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## **States' Animal Cruelty Statutes**

**State of Nevada**

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UNIVERSITY of ARKANSAS  
SCHOOL of LAW

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### STATE OF NEVADA

*Current through the 2007 74th Regular Session and the 23rd Special Session of the Nevada Legislature and technical corrections received from the Legislative Counsel Bureau (2007).*

#### **574.010. Incorporation**

Any three or more citizens of the State of Nevada who incorporate as a body corporate under the general laws for corporations in this state set forth in chapter 78 of NRS for the purpose of preventing cruelty to animals may, except as otherwise provided in NRS 574.040, avail themselves of the privileges and benefits of NRS 574.010 to 574.040, inclusive.

#### **574.020. Bylaws**

1. Such societies may make and adopt bylaws:

- (a) Governing the admission of associates and members.
- (b) Providing for meetings and assistant and district or local officers.
- (c) Providing for means and systems for the effectual attainments of the objects contemplated by this chapter, for the regulation and management of its business affairs, and for the effectual working of the societies.
- (d) Prescribing the duties of their officers, for the outlay of moneys, and the auditing of accounts.

2. Such bylaws shall not conflict with the laws of the State of Nevada or of the United States, or any provision of NRS 574.010 to 574.040, inclusive.

#### **574.030. Elections; reports**

Such societies shall:

1. Elect officers and fill vacancies according to the provisions of their bylaws.
2. Make such reports of elections as are required of all corporations by law.
3. Report to the legislature, at each of its regular sessions, a full account of all their acts.

#### **574.040. Arrests by members, agents and officers of certain societies: Application; submission of fingerprints; exhibition of badge; resistance to officers unlawful**

1. Except as otherwise provided in this subsection and NRS 574.350, a member, agent or local or district officer of a society so incorporating, if authorized in writing by the trustees of the society, approved by the district judge of the county, and sworn in the same manner as peace officers are sworn, may make arrests for a violation of the provisions of this chapter in the same manner as is provided for other officers. The provisions of this subsection apply only to a society that, on the date the society submits an application to the district judge for approval for

a member, agent or local or district officer of the society to make arrests pursuant to this subsection:

- (a) Has at least 25 members; and
- (b) Has been incorporated in accordance with NRS 574.010 for not less than 5 years immediately preceding the submission of the application.

2. Before submitting an application specified in subsection 1, the society shall require that each member, agent or local or district officer of the society to whom the application relates submit to the society a complete set of his fingerprints which the society shall submit to the sheriff of the county.

3. The sheriff shall:

- (a) Upon receipt of the fingerprints, forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report concerning the criminal history of the member, agent or local or district officer of the society.
- (b) Upon receipt of the report, forward the report to the society. The society shall include the report in the application submitted pursuant to subsection 1.

4. A member, agent or local or district officer who is authorized to make arrests pursuant to subsection 1 shall, when making those arrests, exhibit and expose a suitable badge, to be adopted by the society.

5. A person who resists such a specially appointed officer shall be punished for that resistance in the same manner as is provided for the punishment of resistance to other officers.

#### **574.050. Definitions**

As used in NRS 574.050 to 574.200, inclusive, and section 2 of this act:

- 1. "Animal" does not include the human race, but includes every other living creature.
- 2. "First responder" means a person who has successfully completed the national standard course for first responders.
- 3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his duties as a peace officer.
- 4. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

#### **574.055. Taking possession of animal being treated cruelly; notice to owner; lien for cost of care; disposition of animal; liability of officer; limitations and procedure when animal is located on agricultural land**

- 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.
- 2. If an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, he shall post the notice on the property from which

he takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if he has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (b) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or his designee, a licensed veterinarian and the district brand inspector or his designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (b) of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to his custody, pay the charges approved by the sheriff as reasonably related to the impoundment. If the owner refuses to pay the charges, the state department of agriculture shall sell the animal. The department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

#### **574.060. Commission of certain acts concerning place kept or used for baiting or fighting birds or other animals unlawful; penalties**

1. A person shall not keep or use, or in any manner be connected with, or be interested in the management of, or receive money for the admission of any person to, a house, apartment, pit or place kept or used for baiting or fighting any bird or animal, or be an owner or occupant of a house, apartment, pit or place who willfully procures or permits the same to be used or occupied for such baiting or fighting.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second offense, a category E felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Upon complaint under oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant has just and reasonable cause to suspect that any provision of law relating to or in any way affecting animals is being or is about to be violated in any particular building or place, the magistrate shall immediately issue and deliver a warrant to any person authorized by law to make arrests for such offenses, authorizing him to enter and search the building or place, to arrest any person there present found violating any such law

and to bring the person before the nearest magistrate of competent jurisdiction to be dealt with according to law.

