

## MANITOBA ANIMAL CARE AMENDMENT ACT

| Section |   | Section |  |
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| 1       | Definitions, including the definition of “needless suffering” “prescribed means prescribed by regulation”   |         |  |
|         | <b>PROTECTION OF ANIMALS</b>  |         | <b>EXEMPTIONS</b>  |
| 2 (1)   | Ensure adequate food and water; ensure medical attention; protect animals from excessive heat or cold; do not confine animals in inadequate space; do not confine animals in unsanitary conditions; do not confine animals without adequate ventilation or lighting; or without providing them opportunity for exercise | 2 (2)   | Section 2(1) does not apply to situations consistent with standards or codes of conduct acceptable in the regulations; nor does it apply to situations consistent with generally accepted practices or procedures; or to situations which are “otherwise reasonable” in the circumstances  |
| 3 (1)   | It is <b>PROHIBITED</b> to inflict upon an animal acute suffering, serious injury or harm or extreme anxiety or distress that significantly impairs its health or well being  | 3 (2)   | Suffering, injury, harm, anxiety or distress <b>is ok</b> if caused by treatment, process or condition that happens in the course of an “ <b>Accepted Activity</b> ”   |
| 4(2)    | <b>STANDARDS for ACCEPTED ACTIVITIES</b><br>To be consistent with practices specified as acceptable in the regulations; consistent with generally accepted practices, and that do not cause <b>needless suffering</b> ; or that are otherwise reasonable in the circumstances   | 4 (1)   | <b>ACCEPTED ACTIVITIES:</b><br><ul style="list-style-type: none"> <li>- agricultural use of animals; exhibitions, fairs;</li> <li>- zoological displays;</li> <li>- animal discipline and training;</li> <li>- sporting events;</li> <li>- fishing, hunting, trapping;</li> <li>- PMU procedures (see regulations);</li> <li>- slaughter;</li> <li>- research and teaching and experiments on animals</li> </ul> |

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|            |   |         | <p><b>ACCEPTED ACTIVITIES:</b> (continued)</p> <ul style="list-style-type: none"> <li>- euthanasia</li> <li>- pest control;</li> <li>- control of predators;</li> <li>- protection of people or property;</li> <li>- Any other activity permitted by the regulations</li> </ul> |
| Section    | <b>PROHIBITED PRACTICES</b><br>(see s. 5 of Regulations)  | Section |   |
| 5          | <ul style="list-style-type: none"> <li>- Contests of fighting between 2 or more animals;</li> <li>- Outdoor tethering of untended horses;</li> <li>- Confining animal in a facility that contains debris or is in disrepair;</li> <li>- Confining animals together where there is a high risk of injury or distress, e.g. the presence of other animals, or the means of confinement</li> </ul> |         |   |
|            | <b>TRANSPORTATION of UNFIT ANIMALS</b>  |         | <b>EXCEPTIONS to PROHIBITION OF TRANSPORTING UNFIT ANIMALS</b>  |
| 5.1 to 5.3 | No one shall load or transport an animal if it is sick, injured, fatigued, or otherwise unable to stand or if it would suffer unduly during transport. No one shall unload or accept an unfit commercial animal for resale or further shipment. <b>A vet shall promptly report to the director if an animal is neglected or abused</b>  | 5.1(2)  | As long as the animal is loaded and transported humanely, a person may transport an unfit animal to or from a vet or other place to get medical attention; or may transport the unfit animal directly to slaughter at the nearest available slaughterhouse.                     |

| Section                                   | INTERVENTION  | Section | EXEMPTIONS  |
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| 6(1)                                      | <ul style="list-style-type: none"> <li>- An animal is in distress if subjected to suffering acute pain, or serious harm leading to death; or if the animal is not provided with food or water; or unduly exposed to heat or cold; or confined in insufficient space; or confined in unsanitary conditions; or confined without adequate ventilation; or not allowed to exercise; or is kept in a state of anxiety or distress</li> </ul>  | 6(2)    | <p>However, exemptions to section 6(1) are allowed for “<b>Accepted Activities</b>”</p> |
| <b>ANIMAL PROTECTION OFFICERS (APO's)</b> |   |         |   |
| 8(1) to 8(12)                             | <ul style="list-style-type: none"> <li>- Without a warrant and on reasonable grounds, an Animal Protection Officer (APO) may enter any facility, premise or place (<b>but not a dwelling</b>), such as a farm or a breeding facility; and can enter the land on which a dwelling place is located, and can require any person in the dwelling or facility to produce the animal, for viewing or examination; the APO can stop and inspect any vehicle, if there are reasonable grounds for doing so, to check compliance with the Act ;</li> <li>- <b>Under oath, an APO can get a warrant to enter a dwelling, or any facility, premise, place or vehicle</b> to search for and seize an animal in distress, or evidence of an offence under the Act, if there are reasonable grounds to believe an offence under the Act is being committed;</li> <li>- An APO may enter and search a dwelling for an animal in distress <b>without a warrant</b>, and may enter and search a place or vehicle for an animal or evidence of an offence <b>without a warrant</b>, if <u>circumstances are urgent</u> and if it would be impractical to obtain a warrant</li> </ul> |         |   |

