service animals to aid blind or deaf persons or persons with physical or sensory disabilities, and if the animal is properly harnessed or leashed so that the blind; or deaf person or a person with a physical or sensory disability may maintain control of the animal.

(b) No person shall require a blind, physically handicapped, or deaf person to make an extra payment or pay an additional charge when taking a service animal into any of the public places referred to in paragraph (a).

**History:** 1993 c 277 s 5, s 7

#### Chapter 327 Lodging establishments.

##### 327.14 Definitions.

Subdivision 1. **Terms.** For the purposes of sections 327.10, 327.11, 327.14 to 327.28 the terms defined in this section have the meanings given them.

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Subdivision 2. **Manufactured home.** "Manufactured home" has the meaning specified in section 327.31, subdivision 6.

Subdivision 3. **Manufactured home park.** "Manufactured home park" means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.

Subdivision 7. **Recreational camping vehicle.** "Recreational camping vehicle" when used in sections 327.14 to 327.28 includes the following:

- (a) any vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses;
- (b) any structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation;
- (c) any portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle; and
- (d) any folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Subdivision 8. **Recreational camping area.** "Recreational camping area" means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes:

- (1) children's camps;
- (2) industrial camps;
- (3) migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules;
- (4) United States Forest Service camps;
- (5) state forest service camps;
- (6) state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing; and
- (7) temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area.

**HISTORY:** 1951 c 428 s 1; 1965 c 668 s 1-3; 1969 c 427 s 3-8; 1973 c 123 art 5 s 7; 1977 c 305 s 45; 1981 c 365 s 9; 1982 c 516 s 2; 1982 c 526 art 3 s 3; 1982 c 642 s 6; 1996 c 451 art 4 s 61

### **327.20 Rules.**

Subdivision 1. **Rules.** No domestic animals or house pets of occupants of manufactured home parks or recreational camping areas shall be allowed to run at large, or commit any nuisances within the limits of a manufactured home park or recreational camping area.

### **327.27 Regulatory provisions.**

Subdivision 4. **Certain practices prohibited.** No animal washing, car washing, or other slop creating practices shall be carried on in any building, structure or other place not designated for such purposes. No pets or domesticated animals shall be allowed to enter the buildings containing the sanitary or washing facilities for the manufactured home park.

**HISTORY:** 1951 c 428 s 14; 1969 c 427 s 18-20; 1981 c 365 s 9; 1982 c 526 art 3 s 8,9

#### **504A.181 PETS IN SUBSIDIZED HANDICAPPED ACCESSIBLE RENTAL HOUSING UNITS.**

In a multiunit residential building, a residential tenant of a handicapped accessible unit, in which the tenant or the unit receives a subsidy that directly reduces or eliminates the tenant's rent responsibility must be allowed to have two birds or one spayed or neutered dog or one spayed or neutered cat. A tenant under this section may not keep or have visits from an animal that constitutes a threat to the health or safety of other individuals, or causes a noise nuisance or noise disturbance to other tenants. The landlord may require the tenant to pay an additional damage deposit in an amount reasonable to cover damage likely to be caused by the animal. The deposit is refundable at any time the tenant leaves the unit or to the extent it exceeds the amount of damage actually caused by the animal.

*History: 1998 c 253 s 17*

### **CHAPTER 514**

#### **514.92 Veterinarian's lien.**

Subdivision 1. Attachment. A licensed veterinarian who performs emergency veterinary services that cost more than \$25 for animals at the request of the owner or a person in possession of the animals has a lien on the animals for the value of the services. Emergency Veterinary services include surgical procedures, administering vaccines, antisera, and antibiotics, and other veterinary medicines, treatments, and services that are performed primarily to protect human health, to prevent the spread of animal diseases, or to preserve the health of the animal or animals treated.

Subdivision 1a. Filing and perfecting lien. The veterinarian must file a lien statement in the appropriate filing office for a financing statement covering the animals to be filed under section 336.9-401 by 180 days after the last item of the veterinary service is performed. A lien does not include any veterinary services performed more than one year before the date on which the last item of the veterinary service is performed. The lien is perfected by properly filing the lien statement. Notwithstanding section 336.9-402, there is no requirement in filing to give the social security number or the internal revenue service taxpayer identification number of the debtor.

Subdivision 2. Lien statement. (a) A lien statement must be verified and state:

- (1) the name of the owner, or reputed owner, of the animals;
- (2) the name of the person for whom the veterinary services were performed;
- (3) the kind, number, and reasonable identification of animals treated;
- (4) the dates when the veterinary services were begun and finished;

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(5) the fraction of veterinary services performed that were primarily to protect human health, to prevent the spread of animal diseases, or to preserve the health of the animal or animals treated;

(6) the reasonable value of the veterinary services rendered, or the price contracted between the parties; and

(7) the name and address of the veterinarian claiming the lien.

(b) The provisions of section 514.74 relating to inaccuracies in lien statements apply to lien statements under this subdivision.

Subdivision 3. Enforcement of lien. An action to enforce a perfected lien under this section must be started by one year after the date the last item of the veterinary service was performed. A perfected lien may be enforced in the manner prescribed for security interests under sections 336.9-501 to 336.9-508.

Subdivision 4. Priority of lien. (a) A perfected veterinarian's lien under this section has priority over other liens and security interests on the same animals to the extent the veterinary services were performed primarily to protect human health, to prevent the spread of animal diseases, or to preserve the health of the animal or animals treated.

(b) A veterinarian's lien has priority over a security interest perfected before the veterinarian's lien only if the security interest is perfected after March 22, 1986.

(c) The priority among veterinarian's liens filed under this section is according to the first lien filed.

Subdivision 5. Termination. (a) A veterinarian's lien under this section terminates:

(1) 180 days after the last item of the veterinarian's services was performed if a proper lien statement is not filed; or

(2) one year after the lien is filed if an action to enforce the lien has not been started.

(b) A filing officer may remove and destroy terminated lien statements in the same manner as provided for a financing statement under section 336.9-410.

**HISTORY:** 1967 c 855 s 1; 1983 c 301 s 218; 1986 c 398 art 9 s 1; c 110

# CRIMINAL CODE

## CHAPTER 609

### SELECTED SECTIONS

#### 609.02 DEFINITIONS.

Subdivision 7. **Bodily harm.** "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.

Subdivision. 7a. **Substantial bodily harm.** "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.

Subdivision. 8. **Great bodily harm.** "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

#### 609.205 MANSLAUGHTER IN THE SECOND DEGREE.

A person who causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both:

(1) by the person's culpable negligence whereby the person creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or

(2) by shooting another with a firearm or other dangerous weapon as a result of negligently believing the other to be a deer or other animal; or

(3) by setting a spring gun, pit fall deadfall, snare, or other like dangerous weapon or device; or

(4) by negligently or intentionally permitting any animal, known by the person to have vicious propensities or to have caused great or substantial bodily harm in the past, to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined.

If proven by a preponderance of the evidence, it shall be an affirmative defense to criminal liability under clause (4) that the victim provoked the animal to cause the victim's death.

**HISTORY:** 1963 c 753; 1984 c 628 art 3 s 11; 1985 c 294 s 6; 1986 c 444

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### **609.2231 ASSAULT IN THE FOURTH DEGREE.**

Subd. 6. **Public employees with mandated duties.** A person is guilty of a gross misdemeanor who:

- (1) assaults an agricultural inspector, occupational safety and health investigator, child protection worker, public health nurse, animal control officer, or probation or parole officer while the employee is engaged in the performance of a duty mandated by law, court order, or ordinance;
- (2) knows that the victim is a public employee engaged in the performance of the official public duties of the office; and
- (3) inflicts demonstrable bodily harm.

**History:** *1983 c 169 s 1; 1984 c 628 art 3 s 11; 1985 c 185 s 1; 1986 c 444; 1987 c 252 s 9; 1989 c 261 s 1; 1989 c 290 art 6 s 11; 1991 c 121 s 1; 1991 c 279 s 29; 1992 c 571 art 4 s 8; 1994 c 636 art 2 s 21; 1996 c 408 art 3 s 19,20; 1997 c 180 s 5; 1997 c 239 art 9 s 36; 2000 c 441 s 1; 1Sp2003 c 2 art 8 s 8; 2004 c 184 s 1,2; 2005 c 136 art 17 s 11; 2006 c 260 art 1 s 15; 2007 c 13 art 3 s 37*

### **609.226 HARM CAUSED BY A DOG.**

Subdivision 1. **Great or substantial bodily harm.** A person who causes great or substantial bodily harm to another by negligently or intentionally permitting any dog to run uncontrolled off the owner's premises, or negligently failing to keep it properly confined is guilty of a misdemeanor. A person who is convicted of a second or subsequent violation of this section involving the same dog is guilty of a gross misdemeanor.

Subdivision 2. **Dangerous dogs.** If the owner of a dangerous dog, as defined under section 347.50, subdivision 2, has been convicted of a misdemeanor under section 347.55, and the same dog causes bodily injury to a person other than the owner, the owner is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. **Defense.** If proven by a preponderance of the evidence, it shall be an affirmative defense to liability under subdivision 1 or 2 that the victim provoked the dog to cause the victim's bodily harm.

Subdivision 4. **Harm To Service Animal Caused By Dog; Crime, Mandatory Restitution.** (a) As used in this subdivision, "service animal" means an animal individually trained or being trained to do work or perform tasks for the benefit of an individual with a disability.

(b) A person who negligently or intentionally (1) permits the person's dog to run uncontrolled off the person's premises, or (2) fails to keep the person's dog properly confined or controlled; and as a result the dog causes bodily harm to a service animal or otherwise renders a service animal unable to perform its duties, is guilty of a misdemeanor.

(c) The court shall order a person convicted of violating this subdivision to pay restitution for the costs and expenses resulting from the crime. Costs and expenses include, but are not limited to, the service animal user's loss of income, veterinary expenses, transportation costs, and other expenses of temporary replacement assistance services, and service animal replacement or retraining costs

incurred by a school, agency, or individual. If the court finds that the convicted person is indigent, the court may reduce the amount of restitution to a reasonable level or order it paid in installments.

(d) This subdivision does not preclude a person from seeking any available civil remedies for an act that violates this subdivision.

**HISTORY:** *1988 c 711 s 8, 2004 c 159*

**609.227 DANGEROUS ANIMALS DESTROYED.**

When a person has been charged with a violation of section 609.205, clause (4), or 609.226, subdivision 2 or 3, or a gross misdemeanor violation of section 609.226, subdivision 1, the court shall order that the animal which caused the death or injury be seized by the appropriate local law enforcement agency. The animals shall be killed in a proper and humane manner of the person has been convicted of the crime for which the animal was seized. The owner of the animal shall pay the cost of confining and killing the animal. This section shall not preempt local ordinances with more restrictive provisions.