**574.070. Instigating or witnessing fights between birds or other animals unlawful; penalties; exceptions**

1. Except as otherwise provided in this section, a person shall not set on foot, instigate, promote, carry on or do any act as an assistant, umpire or principal, or in any way aid in or engage in the furtherance of any fight between cocks or other birds, or bulls, bears or other animals in an exhibition or for amusement or gain, premeditated by a person owning or having custody of such birds or animals.

2. A person shall not witness any fight between cocks or other birds, or bulls, bears or other animals in an exhibition or for amusement or gain, which is premeditated by a person having custody of such birds or animals.

3. Except as otherwise provided in subsection 5, a person who violates any provision of subsection 1 is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second offense, a category E felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

4. A person who violates any provision of subsection 2 is guilty of:

(a) For a first offense, a misdemeanor.

(b) For a second offense, a gross misdemeanor.

(c) For a third or subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

5. If a violation of subsection 1 involves a dog, a person who commits such a violation is guilty of:

(a) For a first offense, a category D felony and shall be punished as provided in NRS 193.130.

(b) For a second offense, a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

6. If a person who violates this section is not a natural person, he shall be punished by a fine of not more than \$10,000.

7. This section does not prohibit the use of dogs or birds for:

(a) The management of livestock by the owner thereof, his employees or agents or any other person in the lawful custody of the livestock; or

(b) Hunting as permitted by law.

**574.080. Officer may take possession of animals and implements used in fights among animals**

1. Any officer authorized by law to make arrests may lawfully take possession of any animals, or implements, or other property used or employed, or about to be used or employed, in the violation of any provision of law relating to fights among animals.
2. He shall state to the person in charge thereof, at the time of such taking, his name and residence, and also the time and place at which the application provided for by NRS 574.090 will be made.

**574.090. Disposition of animals or implements used in fights among animals**

1. The officer, after taking possession of such animals, or implements or other property, pursuant to NRS 574.080, shall apply to the magistrate, before whom the complaint is made against the offender violating such provision of law, for the order mentioned in subsection 2, and shall make and file an affidavit with such magistrate, stating therein:
  - (a) The name of the offender charged in such complaint.
  - (b) The time, place and description of the animals, implements or other property so taken, together with the name of the person who claims the same, if known.
  - (c) That the affiant has reason to believe and does believe, stating the grounds of such belief, that the same were used or employed, or were about to be used or employed, in such violation, and will establish the truth thereof upon the trial of such offender.
2. He shall then deliver such animals, implements or other property to such magistrate, who shall thereupon, by order in writing, place the same in the custody of an officer or other proper person in such order named and designated, to be kept by him until the trial or final discharge of the offender, and shall send a copy of such order, without delay, to the district attorney of the county.
3. The officer or person so named and designated in the order shall immediately thereupon assume custody, and shall retain the same for the purpose of evidence upon the trial, subject to the order of the court before which the offender may be required to appear, until his final discharge or conviction.
4. Upon the conviction of the offender, the animals, implements or other property shall be adjudged by the court to be forfeited.
5. In the event of the acquittal or final discharge, without conviction, of the offender, the court shall, on demand, direct the delivery of the property so held in custody to the owner thereof.

**574.100. Overdriving, torturing, injuring or abandoning animals; failure to provide proper sustenance; penalties; exceptions**

1. A person shall not:
  - (a) Overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to himself or to another;
  - (b) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;
  - (c) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink;
  - (d) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(e) Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. A person who violates subsection 1:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and
- (2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at his place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and
- (2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other fine or penalty provided in subsection 2, a court shall order a person convicted of violating subsection 1 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, including, without limitation, money expended for veterinary treatment, feed and housing.