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| Section                  | <b>ACTION Re: DISTRESSED ANIMALS</b>   |  |  |
| 9(1)                     | An APO who discovers an animal in distress may provide care to the animal, seize the animal, and/or notify the director for the purpose of making an order under section 10.1  |  |  |
| 9(2)                     | If the distressed animal is wildlife, the APO must inform an officer under the <i>Wildlife Act</i> about the animal in distress  |  |  |
|                          | <b>ACTION Re: DISTRESSED ANIMALS (continued)</b>   |  |  |
| 10                       | If, in the opinion of a vet; 2 other individuals if vet unavailable; or in the opinion of an APO if a vet or 2 individuals not available, the seized animal is in such distress that it would be inhumane to allow the animal to continue to live, the APO may destroy the animal, or cause it to be destroyed   |  |  |
|                          | <b>DIRECTOR'S ORDER TO TAKE ACTION</b>   |  |  |
| 10.1(1)<br>to<br>10.1(8) | If the director has reasonable grounds to believe an animal is in distress, <b>the director may order the owner to take any action to relieve the animal of its distress</b> , including paying for a vet to treat the animal. The order expires in one year, but can be extended for a further year. The owner may appeal to an appeal board, but the appeal does not stay the operation of the order |  |  |

| Section | <b>RESTRICTING OWNERSHIP OF ANIMALS</b>   |  | <b>Exemptions</b> |
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| 10.2    | The director may apply to a justice for an order if animals have been seized from the owner and if there are reasonable grounds to believe that the owner is unable to care for the animals. A justice may make an order prohibiting an owner from owning more than a specified number or type of animals for a period of up to 3 years |  |                   |
|         | <b>ENFORCING ORDERS</b>   |  |                   |
| 10.3    | An APO may enter and inspect any place to determine compliance with an order; or obtain a warrant to enter and inspect any place if APO believes owner would resist   |  |                   |
| 10.4    | An APO may seize animal(s) if reasonable grounds to believe the owner has not complied with the order   |  |                   |
| 10.5    | An APO may take into custody an animal believed to be abandoned   |  |                   |
|         | <b>CAREGIVERS</b>   |  |                   |
| 13      | An abandoned or seized animal may be placed with a caregiver, and may be removed from one caregiver and placed with another caregiver by the director or APO. Also, an APO must notify the director when an animal is seized, destroyed or given to a caregiver   |  |                   |
|         | <b>DISPOSING OF SEIZED AND ABANDONED COMMERCIAL OR COMPANION ANIMALS</b>  |  |                   |
| 14 & 15 | <b>Commercial</b> – Within 7 days after commercial animal is seized, the director must give the owner notice. The director may sell, give away or destroy the animal if the owner cannot be found or does not appeal within 7 days. After a hearing, the appeal board may order   |  |                   |

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|          | the animal be returned to the owner, or may order it be given away, sold or destroyed  |  |                   |
| 16 to 19 | <b>Companion</b> – Within 7 days after companion animal is seized, the director must give the owner notice. The director may sell, give away or destroy the animal if the owner cannot be found or does not appeal within 7 days; an animal in custody must be kept in the care of a caregiver until the appeal board has rendered its order. After a hearing, the appeal board may order the animal be returned to the owner, or may order it be given away, sold or destroyed  |  |                   |
| 20       | <b>Transfer of Ownership</b> – Where the director sells or gives away an animal under this Act, the animal becomes the property of the new owner.  |  |                   |
| Section  | <b>DISPOSING OF SEIZED AND ABANDONED COMMERCIAL OR COMPANION ANIMALS (continued)</b>   |  | <b>Exemptions</b> |
| 21 to 24 | <b>Disposition for Failure to Pay Costs</b> - The owner of the seized animal is liable to pay to the director costs of care for the animal. The director may waive costs if amount would be unreasonable hardship for the owner. When an animal is sold by the director, the proceeds of sale shall go first to cover the costs of care, and the balance of the sale proceeds goes to the former owner of the animal. The former owner is responsible for care costs in excess of proceeds of sale; any amount for which a person is liable for costs of care is a debt owed by that person to the government; and the government has a lien on a seized animal or animal in custody for an amount equal to the costs of care of that animal |  |                   |