**HISTORY:** *1988 c 711 s 9*

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**609.596 KILLING OR HARMING A PUBLIC SAFETY DOG.**

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**HISTORY:** 1987 c 167 s 1; 1996 c 408 art 3 s 35; 1999 c 77

**609.552 UNAUTHORIZED RELEASE OF ANIMALS.**

A person who intentionally and without permission releases an animal lawfully confined for science, research, commerce, or education is guilty of a misdemeanor. A second subsequent offense by the same person is a gross misdemeanor.

**HISTORY:** 1988 c 535 s 1; 1989 c 55 s 1

(CROSS REFERENCE - Release of research animals without permission, liability for damages, see 346.56)

**609.605 TRESPASS**

Subdivision 1. **Misdemeanor.** (a) The following terms have the meanings given them for purposes of this section.

(i) "**Premises**" means real property and any appurtenant building or structure.

(ii) "**Dwelling**" means the building or part of a building used by an individual as a place of residence on either a full-time or a part-time basis. A dwelling may be part of a multidwelling or multipurpose building, or a manufactured home as defined in section subdivision 8.

(iii) "**Construction site**" means the site of the construction, alteration, painting, or repair of a building or structure.

(iv) "**Owner or lawful possessor**," as used in paragraph (b), clause (9), means the person on whose behalf a building or dwelling is being constructed, altered, painted, or repaired and the general contractor or subcontractor engaged in that work.

(v) "**Posted**," as used in clause (9), means the placement of a sign at least 11 inches square in a conspicuous place on the exterior of the building that is under construction, alteration, or repair, and additional signs in at least two conspicuous places for each ten acres being protected. The sign must carry an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person giving the notice is the holder of legal title to the land on which the construction site is located or by the word "occupant" if the person giving the notice is not the holder of legal title but is a lawful occupant of the land.

(vi) "**Business licensee**," as used in paragraph (b), clause (9), includes a representative of a building trades labor or management organization.

(vii) "**Building**" has the meaning given in section <http://www.revisor.leg.state.mn.us/stats/609/581.html>, subdivision 2.

(b) A person is guilty of a misdemeanor if the person intentionally:

(1) permits domestic animals or fowls under the actor's control to go on the land of another within a city;

(2) interferes unlawfully with a monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land;

- (3) trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor;
- (4) occupies or enters the dwelling or locked or posted building of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation;
- (5) enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing on the premises, without the permission of the owner or occupant;
- (6) enters or is found on the premises of a public or private cemetery without authorization during hours the cemetery is posted as closed to the public;
- (7) returns to the property of another with the intent to abuse, disturb, or cause distress in or threaten another, after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent;
- (8) returns to the property of another within 30 days after being told to leave the property and not to return, if the actor is without claim of right to the property or consent of one with authority to consent; or
- (9) enters the locked or posted construction site of another without the consent of the owner or lawful possessor, unless the person is a business licensee.

Subdivision. 2. **Gross misdemeanor.** Whoever trespasses upon the grounds of a facility providing emergency shelter services for battered women, as defined under , subdivision 3, or of a facility providing transitional housing for battered women and their children, without claim of right or consent of one who has right to give consent, and refuses to depart from the grounds of the facility on demand of one who has right to give consent, is guilty of a gross misdemeanor.

Subdivision. 3. **Repealed,** 1993 c 326 art 2 s 34

Subdivision. 4. **Trespasses on school property.** (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:

- (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;
- (2) has permission or an invitation from a school official to be in the building;
- (3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or
- (4) has reported the person's presence in the school building in the manner required for visitors to the school.

(b) It is a gross misdemeanor for a group of three or more persons to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless one of the persons:

- (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;
- (2) has permission or an invitation from a school official to be in the building;
- (3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or
- (4) has reported the person's presence in the school building in the manner required for visitors to the school.

(c) It is a misdemeanor for a person to enter or be found on school property within six months after being told by the school principal or the principal's designee to leave the property and not to return, unless the principal or the principal's designee has given the person permission to return to the property. As used in this

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paragraph, "school property" has the meaning given in section <http://www.revisor.leg.state.mn.us/stats/152/01.html>, subdivision 14a, clauses (1) and (3).

(d) A school principal or a school employee designated by the school principal to maintain order on school property, who has reasonable cause to believe that a person is violating this subdivision may detain the person in a reasonable manner for a reasonable period of time pending the arrival of a peace officer. A school principal or designated school employee is not civilly or criminally liable for any action authorized under this paragraph if the person's action is based on reasonable cause.

(e) A peace officer may arrest a person without a warrant if the officer has probable cause to believe the person violated this subdivision within the preceding four hours. The arrest may be made even though the violation did not occur in the peace officer's presence.

**Subdivision 5. Certain trespass on agricultural land.** (a) A person is guilty of a gross misdemeanor if the person enters the posted premises of another on which cattle, bison, sheep, goats, swine, horses, poultry, farmed cervidae, farmed ratitae, aquaculture stock, or other species of domestic animals for commercial production are kept, without the consent of the owner or lawful occupant of the land.

(b) "Domestic animal," for purposes of this section, has the meaning given in section <http://www.revisor.leg.state.mn.us/stats/609/599.html>.

(c) "Posted," as used in paragraph (a), means the placement of a sign at least 11 inches square in a conspicuous place at each roadway entry to the premises. The sign must provide notice of a biosecurity area and wording such as: "Biosecurity measures are in force. No entrance beyond this point without authorization." The sign may also contain a telephone number or a location for obtaining such authorization.

(d) The provisions of this subdivision do not apply to employees or agents of the state or county when serving in a regulatory capacity and conducting an inspection on posted premises where domestic animals are kept.

**HISTORY:** 1963 c 753 art 1 s 609.605; 1971 c 23 s 62; 1973 c 123 art 5 s 7; 1976 c 251 s 1; 1978 c 512 s 1; 1981 c 365 s 9; 1982 c 408 s 2; 1985 c 159 s 2; 1986 c 444; 1987 c 307 s 3; 1989 c 5 s 9; 1989 c 261 s 5; 1990 c 426 art 1 s 54; 1993 c 326 art 1 s 14; art 2 s 13; art 4 s 32; 1993 c 366 s 13; 1994 c 465 art 1 s 60; 1995 c 226 art 3 s 48; 2004 c 254 s 46

## **Public Nuisances**

### **609.74 PUBLIC NUISANCE.**

Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

(1) Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or

(2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or

(3) Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

*HISTORY: 1963 c 753 art 1 s 609.74; 1971 c 23 s 74; 1986 c 444*

### **609.745 PERMITTING PUBLIC NUISANCE.**

Whoever having control of real property permits it to be used to maintain a public nuisance or lets the same knowing it will be so used is guilty of a misdemeanor.

### **617.80 DEFINITIONS.**

Subdivision 1. Generally. The definitions in this section apply to sections 617.80 to 617.87.

Subdivision 2. Building. "Building" means a structure suitable for human shelter, a commercial structure that is maintained for business activities that involve human occupation, any portion of the structure, or the land surrounding the structure. If the building is a multiunit dwelling, a hotel or motel, or a commercial or office building, the term "building," for purposes of sections 617.80 to 617.87, means only the portion of the building within or outside the structure in which a nuisance is maintained or permitted, such as a dwelling unit, room, suite of rooms, office, common area, storage area, garage, or parking area.

Subdivision 3. Movable property. "Movable property" means furniture and fixtures.

Subdivision 4. Prostitution. "Prostitution" or "prostitution-related activity" means conduct that would violate sections 609.321 to 609.324.

Subdivision 5. Gambling. "Gambling" or "gambling-related activity" means conduct that would violate sections 609.75 to 609.762.

Subdivision 6. Disorderly house. "Disorderly house" has the meaning assigned to it in section 609.33.

Subdivision 7. Owner. "Owner" for purposes of sections 617.80 to 617.87 means the person in whose name the building or affected portion is recorded with the county auditor for taxation purposes.

Subdivision 8. Interested party. "Interested party," for purposes of sections 617.80 to 617.87, means any known lessee or tenant of a building or affected portion of a building; any known agent of an owner, lessee, or tenant; or

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any other person who maintains or permits a nuisance and is known to the city attorney, county attorney, or attorney general.

Subdivision 9. Prosecuting attorney. "Prosecuting attorney" means the attorney general, county attorney, city attorney, or attorney serving the jurisdiction where the nuisance is located.

**HISTORY:** 1987 c 283 s 1; 1991 c 193 s 5; 1995 c 244 s 26-30

**617.81 NUISANCE; ACTS CONSTITUTING; INJUNCTION; NOTICE.**

Subdivision 1. Injunction. In order to obtain a temporary injunction under section 617.82 or a permanent injunction or order of abatement under section 617.83, the provisions of sections 617.80 to 617.87 must be followed.

Subdivision 2. Acts constituting a nuisance. (a) For purposes of sections 617.80 to 617.87, a public nuisance exists upon proof of two or more separate behavioral incidents of one or more of the following, committed within the previous 12 months within the building:

- (1) prostitution or prostitution-related activity committed within the building;
- (2) gambling or gambling-related activity committed within the building;
- (3) maintaining a public nuisance in violation of section 609.74, clause (1) or (3);
- (4) permitting a public nuisance in violation of section 609.745;
- (5) unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or use of controlled substances committed within the building;
- (6) unlicensed sales of alcoholic beverages committed within the building in violation of section 340A.401;
- (7) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of section 340A.503, subdivision 2, clause (1);
- (8) unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, committed within the building; or
- (9) violation by a commercial enterprise of local or state usiness licensing regulations, ordinances, or statutes prohibiting the maintenance of a public nuisance as defined in section 609.74 or the control of a public nuisance as defined in section 609.745

(b) If the building contains more than one rental unit, two or more behavioral incidents must consist of conduct:

- (1) anywhere in the building by the same tenant or lessee, or persons acting in conjunction with or under the control of the same tenant or lessee;

(2) by any persons within the same rental unit while occupied by the same tenant or lessee or within two or more rental units while occupied by the same tenant or lessee; or

(3) by the owner of the building or persons acting in conjunction with or under the control of the owner.

(c) Proof of a nuisance exists if each of the elements of the conduct constituting the nuisance is established by clear and convincing evidence.

Subdivision 2a. Repealed, 1995 c 244 s 42

Subdivision 3. Repealed, 1995 c 244 s 42

Subdivision 4. Notice. (a) If a prosecuting attorney has reason to believe that a nuisance is maintained or permitted in the jurisdiction the prosecuting attorney serves, and intends to seek abatement of the nuisance, the prosecuting attorney shall provide the written notice described in paragraph (b), by personal service or certified mail, return receipt requested, to the owner and all interested parties known to the prosecuting attorney.