4. The court may order the person convicted of violating subsection 1 to surrender ownership or possession of the mistreated animal.

5. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

- (a) Carrying out the activities of a rodeo or livestock show; or
- (b) Operating a ranch.

**574.105. Mistreatment of police animal and interference with duties of police animal or handler unlawful; penalties; exception**

1. A person shall not willfully and maliciously:

- (a) Taunt, torment, tease, beat, strike or administer a desensitizing drug, chemical or substance to a police animal;
- (b) Interfere with a police animal or a handler thereof in the performance of duties assigned to the police animal or handler; or

(c) Torture, mutilate, injure, poison, disable or kill a police animal.

2. A person who violates:

(a) Paragraph (a) or (b) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Paragraph (c) of subsection 1 is guilty of:

(1) If the police animal is not totally disabled or killed, a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

(2) If the police animal is totally disabled or killed, a category C felony and shall be punished as provided in NRS 193.130. In addition to the punishment imposed pursuant to this subparagraph, the court may require a person who is punished pursuant to this subparagraph to pay restitution to the agency that owns the police animal, including, without limitation, payment for veterinary services and the cost of replacing the police animal.

3. The provisions of this section do not prohibit a euthanasia technician licensed pursuant to chapter 638 of NRS, a peace officer or a veterinarian from euthanizing a police animal in an emergency if the police animal is critically wounded and would otherwise endure undue suffering and pain.

#### **574.107. Mistreatment of dogs used for certain events unlawful; penalties**

1. A person shall not:

(a) Willfully, unjustifiably and maliciously tamper or interfere with;

(b) Willfully and unjustifiably abuse or injure, or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of abusing or injuring; or

(c) Willfully and unjustifiably kill or willfully and unjustifiably set on foot, instigate, engage in or in any way further an act of killing,

a dog owned by another person that is used in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined.

2. A person who violates:

(a) Paragraph (a) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) Paragraph (b) of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$10,000.

(c) Paragraph (c) of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

#### **574.110. Abandonment of disabled animal unlawful; penalty**

1. A person being the owner or possessor, or having charge or custody, of a maimed, diseased, disabled or infirm animal, who abandons such animal or leaves it to die in a public street, road or public place, or who allows it to lie in a public street, road or public place more than 3 hours after he receives notice that it is left disabled, is guilty of a misdemeanor.

2. Any agent or officer of any society for the prevention of cruelty to animals, or of any society duly incorporated for that purpose, or any police officer, may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing, in the judgment

of two reputable citizens called by him to view the same in his presence, to be glandered, injured or diseased past recovery for any useful purpose, or after such agent or officer has obtained in writing from the owner of such animal his consent to such destruction.

3. When any person arrested is, at the time of such arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any agent or officer of such society or societies or any police officer may take charge of such animal and of such vehicle and its contents and deposit the same in a safe place of custody, or deliver the same into the possession of the police or sheriff of the county or place wherein such arrest was made, who shall thereupon assume the custody thereof. All necessary expenses incurred in taking charge of such property shall be a charge thereon.

**574.120. Failure to provide proper air, food, shelter or water to impounded animal unlawful; penalties**

1. A person who has impounded or confined any animal shall not refuse or neglect to supply to the animal during its confinement a sufficient supply of good and wholesome air, food, shelter and water.

2. A person who violates subsection 1:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and
- (2) Perform not less than 48 hours, but not more than 120 hours, of community service.

The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur at a time when the person is not required to be at his place of employment or on a weekend.

b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

- (1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and
- (2) Perform not less than 100 hours, but not more than 200 hours, of community service.

The person shall be further punished by a fine of not less than \$500, but not more than \$1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. In addition to any other fine or penalty provided in subsection 2, a court shall order a person convicted of violating subsection 1 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, including, without limitation, money expended for veterinary treatment, feed and housing.

4. If any animal is at any time impounded as provided in subsection 1, and continues to be without necessary food and water for more than 12 successive hours, any person may, as often as it is necessary, enter into and upon any pound in which the animal is so confined and supply it with necessary food and water, so long as it remains so confined. Such a person is not liable to any action for such entry, and the reasonable cost of such food and water may be collected by him from the owner of the animal, and the animal is not exempt from levy and sale upon execution issued upon a judgment therefor.

