

NEWFOUNDLAND AND LABRADOR
REGULATION 35/12

Animal Protection Regulations

under the

Animal Health and Protection Act

(O.C. 2012-105)

(Filed May 2, 2012)

Under the authority of sections 29 and 66 of the Animal Health and Protection Act, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's , May 2, 2012.

Robert Thompson

Clerk of the Executive Council

REGULATIONS

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Short title

1. These regulations may be cited as the Animal Protection Regulations .

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Definitions

2. In these regulations

(a) "animal shelter" means a place that provides stray, abandoned or abused animals a sanctuary or where permanent or temporary adoptive homes are sought for animals;

(b) "fur farm" has the same definition as in the Fur Farming Regulations ; and

(c) "pet retail store" has the same definition as in the Animal Protection Standards Regulations .

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Interpretation - codes or standards

3. (1) Where there is a reference in these regulations to a code or standard adopted in another regulation made under the Act, it is a reference to the code or standard to the extent that the code or standard is adopted in that other regulation.

(2) A provision of a code or standard that is adopted in the Animal Protection Standards Regulations may be considered a requirement where

(a) the word "must," "shall" or "require" is contained in the provision of the code or standard;
or

(b) the Animal Protection Standards Regulations specify that a provision of a code or standard is a requirement.

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Inspection

4. (1) An animal shelter may be subject to an inspection under section 10 of the Act.

(2) A fur farm may be subject to an inspection under section 10 of the Act.

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Destruction or disposal

5. (1) An animal may be destroyed or disposed of under paragraph 17(1)(c) of the Act, where an owner of the animal is not found within 5 days after the animal is delivered into the custody of the SPCA, a municipal authority or the minister.

(2) Euthanasia of an animal under section 17 of the Act shall be conducted in accordance with these regulations.

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Accepted activity - docking of horse's tail

6. An accepted activity in which the solid part of the tail of a horse may be cut or permitted to be cut is the surgical removal of the tail by a veterinarian as a result of an injury to the horse or other medical necessity as determined by a veterinarian.

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Accepted activity - cropping of dog's ears

7. An accepted activity in which the ear of a dog may be cut or cropped or permitted to be cut or cropped is the surgical removal of part of a dog's ear by a veterinarian as a result of an injury to the dog or other medical necessity as determined by a veterinarian.

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Prohibition - docking of tail of other animals

8. (1) A person shall not cut, or permit to be cut, the solid part of the tail of a dog, sheep or other animal, commonly known as "docking", unless

(a) docking is permitted in a code or standard adopted in the Animal Protection Standards Regulations respecting the care of that animal; or

(b) the tail is surgically removed as a result of an injury to the animal or other medical necessity as determined by a veterinarian.

(2) This section does not apply to horses.

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Prohibition - cosmetic surgery

9. (1) Cosmetic surgery in domestic animals is prohibited unless it is permitted in a code or standard adopted in the Animal Protection Standards Regulations respecting the care of that animal.

(2) For the purpose of this section, "cosmetic surgery" means a non-therapeutic surgical procedure which alters the appearance of an animal for purely cosmetic purposes.

(3) The definition of "cosmetic surgery" in subsection (2) does not include

(a) surgery that is considered by a veterinarian to be necessary as a result of an injury to an animal or for another medical reason concerning the health of an animal;

(b) an onychectomy (declawing) in a cat; and

(c) dewclaw removal from a dog.

(4) This section does not apply to the docking of a tail of an animal or the cropping of the ears of a dog.

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[Declawing in a cat](#)

10. (1) A person shall not conduct an onychectomy (declawing) in a cat.

(2) Notwithstanding subsection (1), a veterinarian or a person under the supervision of a veterinarian may conduct an onychectomy (declawing) in a cat.

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[Prohibited methods of euthanasia](#)

11. (1) The following chemical methods of euthanasia are prohibited:

(a) the combination of embutramide, mebezonium and tetracaine when

(i) administered without sedation, or

(ii) administered other than by intravenous injection;

(b) chloral hydrate;

(c) nitrous oxide, when administered alone;

(d) ether;

(e) chloroform;

(f) cyanide;

(g) strychnine;

(h) neuromuscular blocking agents (nicotine, magnesium sulphate, potassium chloride, and all curariform agents);

(i) formalin; and

(j) household products and solvents.