(b) The written notice must:

(1) state that a nuisance as defined in subdivision 2 is maintained or permitted in the building and must specify the kind or kinds of nuisance being maintained or permitted;

(2) summarize the evidence that a nuisance is maintained or permitted in the building, including the dates on which nuisance-related activities are alleged to have occurred;

(3) inform the recipient that failure to abate the conduct constituting the nuisance or to otherwise resolve the matter with the prosecuting attorney within 30 days of service of the notice may result in the filing of a complaint for relief in district court that could, among other remedies, result in enjoining the use of the building for any purpose for one year or, in the case of a tenant, could result in cancellation of the lease; and

(4) inform the owner of the options available under section 617.85.

*HISTORY: 1987 c 283 s 2; 1989 c 112 s 1; 1991 c 193 s 6-8; 1995 c 244 s 31,32; 1996 c 322 s 1; 1997 c 100 s 1*

#### **617.82 TEMPORARY ORDER.**

(a) If the recipient of a notice under section 617.81, subdivision 4, either abates the conduct constituting the nuisance or enters into an agreed abatement plan within 30 days of service of the notice and complies with the agreement within the stipulated time period, the prosecuting attorney may not file a nuisance action on the specified property regarding the nuisance activity described in the notice.

(b) If the recipient fails to comply with the agreed abatement plan, the prosecuting attorney may initiate a complaint for relief in the district court consistent with paragraph (c).

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(c) Whenever a prosecuting attorney has cause to believe that a nuisance described in section 617.81, subdivision 2, exists within the jurisdiction the attorney serves, the prosecuting attorney may by verified petition seek a temporary injunction in district court in the county in which the alleged public nuisance exists, provided that at least 30 days have expired since service of the notice required under section 617.81, subdivision 4. No temporary injunction may be issued without a prior show cause notice of hearing to the respondents named in the petition and an opportunity for the respondents to be heard. Upon proof of a nuisance described in section 617.81, subdivision 2, the court shall issue a temporary injunction. Any temporary injunction issued must describe the conduct to be enjoined.

**HISTORY:** 1987 c 283 s 3; 1995 c 244 s 33; 1997 c 100 s 2

### **617.83 INJUNCTION; ORDER OF ABATEMENT.**

Upon proof of a nuisance described in section 617.81, subdivision 2, the court shall issue a permanent injunction and enter an order of abatement, except as otherwise provided by section 617.85. The permanent injunction must describe the conduct permanently enjoined. The order of abatement must direct the closing of the building or a portion of it for one year, except as otherwise provided in section 617.84 or 617.85, unless sooner released pursuant to section 617.87. Before an abatement order is enforced against a building or portion of it, the owner must be served with the abatement order and a notice of the right to file a motion under section 617.85 in the same manner that a summons is served under the rules of civil procedure. A copy of the abatement order shall also be posted in a conspicuous place on the building or affected portion.

**HISTORY:** 1987 c 283 s 4; 1997 c 100 s 3

### **617.84 MOVABLE PROPERTY.**

The order of abatement may direct the removal of movable property used in conducting or maintaining the nuisance and direct the sale of property belonging to a respondent who was notified or appeared. The sale shall be conducted pursuant to the provisions of chapter 550 on the sale of property on execution. A person appointed by the court as receiver of the building may use a building or portion of it which is the subject of an abatement order in a manner approved by the court. Costs of the sale on execution, moving and storage fees, and any receivership must be paid out of the receipts from the sale of the movable property or any rents collected during the receivership. The balance from the sale of movable property must be paid to the owner of the property. The balance from any rents collected during any receivership shall be paid to the treasury of the unit of government which brought the abatement action.

**HISTORY:** 1987 c 283 s 5

### **617.85 NUISANCE; MOTION TO CANCEL LEASE.**

Where notice is provided under section 617.81, subdivision 4, that an abatement of a nuisance is sought and the circumstances that are the basis for the requested abatement involved the acts of a commercial or residential tenant or lessee of part or all of a building, the owner of the building that is subject to the abatement

proceeding may file before the court that has jurisdiction over the abatement proceeding a motion to cancel the lease or otherwise secure restitution of the premises from the tenant or lessee who has maintained or conducted the nuisance. The owner may assign to the prosecuting attorney the right to file this motion. In addition to the grounds provided in chapter 566, the maintaining or conducting of a nuisance as defined in section 617.81, subdivision 2, by a tenant or lessee, is an additional ground authorized by law for seeking the cancellation of a lease or the restitution of the premises. Service of motion brought under this section must be served in a manner that is sufficient under the Rules of Civil Procedure and chapter 566. It is no defense to a motion under this section by the owner or the prosecuting attorney that the lease or other agreement controlling the tenancy or leasehold does not provide for eviction or cancellation of the lease upon the ground provided in this section.

Upon a finding by the court that the tenant or lessee has maintained or conducted a nuisance in any portion of the building, the court shall order cancellation of the lease or tenancy and grant restitution of the premises to the owner. The court must not order abatement of the premises if the court:

(a) cancels a lease or tenancy and grants restitution of that portion of the premises to the owner; and

(b) further finds that the acts constituting the nuisance as defined in section 617.81, subdivision 2, were committed by the tenant or lessee whose lease or tenancy has been canceled pursuant to this section and the tenant or lessee was not committing the acts in conjunction with or under the control of the owner.

**HISTORY:** 1987 c 283 s 6; 1995 c 244 s 34 ; 1997 c 100 s 4; 1997 c 122 s 1

#### **617.86 CONTEMPT.**

Whoever violates a temporary injunction, permanent injunction, or abatement order granted under sections 617.80 to 617.87 may be adjudged in contempt of court.

**HISTORY:** 1987 c 283 s 7

#### **617.87 RELEASE OF PROPERTY.**

If, after an order of abatement has been entered, the owner appears and pays the costs of the action and files a bond in an amount determined by the court, but not to exceed \$50,000, conditioned that the owner will immediately abate the nuisance for a period of one year, the court may, if satisfied of the owner's good faith, order the release of the building or portion of it which is subject to the order of abatement. If the premises are released, for each day during the term of the bond that the owner knowingly permits any part of the premises to be used for any activity which was the basis of the abatement order, the owner shall forfeit \$1,000 under the bond. Forfeiture under the bond does not relieve the owner from prosecution for contempt. Release of the property pursuant to this section does not release it from an injunction issued under section 617.83 or any other judgment, penalty, lien, or liability to which it may be subject by law.

**HISTORY:** 1987 c 283 s 8

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## Selected Minnesota Rules

(Note: These are administrative rules, not statutes--see preface to this edition.)

### Board of Animal Health

#### Rabies

**HISTORY:** 12 SR 151; 17 SR 1279; 25 SR 1378

##### **1705.1100 REPORTING.**

Any person having knowledge of or who reasonably suspects any animal to be infected with rabies shall report same to the board immediately.

STAT AUTH: MS s 35.03

**HISTORY:** 12 SR 151;

##### **1705.1110 SUSPECT RABIES SPECIMEN.**

All suspect rabies specimens shall be shipped in suitable containers which are properly labeled or transported directly, together with a completed rabies data form to the appropriate laboratory. See directions on rabies data form.

STAT AUTH: MS s 35.03

**HISTORY:** 12 SR 151;

##### **1705.1120 INVESTIGATION OF POSITIVE RABIES CASE.**

All known positive cases of rabies shall be investigated by a veterinarian employed by the board or the Animal and Plant Health Inspection Service, United States Department of Agriculture. The results of each investigation shall be submitted on forms furnished by the board.

STAT AUTH: MS s 35.03

**HISTORY:** 12 SR 151;

##### **1705.1130 ANIMALS BITTEN OR EXPOSED BY RABID ANIMAL.**

Animals determined by the veterinarian to be bitten or otherwise exposed by a rabid animal shall be humanely euthanized or quarantined in an animal-tight enclosure constructed so that the animal cannot escape and to prevent the animal from biting or coming in contact with persons or other animals. The quarantine period is for six months unless conditions in part 1705.1175 or 1705.1180 are met .

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### **1705.1145 ANIMAL RABIES VACCINES.**

Because of techniques and tolerances, species limitations, and public health implications, animal rabies vaccines may only be administered by or under the supervision of a veterinarian.

Subpart 1. **Pet animals.** If a pet animal bites a human, the pet must be confined and observed for signs suggestive of rabies for ten days or euthanized and tested for rabies. If at any time during the ten-day observation the animal dies, it must be tested for rabies. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies.

Stray or unwanted pet animals may be euthanized after a five-day holding period and, if euthanized, must be tested for rabies. If, after consultation with a board or public health official, a veterinarian requests a rabies test in writing, a stray or unwanted animal must be euthanized and tested during the five-day period.

### **1705.1170 VETERINARIAN'S INSPECTION REPORT.**

Quarantines established on animals under these rules will not be released until a written report is received by the board from a veterinarian stating the veterinarian has inspected the animals, and no signs of rabies were observed.

STAT AUTH: MS s 35.03

**HISTORY:** *12 SR 151; 17 SR 1279;*

### **1705.1175 RELEASE OF QUARANTINE.**

Animals may be released from quarantine after 40 days under the conditions in items A to C.

A. The animal must have been vaccinated for rabies at least 21 days before exposure.

B. The animal must have been revaccinated for rabies immediately after exposure.

C. The written report required in part 1705.1170 must be received by the board.

STAT AUTH: MS s 35.03

**HISTORY:** *12 SR 151;*

**1705.1180 RELEASE OF QUARANTINE ON FARM ANIMALS.**

Quarantines established on farm animals other than pets because of rabies exposure may be released upon request after 90 days have elapsed from date of exposure if:

A. no new cases of rabies have developed on the premises; and

B. a written report is submitted to the board by a veterinarian stating the veterinarian has inspected all animals on the premises and that no animals are showing signs of rabies.

STAT AUTH: MS s 35.03

**HISTORY:** *12 SR 151; 17 SR 1279;*

**1705.1190 AREA PROCLAMATION AND QUARANTINE.**

When an investigation reveals that rabies exists and presents imminent danger of an epidemic, and it is necessary to control the outbreak and prevent the spread of the disease, the executive director of the board shall make and file a proclamation and establish a quarantine to include any territory in the state.

STAT AUTH: MS s 35.03

**HISTORY:** *12 SR 151;*

**1705.1200 CONDITIONS OF PROCLAMATION NOTICE AND QUARANTINE.**

In accordance with the Minnesota Statutes, sections 35.67, 35.68, and 35.69, pertaining to the control of rabies and the proclamation notice, the following shall apply when a proclamation notice and quarantine are in effect. The proclamation and quarantine shall be in effect not to exceed six months and shall be in full force five days after proper publication or posting. No pet shall be allowed to run at large within the quarantined area unless effectively muzzled or confined on a leash as described in the proclamation notice for the duration of the quarantine. It shall be the duty of all local peace officers and health officers to enforce the provisions of the rabies law and proclamation notice.