#### **574.130. Selling, offering to sell or exposing diseased animal**

A person who willfully sells or offers to sell, uses, exposes, or causes or permits to be sold, offered for sale, used or exposed, any horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the life or health of human beings or animals, or which is diseased past recovery, or who refuses upon demand to deprive of life an animal affected with any such disease, is guilty of a misdemeanor.

#### **574.140. Sale of disabled horses unlawful**

It shall be unlawful for any person to sell any horse which, by reason of disease, could not be worked in this state without violating the law against cruelty to animals.

#### **574.150. Poisoning or attempting to poison animals unlawful; penalties**

1. A person who unjustifiably administers any poisonous or noxious drug or substance to a horse, mule or domestic cattle, or unjustifiably exposes any such drug or substance with the intent that it be taken by a horse, mule or domestic cattle, whether the horse, mule or domestic cattle are the property of himself or another, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who unjustifiably administers any poisonous or noxious drug or substance to any animal other than a horse, mule or domestic cattle, or unjustifiably exposes any such drug or substance with the intent that it be taken by an animal other than a horse, mule or domestic cattle, whether the animal is the property of himself or another, is guilty of a gross misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

3. This section does not prohibit the destruction of noxious animals.

#### **574.160. Throwing substance injurious to animals in public places unlawful**

A person who willfully throws, drops or places, or causes to be thrown, dropped or placed, upon any road, highway, street or public place, any glass, nails, pieces of metal, or other substance which might wound, disable or injure any animal is guilty of a misdemeanor.

#### **574.170. Keeping cow or other milk-producing animal in unhealthy place or diseased condition; feeding resulting in impure milk; penalty**

A person who keeps a cow or any animal for the production of milk in a crowded or unhealthy place, or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is guilty of a misdemeanor.

#### **574.180. Running horses on highway; penalty**

A person driving any vehicle upon any plank road, turnpike or public highway, who unjustifiably runs the horses drawing the same, or causes or permits them to run, is guilty of a misdemeanor.

#### **574.190. Carrying animal in cruel manner; penalty**

A person who carries or causes to be carried in or upon any vessel or vehicle or otherwise any animal in a cruel or inhuman manner, or so as to produce torture, is guilty of a misdemeanor.

#### **574.195. Allowing cat or dog to remain unattended in motor vehicle during period of extreme heat or cold unlawful; removal of animal; exceptions; immunity from liability; penalty**

1. Except as otherwise provided in subsection 3, a person shall not allow a cat or dog to remain unattended in a parked or standing motor vehicle during a period of extreme heat or cold or in any other manner that endangers the health or safety of the cat or dog.

2. Any:

- (a) Peace officer;
- (b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040;
- (c) Animal control officer;
- (d) Governmental officer or employee whose primary duty is to ensure public safety;
- (e) Employee or volunteer of any organized fire department; or
- (f) Member of a search and rescue organization in this State that is under the direct supervision of a sheriff,

may use any force that is reasonable and necessary under the circumstances to remove from a motor vehicle a cat or dog that is allowed to remain in the motor vehicle in violation of subsection 1.

3. The provisions of subsection 1 do not apply to:

(a) A police animal or an animal that is used by:

- (1) A federal law enforcement agency to assist the agency in carrying out the duties of the agency; or
- (2) A search and rescue organization specified in paragraph (f) of subsection 2 to assist the organization in carrying out the activities of the organization;

(b) A dog that is under the possession or control of:

- (1) An animal control officer; or
- (2) A first responder during an emergency;

(c) A dog that is under the possession or control of a person who:

- (1) Is actively engaged in hunting a species of game mammal or game bird during the season for hunting that species of game mammal or game bird;
- (2) Is using the dog for the purpose set forth in subparagraph (1); and
- (3) Holds a license or tag to hunt that species of game mammal or game bird during that season; or

(d) A dog that is participating in:

- (1) Training exercises relating to hunting; or
- (2) Field trials relating to hunting.

