

Compiled & Edited Tennessee Laws Pertaining to Cats & Dogs



2010

Copyright © 2010
The University of Tennessee College of Veterinary Medicine
Publication # R181731029-00-002-11

Table of Contents

§4-3-610. Assistance in acquiring dogs for detection of drugs.	11
§4-5-208. Emergency rules.....	11
§4-7-106. Enforcement of animal disease laws.	11
§4-7-115. Use of dogs to detect drugs.	12
§5-1-120. Power to regulate stray animals.....	12
§5-9-110. Animal welfare.....	12
§6-2-201. General powers.....	12
§6-19-101. General powers.....	12
§ 6-54-135. Allowing pet dogs in outdoor dining areas at restaurant.....	13
§7-51-1401. Chapter definitions.....	14
§ 7-63-101. Municipal violations – citation or complaint in lieu of arrest	14
§7-63-201. Sanitation, litter control and animal control - Issuance of summons – copies.	14
§7-81-207. Powers of assembly.....	15
§8-50-103. Employment of the disabled -- Discrimination prohibited -- Penalty -- Complaint.	15
§9-8-307. Jurisdiction -- Claims -- Waiver of actions -- Standard for tort liability -- Damages -- Immunities -- Definitions -- Transfer of claims.....	15
§12-4-702. Definitions	15
§35-15-408. Trust for care of animal.	16
§36-3-601. Part definitions.	16
§36-3-606. Scope of protection order.....	18
§37-1-702. Authority to establish teen court - Procedure for participation - Determining factors for participation - Authority of teen court.	18
§38-1-401. Part definitions.	19
38-1-402. Duty to report cruelty, abuse or neglect — No duty to investigate — Confidentiality.....	19

38-1-403. Reporting form — Telephone reports — Single report if cruelty, abuse or neglect witnessed by more than one person — No impact on accepted hunting, fishing, livestock and veterinarian practices.	19
§38-6-108. Use of dogs to detect marijuana	20
§39-11-106. Title definitions.	20
§39-11-616. Use of device to protect property.	25
§39-13-804. Intentional release of dangerous chemical or hazardous material with intent of causing harm	25
§ 39-14-103. Theft of property	25
§ 39-14-105. Grading of Theft	25
§39-14-201. Definitions for animal offenses.....	26
§39-14-202. Cruelty to animals	26
§39-14-203. Fighting or baiting exhibitions	27
§39-14-205. Intentional killing of animal.....	28
§39-14-207. Feeding of impounded animals - Care provided by humane society - Recovery of expenses.	28
§39-14-208. Actions deemed theft of guide dogs.	28
§39-14-210. Societies for prevention of cruelty to animals -- Power of governmental agencies working with victimized animals.....	29
§39-14-212. Aggravated cruelty to animals - Definitions - Construction – Penalty.	30
§39-14-213. Removal of transmitting collars or microchip implants from dogs.....	31
39-14-214. Criminal offenses against animals.	32
§ 39-14-215. Immunity-- Emergency-- Non-Livestock.	32
§39-14-801. Short title.	34
§39-14-802. Part definitions.....	34
§39-14-803. Offenses.....	35
§39-14-804. Penalties.	36

§40-13-104. Prosecutor not required.	37
§ 40-35-111. Authorized sentences; prison terms or fines; reports.....	37
§40-35-118. Classification of prior felony offenses.	38
§41-1-102. Administration of correctional system - Personnel - Searches of employees for contraband. 38	
§41-1-118. Dogs for detecting drugs.....	38
§44-2-101. Chapter definitions.....	39
§44-2-102. Supervisory powers.....	39
§44-2-103. Prohibited acts.	40
§44-2-104. Penalties.	40
§44-2-105. Indemnity for destroyed animals.....	40
§44-2-106. Federally accredited veterinarians - Inspections, vaccinations and tests.	40
§44-7-101. Marks and brands of animals running at large.	40
§44-7-102. Recording marks and brands.	40
§44-7-103. Priority of marks and brands	40
§44-8-408. Dogs not allowed at large -- Exception -- Penalties.	40
§44-8-410. Bitches to be confined while proud.	42
§44-8-411. No liability for killing proud bitch at large.....	42
§44-8-412. Violation of § 44-8-410 a misdemeanor.	42
§44-8-413. Civil liability for injury caused by dogs.	42
§44-17-101. Purpose of part.	43
§44-17-102. Definitions.	43
§44-17-103. Sale or transportation of dogs or cats to research facilities by dealers without license prohibited.....	44
§44-17-104. Applications for license – Fee.	44
§44-17-105. Issuance of dealer's license – Requirements.	44