STAT AUTH: MS s 35.03

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**1705.1210 PERMIT FOR REMOVAL OF PETS.**

Special permits may be issued by the executive director of the board for removal of pets from a quarantined area. The permits will be granted only if: (1) the pet has been vaccinated for rabies at least 21 days before the quarantine proclamation under part 1705.1190; (2) there is no evidence of exposure to a rabid animal; and (3) the pet will be quarantined for 40 days at its new destination.

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Removal of pets from a quarantined area in Minnesota to other states will require prior approval from disease control officials in the state of destination.

STAT AUTH: MS s 35.03

**HISTORY:** *12 SR 151;*

## **Pound Seizure**

### **1720.0660 DEFINITIONS.**

Subpart 1. Scope. When used in these rules, the following words shall have the meaning subjoined to them.

Subp. 2. Board. The "board" shall mean the Board of Animal Health.

Subp. 3. Establishment. "Establishment" shall mean any pound, yard, or building, or combination thereof maintained or operated by or for a municipality or other governmental unit for the impounding, care, or disposal of animals seized by lawful authority.

Subp. 4. Institution. "Institution" shall mean any school or college of agriculture, veterinary medicine, medicine, pharmacy, dentistry, or other educational or scientific organization properly concerned with the investigation of or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of disease or abnormal conditions of human beings or animals.

Subp. 5. Persons entitled to claim or redeem animals. "Persons entitled to claim or redeem animals" shall mean the owner of such animal or the owner's agent, or any other person permitted by municipal ordinance or the rules or regulations of the establishment to purchase or otherwise secure ownership of such animals within the period of time designated in subpart 8.

Subp. 6. Requisitioned animal. "Requisitioned animal" shall mean any unredeemed animal obtained by an institution from an establishment by requisition.

Subp. 7. Supervisor. "Supervisor" shall mean the pound master or person in charge of any establishment.

Subp. 8. Unredeemed animal. "Unredeemed animal" shall be any animal seized by public authority impounded in an establishment as defined in subpart 3 for not less than five days or such other minimum period of time as may be specified by municipal ordinance, and which has not been claimed or redeemed by the owner of such animal or by any other person entitled to claim or redeem such animal.

STAT AUTH: MS s 35.71 subd 7

**HISTORY:** *17 SR 1279*

### **1720.0670 LICENSES.**

Any institution desiring authority to requisition unredeemed animals may apply to the board on a form furnished by the board for a license. The application shall include: name and address of the institution; activities conducted by the institution; the purpose to which the animals will be put; name of the person who will be responsible for the procurement, care, and disposal of the animals, and carrying out the rules of the board pertaining thereto; the number and species of requisitioned animals which will be maintained at any one time by the institution.

STAT AUTH: MS s 35.71 subd 7

Animals shall be transported from the establishment to the institution at the expense of the institution in vehicles maintained for that purpose and properly equipped. The number of animals transported at one time shall not exceed the number which can ride comfortably, and provision shall be made to prevent injuries from fighting or overcrowding during transportation.

STAT AUTH: MS s 35.71 subd 7

**1720.0740 REQUISITIONS.**

Every licensed institution may issue requisitions for animals to any establishment as defined in part 1720.0660, subpart 3. The requisition shall be executed in triplicate on forms furnished by the board. The original shall be furnished the establishment, one copy shall be mailed to the board, and one copy retained by the institution. The requisition shall include: name and address of the institution; name and address of the establishment; number, species, size, and sex of animals desired; date of issue.

STAT AUTH: MS s 35.71 subd 7

**1720.0750 DUTIES OF ESTABLISHMENTS.**

Whenever a request is submitted to a supervisor of an establishment, it shall be the supervisor's duty to make available to the institution the number of animals of the species, size, and sex specified in the requisition, from the unredeemed animals. If the number of such animals specified by the requisition is not available, the supervisor shall immediately make available all such unredeemed animals as are then in the establishment. The supervisor shall then withhold from destruction all unredeemed animals of the species, size, and sex specified by the requisition until the number of such animals is sufficient to complete the requisition. Any time unredeemed animals of the species, size, and sex specified in the requisition become available, even though the number of such animals is not sufficient to fill the requisition, the supervisor may notify the institution issuing the requisition of the availability of such unredeemed animals by collect telegram; and as soon as sufficient unredeemed animals of the species, size, and sex are available to fill the requisition, the supervisor shall immediately so notify the institution issuing the requisition. Upon receipt of any such notice, the institution shall accept the available animals and provide for their transportation to the institution.

STAT AUTH: MS s 35.71 subd 7

**HISTORY:** 17 SR 1279

**1720.0760 COMPENSATION FOR HOLDING ANIMALS BEYOND TIME OF NOTICE.**

The institution shall compensate the establishment for the actual expense for holding such animals beyond the time of notice to such institution of their availability, until they have been obtained by the institution.

STAT AUTH: MS s 35.71 subd 7

**1720.0770 CANCELLATION OF REQUISITION .**

If at any time after a requisition has been issued to an establishment and before notice of the availability of the animals requisitioned has been made to the institution, the institution may cancel all or any unfilled part of the requisition by notice of such action by registered mail or telegram.

STAT AUTH: MS s 35.71 subd 7

**1720.0780 RECEIPTS.**

Whenever unredeemed animals are received by an institution which has requisitioned the same, the institution shall furnish the supervisor of the establishment a receipt therefor. Receipts shall be issued in triplicate and shall be countersigned by the supervisor of the establishment. A copy shall be mailed immediately to the board by the institution and one copy retained by the institution. The receipt shall show the number of animals obtained, the date when they were delivered to the agent of the institution by the supervisor, and the signature of the person to whom they were delivered.

STAT AUTH: MS s 35.71 subd 7

**1720.0790 DELIVERY OF UNCLAIMED ANIMAL TO ORIGINAL OWNER.**

No animals secured by an institution on requisition as herein provided shall be sold or given into the possession of any other person after being delivered by the establishment. All such animals shall be immediately transported to the institution and there maintained on the premises covered by the license during the life of the animal; provided that nothing herein shall prohibit an institution from delivering an unclaimed animal to the original owner thereof if the owner shall furnish proof of ownership satisfactory to the institution and the state Board of Animal Health, and pays actual expense maintaining the animal by the institution from the time it is received from the establishment until delivered to the previous owner.

STAT AUTH: MS s 35.71 subd 7

**HISTORY:** *17 SR 1279*

## **Licensed Kennels and Dealers**

### **1720.1330 DEFINITIONS.**

Subpart 1. Scope. The following words and terms are defined as follows where used in parts 1720.1330 to 1720.1578.

Subp. 2. Board. "Board" means the Minnesota Board of Animal Health.

Subp. 2a. Dealer. "Dealer" has the meaning given in Minnesota Statutes, section 347.31, subdivision 4.

Subp. 3. [Repealed, 13 SR 2859]

Subp. 4. Duly authorized agent. "Duly authorized agent" means an agent of the board, any sheriff or deputy sheriff, or police officer, or humane agent registered with the board and appointed pursuant to Minnesota Statutes, section 343.01.

Subp. 4a. Humane agent. "Humane agent" means a person appointed as an agent under Minnesota Statutes, section 343.01.

Subp. 5. Institution. "Institution" has the meaning given in Minnesota Statutes, section 347.31, subdivision 5.

Subp. 5a. Kennel. "Kennel" has the meaning given in Minnesota Statutes, section 347.31, subdivision 2.

Subp. 6. Person. "Person" means any individual, firm, partnership, or corporation.

Subp. 7. Premises. "Premises" has the meaning given in Minnesota Statutes, section 347.31, subdivision 3.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

### **1720.1390 MAINTENANCE OF PREMISES.**

Housing facilities must be structurally sound and maintained in good repair. Indoor housing facilities must be adequately ventilated and have ample light, either natural or artificial.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

### **1720.1400 DOGS AND CATS KEPT OUTSIDE.**

Dogs and cats kept outside must be provided with access to shelter to protect them from the sun, wind, rain, and snow together with adequate bedding when the temperature falls below 50 degrees Fahrenheit.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1410 DOGS AND CATS CONFINED BY CHAINS.**

If dogs or cats are confined by chains, the chains must be so attached that they cannot become entangled with the chains of other animals or any other objects. Chains must be of a size commonly used for the size of dog or cat involved and must be attached to the dog or cat by means of a well-fitted collar. Chains must be at least three times the length of the dog or cat as measured from the tip of its nose to the base of its tail.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1420 ENCLOSURES.**

Enclosures must be of sufficient size to allow each dog or cat to turn about fully and to stand, sit, and lie in a comfortable normal position. The enclosure must be constructed so as to prevent injury to the dog or cat.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1430 TEMPERATURE FOR INDOOR HOUSING FACILITIES.**

The temperature for indoor housing facilities must not be allowed to fall below 50 degrees Fahrenheit for dogs and cats not acclimated to lower temperatures.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1440 DISPOSAL FACILITIES.**

Disposal facilities must be provided to minimize vermin infestation, odors, and disease hazards.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1450 ADEQUATE STORAGE AND REFRIGERATION.**

Adequate storage and refrigeration must be provided to protect food supplies against contamination and deterioration.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1460 CLEAN AND SANITARY CONDITION.**

The premises, cages, enclosures, and all housing facilities must be cleaned and disinfected as often as it is necessary to maintain a clean and sanitary condition.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1480 FEEDING OF DOGS AND CATS.**

Dogs and cats must be fed at least once a day with clean, wholesome food sufficient to meet the normal daily nutritive requirements for the dog's or cat's age, size, and condition.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1490 WATER.**

Clean potable water must be made available to all dogs and cats at least twice daily for periods of not less than one hour.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1500 FEEDING AND WATERING RECEPTACLES.**

All feeding and watering receptacles must be kept clean and sanitary.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1510 HOUSING IN SAME PRIMARY ENCLOSURE.**

Dogs or cats housed in the same primary enclosure must be maintained in a compatible group. Puppies or kittens must not be housed in the same primary enclosure with adult dogs or cats other than their dam.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

**1720.1520 DOGS OR CATS WITH VICIOUS DISPOSITIONS.**

Any dog or cat exhibiting a vicious disposition must be housed separately.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1530 FEMALES IN ESTRUS.**

Females in estrus must not be confined in the same enclosure with males except for breeding purposes. Dogs or cats used for breeding must be of compatible size and only one male and one female may be confined in a primary enclosure for breeding.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1535 HUMANE TREATMENT.**

All dogs and cats must be treated humanely while in the premises.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1537 TRANSPORTATION OF DOGS AND CATS.**