4. A cat or dog that is removed from a motor vehicle pursuant to subsection 2 shall be deemed to be an animal being treated cruelly for the purposes of NRS 574.055. The person who removed the cat or dog may take any action relating to the cat or dog specified in that section and is entitled to any lien or immunity from liability that is applicable pursuant to that section.

5. A person who violates a provision of subsection 1 is guilty of a misdemeanor.

#### **574.200. Intended applicability of provisions**

The provisions of NRS 574.050 to 574.510, inclusive, and section 2 of this act do not:

1. Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.
2. Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.
3. Interfere with the right to kill all animals and fowl used for food.
4. Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.
5. Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.
6. Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

#### **574.210. Definitions**

As used in NRS 574.210 to 574.510, inclusive, unless the context otherwise requires, the words and terms defined in NRS 574.220 to 574.330, inclusive, have the meanings ascribed to them in those sections.

#### **574.220. "Ambient temperature" defined**

"Ambient temperature" means the temperature surrounding an animal.

#### **574.230. "Animal" defined**

"Animal" includes every living creature that is not a human being.

#### **574.240. "Animal shelter" defined**

"Animal shelter" means a facility:

1. For receiving and holding animals;
2. Designated by a local government for receiving and holding animals; or
3. Operated by a society for the prevention of cruelty to animals, which is in compliance with the provisions of NRS 574.010 to 574.040, inclusive, for receiving and holding animals.

#### **574.250. "Cattery" defined**

"Cattery" means a place where at least 10 cats of not less than 6 months of age are kept, harbored or maintained for:

1. Boarding;
2. Training; or
3. Breeding for sale to a retailer or dealer.

For the purposes of this section, spayed or neutered cats must not be counted when determining the number of cats that are being kept, harbored or maintained.

#### **574.260. "Dealer" defined**

"Dealer" means a person who, for compensation or profit, buys, sells, breeds, trades or imports cats or dogs for resale.

#### **574.270. "Housing facility" defined**

"Housing facility" means a building, room or other area which contains one or more primary enclosures.

#### **574.280. "Kennel" defined**

"Kennel" means a place where at least 10 dogs of not less than 6 months of age are kept, harbored or maintained for:

1. Boarding;
2. Training; or
3. Breeding for sale to a retailer or dealer.

For the purposes of this section, spayed or neutered dogs, dogs used by or being trained for use by the Armed Forces, police officers, search and rescue teams or other similar organizations, dogs used in farming or ranching, and dogs used by or being trained for use by persons with disabilities, including, but not limited to, dogs used to assist persons in wheelchairs, must not be counted when determining the number of dogs that are being kept, harbored or maintained.

#### **574.290. "Operator" defined**

"Operator" means a person responsible for the operation of:

1. A cattery, kennel or commercial establishment engaged in the business of selling animals; or
2. An animal shelter.

#### **574.300. "Pet" defined**

"Pet" means a domestic cat or dog commonly kept for pleasure.

#### **574.310. "Primary enclosure" defined**

"Primary enclosure" means a structure used to restrict the immediate movement of a dog or cat to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

#### **574.320. "Retailer" defined**

"Retailer" means a person who acquires pets for resale.

#### **574.330. "Veterinarian" defined**

"Veterinarian" means a person authorized pursuant to chapter 638 of NRS to practice veterinary medicine in this state.

#### **574.340. Applicability**

The provisions of NRS 574.210 to 574.510, inclusive, do not apply to:

1. The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity.
2. Activities for which a license is required by the provisions of chapter 466 of NRS.
3. The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.
4. The exhibition of dogs or cats.

#### **574.350. Enforcement by society for prevention of cruelty to animals prohibited**

No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive.

#### **574.360. Buildings and grounds; housing facilities**

An operator shall ensure that:

1. The buildings and grounds at all locations where dogs or cats are kept:
  - (a) Are clean and in good repair; and
  - (b) Do not become accumulated with trash.
2. Housing facilities:
  - (a) Are constructed and maintained in such a manner as to:
    - (1) Protect the dogs or cats inside from injury;
    - (2) Prevent the dogs or cats inside from escaping; and
    - (3) Restrict the entrance of other dogs and cats.
  - (b) Have adequate and reliable sources of electrical power and potable water available.