(2) The following mechanical methods of euthanasia are prohibited:

(a) air embolism on a conscious animal;

(b) burning;

(c) exsanguination of a conscious animal;

(d) decompression;

(e) drowning;

(f) hypothermia and rapid freezing;

(g) stunning by delivering a blow to the head by manual means;

(h) kill-trapping;

(i) electrocution of a conscious animal; and

(j) smothering.

(3) Paragraph (2)(i) does not apply to the euthanasia of a fox that is conducted in accordance with a code or standard adopted in the Animal Protection Standards Regulations .

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Euthanasia - accepted activity

12. (1) Euthanasia of a dog or cat is an accepted activity where it is conducted in accordance with one of the following methods:

(a) by injection or another method under the supervision or authority of a veterinarian;

(b) by shooting with a firearm;

(c) by means of a captive bolt gun; or

(d) by inhalation of compressed carbon monoxide, from which substantially all impurities have been removed, in a controlled gas chamber.

(2) Euthanasia of an animal is an accepted activity where it is conducted in accordance with a code or standard adopted in the Animal Protection Standards Regulations and applied to the animal that is the subject of that code or standard.

(3) Euthanasia of an animal is an accepted activity where it is conducted in accordance with the latest edition of the Guidelines on Euthanasia , published by the American Veterinary Medical Association.

(4) Where there is a conflict between a code or standard respecting euthanasia that is adopted in a regulation made under the Act and section 11 , section 11 shall prevail.

(5) Notwithstanding subsection (4), where an animal is being used for research, teaching or testing and there is a conflict between a code or standard published by the Canadian Council on Animal Care that is adopted in the Animal Protection Standards Regulations and subsection (1), (2) or (3) or section 11 , the code or standard published by the Canadian Council on Animal Care shall prevail.

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Euthanasia - critical situation

13. Notwithstanding sections 11 and 12 , euthanasia through delivery by manual means of a blow to the head of an animal is an accepted activity where

(a) it is conducted in a critical situation where an animal is in such distress that it cannot be relieved of its distress or live without undue suffering, a veterinarian is unavailable and there is no other reasonable way to relieve the animal of its distress; or

(b) it is conducted under paragraph 35(1)(a) or section 37 of the Act.

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Euthanasia - other legislation

14. Notwithstanding sections 11 and 12 , euthanasia is an accepted activity where it is conducted in accordance with another regulation made under the Act, the Meat Inspection Act , the Wild Life Act , or regulations or orders made under those Acts.

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Prohibited practices and procedures

15. (1) A practice or procedure that is prohibited in a code or standard that is adopted in the Animal Protection Standards Regulations is a prohibited practice or procedure.

(2) Subsection (1) applies to a person who is required to comply with a code or standard adopted in the Animal Protection Standards Regulations , or the requirements in the code or standard .

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Prohibition - sale from pet retail stores

16. (1) An owner or operator of a pet retail store shall not sell a dog unless the dog was bred and raised in an establishment that meets the requirements in A Code of Practice for Canadian Kennel Operations , to the extent that they are adopted in the Animal Protection Standards Regulations , or equivalent standards.

(2) An owner or operator of a pet retail store shall not sell a cat unless the cat was bred and raised in an establishment that meets the requirements in A Code of Practice for Canadian Cattery Operations , to the extent that they are adopted in the Animal Protection Standards Regulations , or equivalent standards.

(3) Subsection (1) does not apply where a pet retail store provides space to an animal shelter that meets the requirements in A Code of Practice for Canadian Kennel Operations and the Basic Standards for Dog Care, to the extent that they are adopted and prescribed respectively in the Animal Protection Standards Regulations , and the animal shelter arranges an adoption of a dog.

(4) Subsection (2) does not apply where a pet retail store provides space to an animal shelter that meets the requirements in A Code of Practice for Canadian Cattery Operations , to the extent that they are adopted in the Animal Protection Standards Regulations , and the animal shelter arranges an adoption of a cat.

Commencement

17. These regulations come into force on May 2, 2012.

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