Dogs and cats must be transported in vehicles equipped with ample cargo space and enclosures. The number of dogs or cats transported at one time must not exceed the number that can ride comfortably. Vehicles must be adequately equipped to provide sufficient ventilation and still protect the dogs or cats from the elements, injurious drafts, and exhaust fumes.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1538 CARGO SPACE FOR DOGS AND CATS.**

The dog and cat cargo space must be constructed and arranged to prevent injuries from fighting and allow for compatible grouping in terms of age, breed, size, and disposition. Separate enclosures must be provided for females in estrus. Dogs or cats must not be placed in enclosures over other animals unless the upper enclosure is constructed to prevent excreta from entering the lower enclosures. All crates, compartments, transport cages, and cargo space must be cleaned and disinfected between uses.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1540 MINIMIZING DISSEMINATION OF DISEASE.**

Dogs or cats affected with any clinical evidence of infectious, contagious, or communicable disease must be separated from other dogs or cats.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

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### **1720.1542 VETERINARY CARE.**

Kennels and dealers shall establish and maintain a program of disease control and prevention, euthanasia, and adequate veterinary care under the supervision of a doctor of veterinary medicine.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

### **1720.1545 HEALTH OF DOGS AND CATS AT TIME OF RELEASE.**

The following conditions make a dog or cat unfit for sale or release, other than to the previous owner:

- A. obvious signs of infectious disease;
- B. obvious signs of nutritional deficiencies;
- C. obvious signs of severe parasitism;
- D. fractures;
- E. blindness; and
- F. serious congenital abnormalities.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

### **1720.1546 DOGS AND CATS UNFIT FOR SALE OR RELEASE.**

Dogs or cats determined to be unfit for sale or release as described in part 1720.1545 must be isolated and treated by a licensed veterinarian or euthanized in a humane manner. If treatment for the conditions in part 1720.1545 brings about a satisfactory recovery to a normal state of health, the animals are fit for release or sale.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

### **1720.1550 CONTROL OF PESTS.**

The kennel or dealer shall establish and maintain an effective program for the control of insects, ectoparasites, rodents, and other pests.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1555 IDENTIFICATION OF DOGS AND CATS IN KENNELS.**

Each dog and cat must be identified with a numbered tag affixed to the neck by the means of a collar.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1560 RECORDS.**

A licensed kennel or dealer shall maintain the following records:

A. the name and address of the person from whom a dog or cat three months of age or over was received and, in the case of a dealer, the person's driver's license number or social security number;

B. the identification of each dog or cat confined to the premises as described in part 1720.1555;

C. description of the dog or cat by approximate age, breed, and sex;

D. the name and address of the person to whom a dog or cat three months of age or over was transferred; and

E. the history of disease conditions diagnosed by a veterinarian or diagnostic laboratory on animals housed on the premises.

Records required by this part must be preserved for a minimum of two years and available to duly authorized agents upon demand at any reasonable time.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1570 INSPECTIONS.**

Periodic inspections must be made in cooperation with the United States Department of Agriculture, pursuant to Minnesota Statutes, section 347.35.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

#### **1720.1575 INVESTIGATION OF COMPLAINTS.**

Complaints must be referred to local enforcement authorities. If the complainant is not satisfied with the results obtained and the complainant wants an investigation by the board, the complainant must send to the board a written and signed complaint and a deposit of \$100. Upon investigation, if the complaint is warranted, the deposit must be returned and the board shall take action as provided in Minnesota Statutes, section 347.38. If the complaint is deemed unfounded by the

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board investigator, the deposit must go into the general fund. Duly authorized agents are exempt from the \$100 deposit for investigation of a complaint.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

### **1720.1576 EXPENSES OF INVESTIGATION.**

A person who violates Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, is liable for at least the amount of the expenses of the investigation. Expenses of investigation may be recovered by a court action in the county where the violation occurred.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

### **1720.1578 COST RECOVERY.**

Money from license fees, fines, penalties, or deposits under Minnesota Statutes, section 346.55 or sections 347.31 to 347.40, goes into the general fund and must be accounted for by the state treasurer to the board to enable a showing that costs of inspection and enforcement of Minnesota Statutes, sections 346.55 and 347.31 to 347.40, have been recovered.

STAT AUTH: MS s 35.03; 347.35

**HISTORY:** *13 SR 2859*

# **Public Safety Department**

## **Dangerous Dog Tag**

### **7417.0100 PURPOSE AND SCOPE.**

Subpart 1. Purpose. The purpose of parts 7417.0100 to 7417.0400 is to establish the design of a uniform dangerous dog tag, to be inscribed on or attached to each dangerous dog's tag and affixed to each dangerous dog's collar at all times.

Subp. 2. Scope. The scope of parts 7417.0100 to 7417.0400 is to be consistent with the provisions of Minnesota Statutes, section 347.51, subdivision 7.

STAT AUTH: MS s 347.51

**HISTORY:** *19 SR 1227*

### **7417.0200 UNIFORM DANGEROUS DOG TAG.**

Subpart 1. Description. Each uniform dangerous dog tag must meet the following standards:

- A. It must be circular in shape and 1-1/2 inches in diameter.
- B. A ring one-fourth inch in diameter must be affixed to the top center of the dangerous dog tag, so that the dangerous dog tag can be affixed to the dangerous dog's collar.
- C. The outer edges of the circle must contain a perfect red circle that is one-fourth inch in width.
- D. An illustration of a black dog must be shown in the center of the circle standing on its hind legs at a 45-degree angle, with its open mouth facing the right side of the symbol.
- E. The dog must appear to be in the process of attempting to bite at a black hand and wrist that is entering the circle from the right side and is pointed toward the dog's open mouth.
- F. The hand and wrist must also protrude into the circle one-fourth inch, with a one-sixteenth inch yellow space between the end of the wrist and the inner edge of the red circle.
- G. The dog must also be proportionately centered in the circle and be one inch long, from the dog's extreme hind leg to the front tip of the dog's nose.
- H. The hand and wrist must enter into the inside of the circle, from the right side, one-fourth inch.

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I. The hand must also have all five fingers spread apart, with the palm of the hand showing.

J. The remaining portion of the tag must be bright yellow.

Subp. 2. Construction, registration number, inscription. The uniform dangerous dog tag must be made of one-sixteenth inch thick aluminum and shall have the dangerous dog's registration number inscribed on the back of the tag. Each uniform dangerous dog tag must also have the following words inscribed on or attached to the back:

"Minnesota Statutes, section 347.51, requires that this authorized warning symbol be posted on a dangerous dog tag and affixed to the dog's collar at all times. Minnesota Department of Public Safety"

STAT AUTH: MS s 347.51

**HISTORY:** 19 SR 1227

### **7417.0300 TAG WORN BY EACH DANGEROUS DOG.**

Subpart 1. Requirement. Each dangerous dog registered under Minnesota Statutes, section 347.51, must have a uniform dangerous dog tag affixed to the dangerous dog's collar at all times.

Subp. 2. Separate tag. The uniform dangerous dog tag shall be a dog tag separate and apart from the dog tag that dogs are required to wear under part 1720.1555.

STAT AUTH: MS s 347.51

**HISTORY:** 19 SR 1227

### **7417.0400 UNIFORM DANGEROUS DOG TAG GRAPHIC.**

The uniform dangerous dog tag must look like the following graphic:



STAT AUTH: MS s 347.51

**HISTORY:** 19 SR 1227

# **DEPARTMENT OF HUMAN SERVICES**

## **LICENSING OF DAY CARE FACILITIES**

### **CHAPTER 9502**

#### **9502.0435 SANITATION AND HEALTH.**

Subp. 12. Pets. All pets housed within the residence shall be maintained in good health and limited to dogs, cats, fish, guinea pigs, gerbils, rabbits, hamsters, rats, mice, and birds if the birds are clear of chlamydia psittaci. The provider shall ensure that:

- A. parents are notified prior to admission of the presence of pets in the residence;
- B. children handle animals only with supervision;
- C. rabies shots and tags are current for all dogs and cats;
- D. pet cages are located and cleaned away from any food preparation, storage, or serving areas;
- E. play areas are free of animal excrement not confined to pet cages;
- F. parents of a child whose skin is broken by an animal bite or scratch, are notified of the injury on the day the injury occurs; and
- G. the agent of a board of health as authorized under Minnesota Statutes, section 145A.04 is immediately notified whenever a child in care is bitten by an animal, the notification shall be given before any steps are taken to destroy the animal, and the provider shall take reasonable steps to confine the animal.

STAT AUTH: MS s 245A.09; 252.28

**HISTORY:** 9 SR 2106; 10 SR 2617; L 1987 c 309 s 24



# **DEPARTMENT OF HEALTH**

## **HEALTH CARE FACILITIES GENERALLY**

### **CHAPTER 4638**

#### **4638.0200 PET ANIMALS IN HEALTH CARE FACILITIES.**

Subpart 1. Definition. As used in this part, "health care facility" means a hospital, nursing home, boarding care home, or supervised living facility licensed by the Minnesota Department of Health under Minnesota Statutes, sections 144.50 to 144.56 or 144A.01 to 144A.16.

Subp. 2. Written policy. Every health care facility shall establish a written policy specifying whether or not pet animals will be allowed on the facility's premises. If pet animals are allowed on the premises, the policy must specify whether or not individual patients or residents will be permitted to keep pets. This policy must be developed only after consultation with facility staff and with patients or residents, as appropriate.

Subp. 3. Conditions. If pet animals other than fish are allowed on the premises, the following requirements must be met:

A. Written policies and procedures must be developed and implemented which specify the conditions for allowing pet animals on the premises.

B. The policies and procedures must:

(1) Describe the types of pet animals allowed on the facility's premises. This policy must be developed in consultation with a veterinarian and a physician.

(2) Describe the procedures for maintaining and monitoring the health and behavior of animals kept on the facility's premises. These procedures must be in accordance with a veterinarian's recommendations. A copy of these recommendations must be maintained in the facility.

(3) Identify those areas in the facility, in addition to those areas described in item F, where pet animals shall not be permitted.

C. Regardless of the ownership of any pet, the health care facility shall assume overall responsibility for any pets within or on the premises of the facility.

D. The health care facility shall ensure that no pet jeopardizes the health, safety, comfort, treatment, or well-being of the patients, residents, or staff.

E. A facility employee shall be designated, in writing, as being responsible for monitoring or providing the care to all pet animals and for ensuring the cleanliness and maintenance of facilities used to house pets. This rule does not preclude residents, patients, or other individuals from providing care to pet animals.

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F. Except for guide dogs accompanying a blind or deaf individual and except in supervised living facilities with a licensed bed capacity of 15 beds or less, pet animals shall not be permitted in kitchen areas, in medication storage and administration areas, or in clean or sterile supply storage areas.