#### **574.370. Enclosures generally**

An operator shall:

1. Provide all dogs and cats with primary enclosures located indoors, except dogs and cats that are acclimated to the outdoor environment.
2. Ensure that the interior of a housing facility for indoor primary enclosures is constructed and maintained in such a manner as to be substantially impervious to moisture and to facilitate regular cleaning.
3. Provide a suitable method to eliminate excessive water from the interior of a housing facility for indoor primary enclosures. Any drains must be constructed and maintained in

such a manner as to avoid foul odors. Any closed system for drainage must be equipped with traps that prevent the release of sewage into the housing facility.

4. Ensure that indoor primary enclosures are constructed and maintained in such a manner as to:

(a) Protect the dogs or cats inside from excessive illumination while providing an ample amount of light, by natural or artificial means, or both, of a sufficient distribution and intensity to allow for routine inspection and cleaning.

(b) Provide a sufficient amount of heat when necessary to protect the dogs or cats inside from cold and to maintain their health and comfort. The ambient temperature of an indoor primary enclosure in which one or more cats or dogs are kept must not be allowed to fall below 50 degrees Fahrenheit, unless each cat or dog is acclimated to a lower temperature.

(c) Provide adequate ventilation at all times to maintain the health and comfort of the dogs or cats inside. The system of ventilation must provide fresh air by means of windows, doors, vents or air conditioning, and be designed to maintain drafts, odors and the condensation of moisture at a minimum. If the ambient temperature reaches 85 degrees Fahrenheit or greater, air conditioning, exhaust fans and vents, or other auxiliary ventilation must be provided.

#### **574.380. Dogs and cats kept outdoors**

If dogs or cats are kept outdoors, an operator shall:

1. Provide a suitable method for the rapid drainage of surface water from the area where each dog or cat is kept.

2. Provide each dog or cat with a sufficient amount of shelter to:

(a) Remain dry from rain and snow;

(b) Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort; and

(c) Remain warm when the atmospheric temperature falls below 50 degrees Fahrenheit. If the ambient temperature falls below the temperature to which a dog or cat is acclimated, the operator shall provide such an additional amount of clean bedding material or other protection as necessary for the dog or cat to remain warm.

3. After considering the ambient temperature, provide each dog or cat with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

#### **574.390. Primary enclosures generally**

An operator shall ensure that a primary enclosure is constructed and maintained in such a manner as to:

1. Protect the dogs or cats inside from injury;

2. Prevent the dogs or cats inside from escaping;

3. Keep other dogs or cats out;

4. Allow the dogs or cats inside convenient access to food and water;

5. Enable the dogs or cats inside to remain clean and dry; and

6. Provide sufficient space for each dog or cat inside to turn about freely and to stand, sit and lie in a comfortable, normal position.

#### **574.400. Floor space of primary enclosure**

An operator shall ensure that a primary enclosure in which a dog or cat that is at least 6 months old is kept has a minimum amount of floor space which is calculated by finding the mathematical square of the sum of 6 inches plus the length of the dog or cat measured from the tip of its nose to the base of its tail, and dividing that amount by 144, to arrive at the minimum amount of square footage required for the floor space.

#### **574.410. Dogs or cats kept in primary enclosures together**

If dogs or cats are kept in primary enclosures, an operator shall ensure that:

1. Dogs placed together with other dogs and cats placed together with other cats are compatible.
2. A dog or cat that displays a vicious disposition is not placed together with any other dog or cat.
3. A female dog or cat is not placed together with any intact male dog or cat during periods of estrus, except for supervised breeding.
4. An immature dog or cat is not placed together with an adult dog or cat, except with its mother or when permanently maintained in a breeding colony.

#### **574.420. Food and water**

An operator shall ensure that:

1. Potable water is offered to each dog or cat at least twice daily for not less than 1 hour on each occasion, unless potable water is accessible to the dog or cat at all times or except as otherwise required to provide adequate care.
2. Each dog or cat is fed at least once each day, except as otherwise required to provide adequate care.
3. The food provided to a dog or cat is wholesome, palatable, free from contamination, and of sufficient quality and nutritive value to meet the normal daily requirements for the dog or cat, based upon its condition and size.
4. Supplies of perishable food are adequately refrigerated.
5. Containers of food are:
  - (a) Durable, except that disposable receptacles may be used if they are discarded after each feeding; and
  - (b) Located so as to be accessible to the dogs or cats while reducing to a minimum any contamination from excreta.
6. Containers of food and water are kept clean. Self-feeders must not be used for the feeding of dry food unless they are cleaned regularly to prevent molding, deterioration and the caking of food.

