

Regulatory Perspective on Animal Welfare



**Kentucky Department of
Agriculture**

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I. Definitions

- a) **Animal Welfare:** well being or health
- b) **Animal Right:** privilege or entitlement
- c) **Anthropomorphism:** humanization
- d) **Abandon:** to forsake entirely or to neglect or refuse to provide the legal obligations for care and support
- e) **Neglect:** passive
- f) **Abuse/Torture:** active
- g) **Intentional:** deliberately
- h) **Wanton:** cruel & merciless

KRS 525.130

Cruelty to Animals in the Second Degree

1) A person is guilty of cruelty to animals in the second degree when except as authorized by law he intentionally or wantonly:

a) ***Subjects any animal to or causes cruel or injurious***

mistreatment through abandonment, participates other than as provided in KRS 525.125 in causing it to fight for pleasure or profit (including, but not limited to being spectator or vendor at an event where a four (4) legged animal is caused to fight for pleasure or profit), mutilation, beating, torturing any animal other than a dog or cat, tormenting, ***failing to provide adequate food, drink, space, or health care, or by any other means;***

b) Subjects any animal in his custody to cruel neglect; or

c) Kills any animal other than a domestic animal killed by poisoning. This paragraph shall not apply to intentional poisoning of a dog or cat. Intentional poisoning of a dog or cat shall constitute a violation of this section.

2) **Cruelty to Animals is a Class A Misdemeanor.**

II. Goal: Ensure the Well-Being of the Animal

- a) Respond to reports/complaints
- b) Be proactive when possible
- c) Investigate objectively & thoroughly
- d) Collaborate with local law enforcement & officials
- e) Intervene lawfully & appropriately
 - 1. Educate
 - 2. Manage in place – vet exam, triage, treat
 - 3. Confiscate
 - 4. Euthanize or slaughter
 - 5. Monitor

III. Role of Stakeholders

a) Owner/Agent

1. Responsible party for care & maintenance
2. Subject to Livestock Care Standards regulations
3. KRS – 525.130
4. Local ordinance
5. Options when unable to provide care
 - Sell
 - Give Away
 - Place with NGO
 - Surrender to court
 - Euthanize
 - Continue behavior & face legal consequence

III. Role of Stakeholders

b) Non-Governmental Organization

1. Provide resources – short term & long term
2. Advocate proactively
3. Educate
4. Fundraise
5. Seek realistic solutions
6. “Rescue”

III. Role of Stakeholders

c) Government Role

1. Government Authorities Include:

- County Officials
- ACO's
- Local L.E.
- Sheriff's Department
- Kentucky State Police
- KDA Investigators

III. Role of Stakeholders

c) Government Role

2. Responsibilities /Authority

- Enforce KRS 525
- Investigate complaints
- Address immediate needs
- Ensure due process
- Monitor owner-managed remedies
- Seek long-term solution
- Euthanize as warranted

III. Role of Stakeholders

c) Government Role

3. Potential Resources

- County ACO's and EM staff
- L.E. officers
- Local veterinarians
- Regional care centers
- Public Funds
- Volunteers
- Private fundraising
- Donated supplies & services
- NGO's
- Public policy – federal, state, local

IV. The “Whys”

- a) Ignorance
- b) Apathy
- c) Disability
- d) Mental illness
- e) Decreased income
- f) “Hoarder” syndrome
- g) Over population
- h) Closing of equine slaughter markets
- i) Malice

V. Frustrations

- a) Ignorance or disregard of the responsibility for animal care
- b) Lack of response infrastructure
 - 1. Authority
 - Defined roles
 - Legislation for confiscation
 - Penalties
 - 2. Resources and funding
- c) Reluctance to legislate
 - 1. No mandate without funding
 - 2. Funds NOT available
 - 3. Special interest groups

VI. Initiatives & KY Toolbox

- a) Solicit active role by species & breed associations
- b) Identify and engage rescue groups
- c) Develop educational programs on animal care and responsibility
- d) Review animal abuse laws and enforcement authority
- e) Create local response infrastructure: funding, facilities, personnel
- f) Encourage judicial accountability of owners and enforcement authorities

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2) **Cruelty to Animals is a Class A Misdemeanor.**

KY Livestock Care Standards

- a) Promulgated by State Board of Agriculture following recommendation from KLCSC
- b) Completed LRC Regulatory process on January 10, 2014
- c) In effect on February 10, 2014
- d) Bare bones summary:
 - Provide feed and water
 - Provide shelter as needed
 - Provide health care
 - Address specific practices and protocols
 - Applies to on-farm situations only
- e) Use relative to KRS 525.130 (to be determined)

Conclusion

“Working
Together
Works”