STAT AUTH: MS s 144.573; 144A.30

**HISTORY:** *L 1987 c 384 art 2 s 1*

## CHAPTER 4625

### FOOD AND BEVERAGE ESTABLISHMENTS

#### 4625.4101 INSECT, RODENT, AND ANIMAL CONTROL.

Subp. 3. Animals. Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the person in charge. This exclusion does not apply to edible fish, crustacea, mollusks, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying sight-impaired persons or hearing-impaired persons shall be permitted in dining areas.

STAT AUTH: MS s 144.05 cl (b)(c); 157.04; 157.08; 157.09; 157.13

**HISTORY:** *13 SR 2862*



# **DEPARTMENT OF NATURAL RESOURCES**

## **CHAPTER 6244**

### **CAPTIVE WILDLIFE**

#### **6212.1400 GENERAL RESTRICTIONS FOR POSSESSION PERMITS.**

Subpart 1. Permit requirements. Permits for the taking, transportation, disposal, or possession of protected wild animals, whether dead or alive, or their parts, nests, or eggs will be issued as provided by parts 6212.1400 to 6212.1700. Applications for permits from individuals or institutions must be made in writing and must be submitted as specified. The commissioner will determine whether the applicant meets the criteria for issuance of the permit.

Subp. 2. Issuance of permits. Permits may be issued only upon written application made by individuals or institutions currently conducting research or educational programs in the fields of biology or natural history, and that have appropriate and adequate facilities for the care, exhibition, or storage of the specimens sought to be taken, acquired, or possessed. A permit may not be issued unless the commissioner has first determined that the permitted act will not be detrimental to the species.

Subp. 3. Permits for taking. Permits for the taking of protected wild animals or their parts may be issued only to named individuals. Permits for taking are valid only for the named permittees and are not transferable. Permits solely for possession, transportation, propagation, or disposal may be issued in the name of an institution or individual.

Subp. 4. Sale or transfer of specimens. Specimens held under permit may not be sold or otherwise transferred from the custody of the permittee without the prior written approval of the commissioner, unless otherwise provided in the permit.

Subp. 5. Offspring. Offspring of any specimen possessed under a permit will be subject to parts 6212.1400 to 6212.1700 and to all the terms and conditions set forth in the permit.

Subp. 6. Reports. Before January 31 of each year, each permittee who has taken a protected wild animal, or parts during the preceding calendar year must file a report with the commissioner describing the specimens taken and their current disposition. Specimens consumed by use or otherwise destroyed must be so noted. Permittees must submit additional reports as may be required by the permit. A permit will not be renewed unless all required reports have been submitted.

Subp. 7. Possession of permit. Individual permittees must have their permit available for inspection by the commissioner while doing an act authorized by the permit. Permits issued in the names of institutions must be available for inspection during regular business hours.

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Subp. 8. Expiration, cancellation, and revocation of collector permits. All permits issued as provided by parts 6212.1400 to 6212.1700 expire on December 31 of the year of issuance, unless otherwise specified in the permit, and may be renewed.

All permits issued as provided by parts 6212.1400 to 6212.1700 are subject to immediate cancellation by the commissioner upon determination that such cancellation is necessary for the conservation of the natural resources of this state, for the welfare of particular specimens, or is in the public interest.

Violation of any of the provisions of parts 6212.1400 to 6212.1700 or the terms of any permit issued under those parts may result in immediate revocation of the permit, and may subject the permittee to other penalties established by law.

Subp. 9. Permits for pets. Permits are not issued for the taking or possession of protected wild animals as pets, except deer as provided by part 6212.1700.

STAT AUTH: MS s 97A.401

**HISTORY:** *18 SR 83*

### **6240.2500 TAKING COMMON CROWS IN DEPREDATION SITUATIONS.**

Subpart 1. Taking common crows when causing damage. Persons may take common crows statewide at any time of year when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock or wildlife, or when concentrated in such numbers and manner as to constitute health problems or other nuisances.

Subp. 2. Disturbance of nests and eggs. Common crows' nests and eggs may not be disturbed at any time.

STAT AUTH: MS s 97A.731

**HISTORY:** *18 SR 83*

### **6240.2600 TAKING COMMON CROWS IN WATERFOWL PRODUCTION AREAS, GAME REFUGES, AND WILDLIFE MANAGEMENT AREAS.**

Common crows may be taken on federal waterfowl production areas that are open to hunting. Common crows may also be taken within state game refuges open to small game hunting, except those refuges closed to waterfowl hunting. Common crows may be taken during the open season between September 1 and the last day of February within wildlife management areas, unless otherwise closed to hunting.

STAT AUTH: MS s 97A.731

**HISTORY:** *18 SR 83*

## Game Farms

### 6242.0500 GAME FARM LICENSE REQUIREMENTS, DEFINITION.

Subpart 1. Species specified on license. The game farm license must specify the species which may be propagated or sold.

Subp. 2. Definition. For purposes of game farm recordkeeping, "upland game birds" means the birds identified in Minnesota Statutes, section 97B.711, subdivision 1, except turkeys.

STAT AUTH: MS s 97A.105; and others at 19 SR 6

HISTORY: 19 SR 484; 19 SR 2222

### 6242.0600 GAME FARM LICENSE CONDITIONS.

A game farm license may be issued to an applicant who:

- A. is primarily responsible for the care of the animals;
- B. has adequate knowledge to properly care for the species involved;
- C. provides a fenced area of adequate size on the premises to effectively confine the animals to be kept;
- D. provides clean and healthy facilities to house, breed, and maintain the animals; and
- E. provides for adequate food, water, shelter, sanitation, protection from injury, and prevention of overcrowding.

Failure to meet these requirements may be grounds for revocation or nonrenewal of the license.

STAT AUTH: MS s 97A.105; and others at 19 SR 6

HISTORY: 19 SR 484

### 6242.0800 ACQUISITION OF GAME FARM ANIMALS.

A game farm licensee may acquire protected captive-reared mammals and game birds or their eggs only from a licensed game farm operator or other person exempt from the licensing requirement.

STAT AUTH: MS s 97A.105; and others at 19 SR 6

HISTORY: 19 SR 484

### 6242.0900 RESTRICTIONS ON SALE OR DISPOSAL OF GAME FARM ANIMALS.

Subpart 1. Sales receipt requirement. For every sale or disposal of an animal, animal parts, or products, the game farm licensee must complete a sales receipt, provided by the commissioner, containing the following information:

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- A. name, address, and game farm license number of licensee;
- B. name and address of purchaser or person to whom sale or disposal is made;
- C. species, number, and kinds of animals, parts, or products sold or disposed of; and
- D. identification numbers, if the animals sold or disposed of are marked with numbered tags, bands, or tattoos.

Subp. 2. Routing of sales receipts. The original sales receipt of a game farm animal must be mailed to the Division of Enforcement within 48 hours of completion of the transaction. A copy must be given to the purchaser at the time the transaction is made. A second copy must be retained by the licensee and be subject to inspection by the commissioner. A third copy must be submitted to the local conservation officer.

Subp. 3. Shipping animals by common carrier. When animals, parts, or products are shipped by common carrier or are transported other than by the purchaser or receiver, a second copy of the receipt must be attached to the outside of the box, crate, or container, or to one of the containers if a single shipment is made in several containers.

STAT AUTH: MS s 97A.105; 97A.425

**HISTORY:** 18 SR 83; 19 SR 2222

### **6242.1000 REQUIRED GAME FARM RECORDS.**

Subpart 1. Recordkeeping. Game farm licensees must keep complete and current business records for all species, except upland game birds, in a record book provided by the commissioner. These records must include the following:

- A. for each animal acquired other than by birth on the licensee's game farm, the sex (if known), species, name and address of the source from which acquired, date of acquisition, and number of any band, tag, or tattoo attached to the animal before or after acquisition;
- B. for each animal born on the licensee's game farm, the sex (if known), species, date of birth, and number of any band, tag, or tattoo subsequently attached to the animal;
- C. for each animal sold or disposed of other than by death, the same information required by part 6242.0900; and
- D. for each animal which dies or is destroyed on the licensee's game farm, the sex (if known), species, date of death, and number of any band, tag, or tattoo attached to the animal.

Subp. 2. Retention of receipts. The licensee's copies of all sales and disposal receipts required to be retained must be kept with and are considered part of the record book.

Subp. 3. Entry, retention, and inspection of records. Records required to be kept by this part must be entered into the record book within 48 hours of the birth, transaction, acquisition, death, or disposal of the animal, animal part, or product. Records must be maintained for three years following the year of creation. All records and receipts required to be retained must be open to inspection by the commissioner at any reasonable time.

STAT AUTH: MS s 97A.105

**HISTORY:** *19 SR 2222*

**6242.1100 REPORTS ON OPERATIONS.**

On or before March 15 of each year, licensees must submit, on forms provided by the commissioner, reports of their game farm operations during the preceding license year. These reports must be one of two types:

A. for upland game birds and waterfowl, an inventory of all livestock acquired, hatched, possessed, sold, deceased, or disposed of; and

B. for all other species, a report of the required records.

These reports must be submitted to the Division of Enforcement.

STAT AUTH: MS s 97A.105; and others at 19 SR 6

**HISTORY:** *19 SR 484*



## **THREATENED OR ENDANGERED SPECIES**

### **6242.1200 THREATENED OR ENDANGERED SPECIES.**

Subpart 1. Game farm licensees. A game farm license is not a license to possess, breed, propagate, sell, or dispose of any threatened or endangered species, unless the threatened or endangered species is specifically listed on the game farm license and has been lawfully obtained.

Subp. 2. Permit for purchaser. For purposes of Minnesota Statutes, section 84.0895, the game farm sales receipt showing lawful acquisition of a threatened or endangered species shall serve as a permit to possess the threatened or endangered species.

STAT AUTH: MS s 84.0895; 97A.105; and others at 19 SR 6

HISTORY: 19 SR 484; 19 SR 2222

## **CHAPTER 6134**

### **SPECIES THAT ARE ENDANGERED, THREATENED, OR OF SPECIAL CONCERN**

#### **6134.0150 PURPOSE AND SCOPE.**

Minnesota Statutes, section 84.0895, subdivision 3, requires the commissioner of natural resources to adopt rules designating species meeting the statutory definitions of endangered, threatened, or species of special concern. Minnesota Statutes, section 84.0895, subdivision 5, authorizes the commissioner to adopt rules that regulate treatment of species designated as endangered or threatened. Thus, two different sets of rules have been adopted: parts 6134.0100 to 6134.0400 designate species in the three statutory categories; and parts 6212.1800 to 6212.2300 create regulations for species designated as endangered or threatened.