#### **574.430. Sanitization**

An operator shall ensure that:

1. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.

2. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.
3. Excreta are removed from primary enclosures at least once daily to prevent contamination and to reduce to a minimum odors and the risk of disease. A primary enclosure must be disinfected at least once daily and before placing another dog or cat in the primary enclosure. If a hosing or flushing method of cleaning is used, all dogs and cats must be removed from the primary enclosure and adequate measures must be taken to protect the dogs and cats in other primary enclosures from being contaminated with water and other wastes.
4. Other enclosures are cleaned, washed and disinfected at least once every 2 weeks to prevent any accumulation of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.
5. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every 2 weeks by:
  - (a) Washing them with water of a temperature not less than 120 degrees Fahrenheit and with soap or detergent;
  - (b) Washing all soiled surfaces with a safe and effective disinfectant; or
  - (c) Cleaning all soiled surfaces with live steam.
6. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.
7. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from housing facilities regularly and disposed of properly.
8. Facilities for disposal are maintained in such a manner as to reduce to a minimum odors and the risk of disease or infestation by vermin.
9. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

#### **574.440. Program to control disease and care for health**

An operator shall, with the approval of a veterinarian, establish and maintain a program to control disease and care for the health of dogs and cats. As part of this program, an operator shall ensure that:

1. Each dog and cat is observed daily by the person directly responsible for its care, or by someone else under that person's direct supervision.
2. Blind, lame, injured, ill or diseased dogs and cats are provided with the appropriate veterinary care that is consistent with the purposes for which a dog or cat is being kept or humanely euthanized.
3. Any dogs or cats under quarantine or being treated for a communicable disease are kept separate from other dogs and cats.

#### **574.450. Examination by veterinarian; sale of cat or dog that requires immediate treatment prohibited; conditions under which presence of parasites requires treatment**

1. A retailer or dealer shall, after the acquisition of a cat or dog for resale, cause the cat or dog to be examined by a veterinarian. The retailer or dealer shall not sell the cat or dog before it is

initially examined by a veterinarian.

2. A retailer or dealer shall cause a cat or dog acquired for resale to be re-examined by a veterinarian:

- (a) Fourteen days after the date of its initial examination; and
- (b) Every 30 days thereafter until sold.

3. If a veterinarian conducting an examination pursuant to this section finds that the cat or dog has no illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, he shall provide a written statement setting forth his findings to the retailer or dealer.

4. A retailer or dealer shall not knowingly sell a cat or dog if it has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention.

5. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the cat or dog is clinically ill as a result of the parasite.

**574.460. Provision of written statement to purchaser of cat: Required disclosures; signature of seller and purchaser**

1. A retailer or dealer shall, before selling a cat, provide the purchaser of the cat with a written statement that discloses:

- (a) The name, address and telephone number of the retailer or dealer.
- (b) The date the cat was born, if known.
- (c) The name and address of the person from whom the retailer or dealer obtained the cat and, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.
- (d) The name and address of the breeder of the cat, if any, and, if the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.
- (e) The registration numbers, if any, of the cat's sire and dam with the appropriate breed registry or any health certifications from a health certification organization such as the Orthopedic Foundation for Animals or its successor organization, if any.
- (f) A record of any immunizations administered to the cat before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.
- (g) The medical history of the cat, including, without limitation:

(1) The date that a veterinarian examined and, if applicable, reexamined the cat pursuant to subsections 1 and 2 of NRS 574.450 and determined that the cat did not have any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention. For the purposes of this subparagraph, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, unless the cat is clinically ill as a result of the parasite.

(2) Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, reexamined the cat pursuant to subsections 1 and 2 of NRS 574.450 and if such treatment or medication was

administered, a statement indicating on what date it was administered and for what illness, disease or condition.