| Section      | KENNELS, BREEDERS & RETAILERS  |              | EXCEPTION  |
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| 25           | A <b>licence</b> is required to operate a kennel or companion animal breeding premises; definitions of “kennel”, “companion animal breeding premises”, and “companion animal retail store”   | 25.1(4)<br>) | A licence is <u>not</u> required if the owner convinces the director that the female companion animals capable of reproduction are not kept for the purposes of breeding and selling their offspring |
| 28 to 31     | A <b>bond or other security</b> may be requested by the director, director may issue a licence subject to any terms and conditions the director considers appropriate; <b>director may register licensed premises and make the register available to public</b> ; term of licence is usually 1 year; a licence is not transferable |              |  |
| Section      | KENNELS, BREEDERS & RETAILERS  |              | EXCEPTION  |
| 32           | <b>Suspension or Cancellation of Licence</b> – the director may suspend or cancel a licence by giving written notice with reasons to the licence holder, for failure to comply with the Act, for being found guilty of an offence under any Act of legislature or the Canada Criminal Code relating to treatment of animals        |              |  |
|              | <b>APPEALS and APPEAL BOARD</b>  |              |  |
| 33           | A person whose application for a licence is refused, suspended or cancelled may appeal. The appeal board may, by order, confirm the refusal, suspension or cancellation, or direct the licence be approved. Where the appeal board has made a direction, the director shall comply with such direction.                            |              |  |
| 33.1 to 33.5 | These sections deal with responsibilities of the appeal board, procedural rules, jurisdiction of panel, etc.   |              |  |

| Section  | APPEALS and APPEAL BOARD (continued)   |  | EXCEPTION |
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| 33.11(3) | <b>An order of the appeal board is final &amp; binding and cannot be appealed</b>  |  |           |
|          | <b>OFFENCES</b>  |  |           |
| 34       | <ul style="list-style-type: none"> <li>- fine of not more than <b>\$10,000 for 1<sup>st</sup> offence</b>, or imprisonment of up to 6 months, or both</li> <li>- fine of not more than <b>\$20,000 for subsequent offence</b></li> </ul> <p>or imprisonment of up to 12 months, or both</p> <ul style="list-style-type: none"> <li>- these fines apply to an individual or to a director or officer of a corporation found guilty of an offence</li> </ul>             |  |           |
| 35       | <ul style="list-style-type: none"> <li>- judge MAY prohibit a person or corporation from owning or controlling animals for any period of time, <b>including a lifetime ban</b></li> <li>-judge MAY direct any other animals owned by the abuser to become Crown property</li> </ul>  |  |           |
| 35.1     | <b>-time limit for prosecution</b> – a prosecution under this Act may not be commenced later than 2 years after the day the alleged offence was committed  |  |           |
| 37       | <ul style="list-style-type: none"> <li>- The director has the authority to appoint any qualified person or organization to act as its agent</li> </ul>   |  |           |
| 37.1     | <ul style="list-style-type: none"> <li>- <b>Duty to Provide Information</b> – it is a requirement to provide information under this Act <u>even if</u> it requires the disclosure of personal information or the disclosure of proprietary or confidential information or if the disclosure of the information is restricted by legislation or otherwise. <b>No lawsuit may be brought against anyone who in good faith reports or provides information</b></li> </ul> |  |           |

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| 38      | <b>Immunity from lawsuit</b> if the agent, director, appeal board, Animal Protection Officer, or ordinary person, has acted <b>in good faith</b>   |  |  |
| Section | <b>REGULATIONS</b>   |  |  |
| 39      | <ul style="list-style-type: none"> <li>- Minister may make Regulations designating activity as an accepted activity, specify standards or codes of conduct , practices, or procedures as acceptable;</li> <li>- Minister may specify practices or procedures that are prohibited;</li> <li>- <b>Re: commercial animals</b> - respecting the standards and requirements of hygiene, sanitation, record keeping, feeding and watering of animals</li> <li>- <b>Re: companion animal breeding premises</b> – respecting the standards and requirements of hygiene, sanitation, feeding and watering of animals (e.g. dogs, cats, rabbits, hamsters); prescribing the number of female companion animals capable of reproduction; respecting the content of applications for licences, requirements to be met by licencees, licence fees, suspensions and cancellations</li> </ul> |  |  |