Species designated as species of special concern are not protected by Minnesota Statutes, section 84.0895 or rules adopted under that section. Parts 6212.1800 to 6212.2300 and Minnesota Statutes, section 84.0895, impose a variety of restrictions, a permit program, and several exemptions pertaining to species designated as endangered or threatened. Among these are that acts otherwise prohibited may be allowed by permit issued by the commissioner; plants on certain agricultural lands and plants destroyed in consequence of certain agricultural practices are exempt; and the accidental, unknowing destruction of designated plants is exempt. Parts 6134.0100 to 6134.0400 do not address protection of habitat for species designated as endangered, threatened, or species of special concern, nor do they obligate anyone to survey lands for the presence of designated species.

Persons are advised to read the full text of parts 6134.0100 to 6134.0400 and 6212.1800 to 6212.2300 and Minnesota Statutes, section 84.0895, in order to understand all Department of Natural Resources regulations pertaining to species that are designated as endangered, threatened, or species of special concern.

STAT AUTH: MS s 84.0895

HISTORY: 20 SR 2782

**6134.0200 ANIMAL SPECIES.**

**Subpart 1. Mammals.** The scientific names and the common names in this subpart are according to the Revised Checklist of North American Mammals North of Mexico, J. K. Jones, et al., 1992. The following species of mammals are designated as:

A. **Endangered:** none.

B. **Threatened:** *Spilogale putorius*, eastern spotted skunk.

C. **Of special concern:**

- (1) *Canis lupus*, gray wolf;
- (2) *Cervus elaphus*, elk;
- (3) *Cryptotis parva*, least shrew;
- (4) *Felis concolor*, mountain lion;
- (5) *Microtus ochrogaster*, prairie vole;
- (6) *Microtus pinetorum*, woodland vole;
- (7) *Mustela nivalis*, least weasel;
- (8) *Myotis septentrionalis*, northern myotis;
- (9) *Perognathus flavescens*, plains pocket mouse;
- (10) *Phenacomys intermedius*, heather vole;
- (11) *Pipistrellus subflavus*, eastern pipistrelle;
- (12) *Sorex fumeus*, smokey shrew;
- (13) *Synaptomys borealis*, northern bog lemming; and
- (14) *Thomomys talpoides*, northern pocket gopher.

**Subp. 2. Birds.** The scientific names and the common names in this subpart are according to the American Ornithologists Union Checklist, 1983, and Supplements (1985, 1987, 1989, 1991, 1993, and 1995). The following species of birds are designated as:

A. **Endangered:**

- (1) *Ammodramus bairdii*, Baird's sparrow;
- (2) *Ammodramus henslowii*, Henslow's sparrow;
- (3) *Anthus spragueii*, Sprague's pipit;
- (4) *Speotyto cunicularia*, burrowing owl;
- (5) *Calcarius ornatus*, chestnut-collared longspur;
- (6) *Charadrius melodus*, piping plover; and
- (7) *Rallus elegans*, king rail.

B. **Threatened:**

- (1) *Cygnus buccinator*, trumpeter swan;
- (2) *Falco peregrinus*, peregrine falcon;
- (3) *Lanius ludovicianus*, loggerhead shrike;
- (4) *Phalaropus tricolor*, Wilson's phalarope;
- (5) *Podiceps auritus*, horned grebe; and

(6) *Sterna hirundo*, common tern.

**C. Of special concern:**

- (1) *Ammodramus nelsoni*, Nelson's sharp-tailed sparrow;
- (2) *Asio flammeus*, short-eared owl;
- (3) *Buteo lineatus*, red-shouldered hawk;
- (4) *Coturnicops noveboracensis*, yellow rail;
- (5) *Dendroica cerulea*, cerulean warbler;
- (6) *Empidonax virescens*, acadian flycatcher;
- (7) *Gallinula chloropus*, common moorhen;
- (8) *Haliaeetus leucocephalus*, bald eagle;
- (9) *Larus pipixcan*, Franklin's gull;
- (10) *Limosa fedoa*, marbled godwit;
- (11) *Pelecanus erythrorhynchos*, American white pelican;
- (12) *Seiurus motacilla*, Louisiana water thrush;
- (13) *Sterna forsteri*, Forster's tern;
- (14) *Tympanuchus cupido*, greater prairie-chicken; and
- (15) *Wilsonia citrina*, hooded warbler.

**Subp. 3. Amphibians and reptiles.** The scientific names and the common names in this subpart are according to Standard Common and Current Scientific Names for North American Amphibians and Reptiles, third edition, J.T. Collins, et al., 1990. The following species of amphibians and reptiles are designated as:

**A. Endangered:**

- (1) *Acris crepitans*, northern cricket frog; and
- (2) *Sistrurus catenatus*, massasauga.

**B. Threatened:**

- (1) *Clemmys insculpta*, wood turtle;
- (2) *Crotalus horridus*, timber rattlesnake; and
- (3) *Emydoidea blandingii*, Blanding's turtle.

**C. Of special concern:**

- (1) *Apalone mutica*, smooth softshell;
- (2) *Chelydra serpentina*, snapping turtle;
- (3) *Coluber constrictor*, racer;
- (4) *Elaphe obsoleta*, rat snake;
- (5) *Eumeces fasciatus*, five-lined skink;
- (6) *Hemidactylium scutatum*, four-toed salamander;
- (7) *Heterodon nasicus*, western hognose snake;
- (8) *Pituophis catenifer*, gopher snake; and
- (9) *Tropidoclonion lineatum*, lined snake.



# **HARMFUL EXOTIC SPECIES**

## **CHAPTER 6216**

### **6216.0100 PURPOSE.**

The purpose of parts 6216.0100 to 6216.0600 is to prevent the spread of harmful exotic species, and undesirable exotic aquatic plants and wild animals, into and within the state as authorized by Minnesota Statutes, sections 17.457, 18.316, 18.317, and 84.967 to 84.9692.

STAT AUTH: MS s 84.9691

**HISTORY:** 20 SR 2292(NO. 43); L 1996 c 385 art 2 s 7

### **6216.0200 DEFINITIONS.**

Subpart 1. Scope. For the purposes of parts 6216.0100 to 6216.0600, the terms used have the meanings given to them in Minnesota Statutes, sections 17.457, 17.4984, 17.4985, 18.316, 18.317, 84.967 to 84.9692, and 97A.015, unless otherwise noted in this part.

Subp. 2. Commissioner. "Commissioner" means the commissioner of natural resources of Minnesota or the commissioner's designated representative.

Subp. 3. Department. "Department" means the Minnesota Department of Natural Resources.

STAT AUTH: MS s 84.9691

**HISTORY:** 20 SR 2292(NO. 43); L 1996 c 385 art 2 s 7

### **6216.0250 PROHIBITED EXOTIC SPECIES.**

Subpart 1. Designation. The species in subparts 2 to 5 are prohibited exotic species because they pose a substantial threat to native species in the state.

#### **Subp. 5. Mammals.**

A. Asian raccoon dog, also known as finnraccoon (*Nyctereutes procyonoides*);

B. European rabbit (*Oryctolagus cuniculus*); and

C. any strain of nutria (*Mycocastor coypu*).

STAT AUTH: MS s 84.9691

**HISTORY:** 20 SR 2292(NO. 43); L 1996 c 385 art 2 s 7

### **6216.0600 VIOLATIONS; CONFISCATIONS.**

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Unless a different penalty is prescribed, a violation of parts 6216.0100 to 6216.0500 is a misdemeanor as set forth in Minnesota Statutes, sections 18.317 and 84.9691. Where a violation has occurred, the department may confiscate the exotic species immediately upon discovery wherever found and, at the department's discretion, destroy it. Where infested water is being appropriated, or diverted or transported without a permit, or otherwise contrary to the provisions of parts 6216.0100 to 6216.0600, the department may order that the activities cease. Any expense or loss in connection with enforcement of the order shall be borne by the permittee or responsible person.

STAT AUTH: MS s 84.9691

**HISTORY:** 20 SR 2292(NO. 43)

# **Selected Federal Regulations**

## **Code of Federal Regulations**

### **Title 42-Public Health**

#### **Chapter I-Public Health Service, Department of Health and Human Services**

#### **Subchapter F-Quarantine, Inspection, Licensing**

#### **Part 71-Foreign Quarantine**

#### **Subpart F-Importations**

**Current through February 1, 1997, 62 FR 4890**

### **§ 71.51 Dogs and cats.**

#### **(a) Definitions.**

As used in this section the term:

"Cat" means all domestic cats.

"Confinement" means restriction of a dog or cat to a building or other enclosure at a U.S. port, en route to destination and at destination, in isolation from other animals and from persons except for contact necessary for its care or, if the dog or cat is allowed out of the enclosure, muzzling and keeping it on a leash.

"Dog" means all domestic dogs.

"Owner" means owner or agent.

"Valid rabies vaccination certificate" means a certificate which was issued for a dog not less than 3 months of age at the time of vaccination and which--

(1) Identifies a dog on the basis of breed, sex, age, color, markings, and other identifying information.

(2) Specifies a date of rabies vaccination at least 30 days before the date of arrival of the dog at a U.S. port.

(3) Specifies a date of expiration which is after the date of arrival of the dog at a U.S. port. If no date of expiration is specified, then the date of vaccination shall be no more than 12 months before the date of arrival at a U.S. port.

(4) Bears the signature of a licensed veterinarian.

#### **(b) General requirements for admission of dogs and cats.—**

(1) Inspection by Director. The Director shall inspect all dogs and cats which arrive at a U.S. port, and admit only those dogs and cats which show no signs of communicable disease as defined in § 71.1.

(2) Examination by veterinarian and confinement of dogs and cats. When, upon inspection, a dog or cat does not appear to be in good health on arrival (e.g., it has symptoms such as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the Director may require prompt confinement and give the owner an opportunity to arrange for a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The Director will consider the findings of the examination and tests in determining whether or not the dog or cat may have a communicable disease. The owner shall bear the expense of the

examination, tests, and treatment. When it is necessary to detain a dog or cat pending determination of its admissibility, the owner shall provide confinement facilities which in the judgment of the Director will afford protection against any communicable disease. The owner shall bear the expense of confinement. Confinement shall be subject to conditions specified by the Director to protect the public health.

(3) Record of sickness or death of dogs and cats and requirements for exposed animals.

(i) The carrier responsible for the care of dogs and cats shall maintain a record of sickness or death of animals en route to the United States and shall submit the record to the quarantine station at the U.S. port upon arrival. Dogs or cats which have become sick while en route or are dead on arrival shall be separated from other animals as soon as the sickness or death is discovered, and shall be held in confinement pending any necessary examination as determined by the Director.