(3) The name and address of the veterinarian who performed the examinations or reexaminations or administered any treatments or medications.

(h) That a copy of the veterinarian's evaluation of the health of the cat made pursuant to NRS 574.450 is available to the purchaser.

2. The written statement must be signed and dated by the retailer or dealer and contain a space for the purchaser to sign and date the statement as an attestation that he has read and understands the disclosures contained in the statement.

**574.470. Provision of written statement to purchaser of dog: Required disclosures; signature of seller and purchaser**

1. A retailer or dealer shall, before selling a dog, provide the purchaser of the dog with a written statement that discloses:

(a) The name, address and telephone number of the retailer or dealer.

(b) The date the dog was born, if known.

(c) The name and address of the person from whom the retailer or dealer obtained the dog and, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.

(d) The name and address of the breeder of the dog, if any, and, if the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.

(e) The registration numbers, if any, of the dog's sire and dam with the appropriate breed registry or any health certificates from a health certification organization such as the Orthopedic Foundation for Animals or its successor organization, if any.

(f) A record of any immunizations administered to the dog before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.

(g) The medical history of the dog, including, without limitation:

(1) The date that a veterinarian examined and, if applicable, reexamined the dog pursuant to subsections 1 and 2 of NRS 574.450 and determined that the dog did not have any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention. For the purposes of this subparagraph, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, unless the dog is clinically ill as a result of the parasite.

(2) Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, reexamined the dog pursuant to subsections 1 and 2 of NRS 574.450 and, if such treatment or medication was administered, a statement indicating on what date it was administered and for what illness, disease or condition.

(3) The name and address of the veterinarian who performed the examinations or reexaminations or administered any treatments or medications.

(h) That a copy of the veterinarian's evaluation of the health of the dog performed pursuant to NRS 574.450 is available to the purchaser.

2. The written statement must be signed and dated by the retailer or dealer and contain a space for the purchaser to sign and date the statement as an attestation that he has read and understands the disclosures contained in the statement.

**574.480. Posting of notice concerning dog or cat offered for sale**

A retailer or dealer shall conspicuously post within close proximity to the primary enclosure of a dog or cat offered for sale the following notice printed in at least 48-point type upon paper that is at least 11 inches wide and 17 inches long:

NEVADA LAW REQUIRES THAT INFORMATION CONCERNING THE DATE OF BIRTH, SOURCE, LINEAGE AND MEDICAL HISTORY OF THESE DOGS (OR CATS) BE PROVIDED TO THE PURCHASER BEFORE THE COMPLETION OF ANY SALE.

**574.485. Imposition of administrative fines for violation of NRS 574.460, 574.470 or 574.480; deposit in state general fund**

1. In addition to any other penalty provided by law, the director of the state department of agriculture may impose an administrative fine on any retailer or dealer who violates the provisions of NRS 574.460, 574.470 or 574.480 in an amount not to exceed:

For the first violation .....	\$250
For the second violation .....	500
For each subsequent violation .....	1,000

2. All fines collected by the director pursuant to subsection 1 must be deposited with the state treasurer for credit to the state general fund.

**574.490. Duties upon determination that pet was sold with condition that requires immediate treatment**

If a person purchases a pet from a retailer or dealer and, within 10 days after the sale, a veterinarian determines that the pet has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and that was in existence on the date of the sale, the retailer or dealer shall, at the option of the purchaser, either:

1. Refund the purchase price of the pet if the pet is returned or provide the purchaser with another pet of equal value; or
2. Reimburse the purchaser, in an amount not to exceed the purchase price of the pet, for expenses incurred by the purchaser in obtaining a diagnosis and treatment for the pet from a veterinarian chosen by the retailer or dealer.

**574.500. Separating dog or cat from mother**

A retailer, dealer or operator shall not separate a dog or cat from its mother until it is accustomed to taking food or nourishment other than by nursing.

**574.510. Knowingly selling dog or cat with condition requiring immediate treatment prohibited; penalties**

1. A retailer or dealer who sells a dog or cat that he knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and fails to disclose such information at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this section from selling any dogs or cats for not more than 1 year.

2. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate

hospitalization or immediate surgical intervention unless the dog or cat is clinically ill as a result of the parasite.