(ii) When, upon inspection, a dog or cat appears healthy but, during shipment, has been exposed to a sick or dead animal suspected of having a communicable disease, the exposed dog or cat shall be admitted only if examination or tests made on arrival reveal no evidence that the animal may be infected with a communicable disease. The provisions of paragraph (b)(2) of this section shall be applicable to the examination or tests.

(4) Sanitation. When the Director finds that the cages or other containers of dogs or cats arriving in the United States are in an unsanitary or other condition that may constitute a communicable disease hazard, the dogs or cats shall not be admitted in such containers unless the owner has the containers cleaned and disinfected.

### **(c) Rabies vaccination requirements for dogs.**

(1) A valid rabies vaccination certificate is required at a U.S. port for admission of a dog unless the owner submits evidence satisfactory to the Director that:

(i) If a dog is less than 6 months of age, it has been only in a country determined by the Director to be rabies-free (a current list of rabies-free countries may be obtained from the Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333); or

(ii) If a dog is 6 months of age or older, for the 6 months before arrival, it has been only in a country determined by the Director to be rabies-free; or

(iii) The dog is to be taken to a research facility to be used for research purposes and vaccination would interfere with its use for such purposes.

(2) Regardless of the provisions of paragraph (c)(1) of this section, the Director may authorize admission as follows:

(i) If the date of vaccination shown on the vaccination certificate is less than 30 days before the date of arrival, the dog may be admitted, but must be confined until at least 30 days have elapsed since the date of vaccination;

(ii) If the dog is less than 3 months of age, it may be admitted, but must be confined until vaccinated against rabies at 3 months of age and for at least 30 days after the date of vaccination;

(iii) If the dog is 3 months of age or older, it may be admitted but must be confined until it is vaccinated against rabies. The dog must be vaccinated within 4 days after arrival at destination but no more than 10 days after arrival at a U.S. port. It must be kept in confinement for at least 30 days after the date of vaccination.

(3) When a dog is admitted under paragraph (c)(2) of this section, the Director shall notify the health department or other appropriate agency having jurisdiction at the point of destination and shall provide the address of the specified

place of confinement and other pertinent information to facilitate surveillance and other appropriate action.

**(d) Certification requirements.**

The owner shall submit such certification regarding confinement and vaccination prescribed under this section as may be required by the Director.

**(e) Additional requirements for the importation of dogs and cats.**

Dogs and cats shall be subject to such additional requirements as may be deemed necessary by the Director or to exclusion if coming from areas which the Director has determined to have high rates of rabies.

**(f) Requirements for dogs and cats in transit.**

The provisions of this section shall apply to dogs and cats transported through the United States from one foreign country to another, except as provided below:

(1) Dogs and cats that appear healthy, but have been exposed to a sick or dead animal suspected of having a communicable disease, need not undergo examination or tests as provided in paragraph (b)(3) of this section if the Director determines that the conditions under which they are being transported will afford adequate protection against introduction of communicable disease.

(2) Rabies vaccination is not required for dogs that are transported by aircraft or ship and retained in custody of the carrier under conditions that would prevent transmission of rabies.

(g) Disposal of excluded dogs and cats. A dog or cat excluded from the United States under the regulations in this part shall be exported or destroyed. Pending exportation, it shall be detained at the owner's expense in the custody of the U.S. Customs Service at the U.S. port.

**§ 71.52 Turtles, tortoises, and terrapins.**

**(a) Definitions.**

As used in this section the term:

"Turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order Testudinata, class Reptilia, except marine species (Families Dermochelidae and Cheloniidae).

**(b) Importation; general prohibition.**

Except as otherwise provided in this section, live turtles with a carapace length of less than 4 inches and viable turtle eggs may not be imported into the United States.

**(c) Exceptions.**

(1) Live turtles with a carapace length of less than 4 inches and viable turtle eggs may be imported into the United States, provided that such importation is not in connection with a business, and the importation is limited to lots of fewer than seven live turtles or fewer than seven viable turtle eggs, or any combinations of such turtles and turtle eggs totaling fewer than seven, for any entry.

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(2) Seven or more live turtles with a carapace length of less than 4 inches, or seven or more viable turtle eggs or any combination of turtles and turtle eggs totaling seven or more, may be imported into the United States for bona fide scientific or educational purposes or for exhibition when accompanied by a permit issued by the Director.

(3) The requirements in paragraph (c)(1) and (c)(2) of this section shall not apply to the eggs of marine turtles excluded from these regulations under § 71.52(a).

### **(d) Application for permits.**

Applications for permits to import turtles, as set forth in paragraph (c)(2) of this section, shall be made by letter to the Director, and shall contain, identify, or describe, the name and address of the applicant, the number of specimens, and the common and scientific names of each species to be imported, the holding facilities, the intended use of the turtles following their importation, the precautions to be undertaken to prevent infection of members of the public with Salmonella and Arizona bacteria, and any other information and assurances the Director may require.

### **(e) Criteria for issuance of permits.**

A permit may be issued upon a determination that the holder of the permit will isolate or otherwise confine the turtles and will take such other precautions as may be determined by the Director to be necessary to prevent infection of members of the public with Salmonella and Arizona bacteria and on condition that the holder of the permit will provide such reports as the Director may require.

### **(f) Interstate Regulations.**

Upon admission at a U.S. Port, turtles and viable turtle eggs become subject to Food and Drug Administration Regulations (21 CFR 1240.62) regarding general prohibition.

### **(g) Other permits.**

Permits to import certain species of turtles may be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

## **§ 71.53 Nonhuman Primates.**

### **(a) Definitions.**

As used in this section the term:

"Importer" means any person or corporation, partnership, or other organization, receiving live nonhuman primates from a foreign country within a period of 31 days, beginning with the importation date, whether or not the primates were held for part of the period at another location. The term "importer" includes the original importer and any other person or organization receiving imported primates within the 31-day period.

"Nonhuman primates" means all nonhuman members of the Order Primates, including, but not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes, baboons, marmosets, tamarin, lemurs, and lorises.

**(b) General prohibition.**

No person or organization may import live nonhuman primates into the United States unless registered as an importer in accordance with applicable provisions of this section.

**(c) Uses for which nonhuman primates may be imported and distributed.**

Live nonhuman primates may be imported into the United States and sold, resold, or otherwise distributed only for bona fide scientific, educational, or exhibition purposes. The importation of nonhuman primates for use in breeding colonies is also permitted provided that all offspring will be used only for scientific, educational, or exhibition purposes. The maintenance of nonhuman primates as pets, hobby, or an avocation with occasional display to the general public is not a permissible use.

**(d) Registration of importers.**

(1) Importers of nonhuman primates shall register with the Director in a manner prescribed by the Director.

(2) Documentary evidence that an importer will use all nonhuman primates solely for the permitted purposes is required.

(3) Registration shall include certification that the nonhuman primates will not be shipped, sold, or otherwise transferred to other persons or organizations without adequate proof that the primates will be used only for the permitted purposes.

(4) Registration shall be for 2 years, effective the date the application for registration is approved by the Director.

(5) Registration may be renewed by filing a registration application form with the Director not less than 30 days nor more than 60 days before expiration of the current registration.

**(e) Recordkeeping and reporting requirement for registered importers.**

(1) Importers shall maintain records on each shipment of imported nonhuman primates received. The record on each shipment shall include the number of primates received, species, country of origin, date of importation, the number of primates in the shipment that die within 90 days after receipt, and cause(s) of deaths. If any primates in the shipment are sold or otherwise distributed within 90 days after receipt the record shall include the number of primates in each shipment or sale, the dates of each shipment or sale, and the identity of the recipients. In addition, the record shall contain copies of documents that were presented to the importer to establish that the recipient would use the primates solely for the permitted purposes. The records shall be maintained in an organized manner in a central location at or in close proximity to the importer's primate holding facility. The records shall be maintained for a period of 3 years and shall be available for inspection by the Director at any time.

(2) Importers shall report to the Director by telephone within 24 hours the occurrence of any illness in nonhuman primates that is suspected of being yellow fever, monkeypox, or Marburg/Ebola disease.

(3) Importers also shall report to the Director by telephone within 24 hours the occurrence of illness in any member of their staff suspected of having an infectious disease acquired from nonhuman primates.

**(f) Disease control measures.**

Upon receipt of evidence of exposure of nonhuman primates to a communicable disease that may constitute a threat to public health, the Director may provide for or require examination, treatment, detention, isolation, seizure, or destruction of exposed animals. Any measures required shall be at the owner's expense.

**(g) Disposal of excluded nonhuman primates.**

Nonhuman primate(s) excluded from the United States by provisions of this section shall, at the owner's option and expense, be exported, destroyed or given to a scientific, educational, or exhibition facility under arrangements approved by the Director. If the owner fails to dispose of the nonhuman primate by one of the approved options or fails to select a method of disposal within 7 days, the Director will select the method of disposal. Pending disposal, the nonhuman primate(s) shall be detained at the owner's expense in custody of the U.S. Customs Service at the U.S. port.

**(h) Revocation of an importer's registration.**

(1) An importer's registration may be revoked by the Director, upon notice to the importer holding such registration, if the Director determines that the importer has failed to comply with any applicable provisions of this section. The notice shall contain a statement of the grounds upon which the revocation is based

(2) The importer may file an answer within 20 days after receipt of the notice. Answers shall admit or deny specifically, and in detail, each allegation in the notice. Allegations in the notice not denied by answer shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered.

Failure of the importer to file an answer within 20 days after receipt of the notice may be deemed an admission of all allegations of fact recited in the notice.

(3) The importer shall be entitled to a hearing with respect to the revocation upon filing a written request, either in the answer or in a separate document, with the Director within 20 days after the effective date of revocation. Failure to request a hearing shall be deemed a waiver of hearing and as consent to the submission of the case to the Director for decision based on the written record. The failure both to file an answer and to request a hearing shall be deemed to constitute consent to the making of a decision on the basis of available information.

(4) As soon as practicable after the completion of any hearing conducted pursuant to the provisions of this section, the Director shall render a final decision. A copy of such decision shall be served on the importer.

(5) An importer's registration which has been revoked may be reinstated by the Director upon inspection, examination of records, conference with the importer, and receipt of information and assurances of compliance with the requirements of this section.

**Other permits.**

In addition to the requirements under this section, permits to import certain species of nonhuman primates may also be required under other Federal regulations (50 CFR Parts 17 and 23) protecting such species.

**§71.54 Etiological agents, hosts, and vectors.**

(a) A person may not import into the United States, nor distribute after importation, any etiological agent or any arthropod or other animal host or vector of human disease, or any exotic living arthropod or other animal capable of being a host or vector of human disease unless accompanied by a permit issued by the Director.

(b) Any import coming within the provisions of this section will not be released from custody prior to receipt by the District Director of the U.S. Customs Service of a permit issued by the Director.



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