§44-17-106. Annual renewal of dealer's license – Fee.	45
§44-17-107. Revocation or suspension of dealer's license - Grounds - Hearing – Appeal.	45
§44-17-108. Semi-annual reports to commissioner.	46
§44-17-109. Registration of research facilities with commissioner.	46
§44-17-110. Identification of dogs and cats delivered to research facilities.	46
§44-17-111. Records of research facilities and dealers.	46
§44-17-112. Sales of dogs and cats to research facilities – Restrictions.....	46
§44-17-113. Bills of sale evidencing purchase of dogs or cats by dealers or research facilities.	46
§44-17-114. Time dealers must hold dogs and cats after acquisition.....	47
§44-17-115. Authority of commissioner to inspect premises of dealers or research facilities - Inspection of conveyances - Rules and regulations regarding inspection.	47
§44-17-116. Violations of provisions a misdemeanor.	47
§44-17-117. Construction and enforcement of provisions.	47
§44-17-118. Rules and regulations.	47
§44-17-119. Supplemental provisions.	48
§44-17-120. Destruction of dog causing death or serious injury to human - Notice to dog's owner.....	48
§44-17-121. Confiscation of animals.	48
§44-17-122. Cooperation with local and federal authorities.....	48
§44-17-201. Owners of dogs are liable for livestock killed.....	48
§44-17-202. Ignorance of dog's habits is no defense.	48
§44-17-203. No damages recoverable for killing or injuring such dog.	48
§ 44-17-301.Title.....	48
§44-17-302. Application.....	49
§44-17-303. Methods allowed.	49

44-17-304. Minimum holding time before an animal may be euthanized -- Emergency exception.	50
§44-17-401. Electronic locating collars.	50
§44-17-402. Retrieval of hunting dogs from federal property operated by wildlife resources agency.	50
§44-17-403. Death of pet caused by negligent act of another – Damages.....	51
§44-17-404. Recovery for death or injury to guide dogs.	51
§ 44-17-501. Short title.	51
§44-17-502. Requirement for adoption.....	51
§44-17-503. Deposit.....	52
§44-17-504. Petition for compliance.	52
§44-17-505. Dogs or cats claimed by owner.	52
§ 44-17-601 Chemical capture of companion animals.	52
§ 44-17-701. Short title. [Effective January 1, 2010, through June 30, 2014. See the Compiler's Notes.]	53
§ 44-17-702. Part definitions.....	53
§ 44-17-703. Application for license as commercial breeder — Fee.	53
§ 44-17-704. Requirements for licensure — License not transferrable or assignable — Posting of license — Use of license number — Disclaimer.	54
§ 44-17-705. Renewal of license.....	54
§ 44-17-706. Reasons commissioner may refuse to issue or renew a license, may revoke or suspend a license or impose other discipline — Penalties — Appeal of order — Injunctive relief — Payment of costs of investigation and prosecution.....	54
§ 44-17-707. Annual report to commissioner.	55
§ 44-17-708. Inspections.	55
§ 44-17-709. Notification of local law enforcement by commissioner of animal offenses.	56
§ 44-17-710. Violations — Penalties.....	56
§ 44-17-711. Injunctive relief for violating part or rules and regulations.	56

§ 44-17-712. Commissioner not authorized to confiscate animals.....	56
§ 44-17-713. Rules and regulations.	56
§ 44-17-714. Reimbursement for costs — Posting of security.....	56
§ 44-17-715. Commercial Breeder Act enforcement and recovery account.....	57
§ 47-18-130. Violations by commercial breeders.....	57
§49-6-4208. Use of animals.....	58
§55-4-290. Animal friendly – Animal population control endowment fund	58
§55-8-179. Use of raised identifying cane or blaze orange dog leash restricted to blind or deaf persons -- Penalty.	59
§55-8-180. Pedestrians led by guide dog or carrying identifying cane given right of way – Penalty. 59	
§56-7-2101. “Pet” defined.	59
§56-7-2102. Policies or contracts.	59
§56-7-2103. Disclosure.....	59
§62-7-112. Guide dogs to be admitted – Penalties.	60
§63-12-103. Chapter definitions.....	61
§63-12-139. Premises permits.....	63
§63-12-140. Operation without permit prohibited – Penalty.....	65
§63-12-141. Euthanasia of animals – Certificate – Fees – Penalty.	65
§63-12-142. Immunity for certain emergency treatment.....	66
§66-7-104. Physically disabled persons’ access to housing accommodations.....	67
§66-7-106. Leasing to blind persons.	68
§68-1-101. Department organized into divisions.	68
§68-1-201. Power to quarantine.	68
§68-2-603. Establishment of county health department – County health director– County health officer.	69

§68-8-101.	Short title.	69
§68-8-102.	Chapter definitions.	69
§68-8-103.	Vaccination of animals - Certificate and tags - Frequency.	70
§68-8-104.	Registration of cats and dogs - Fees - Rabies control program - Vaccination required for registration.	71
§68-8-105.	Exempt programs.	71
§68-8-106.	Rabies tag.	72
§68-8-107.	Seizure of dogs running at large - Notification of seized animals - Redemption by owner - Vaccination requirement.	72
§68-8-108.	Transportation of dogs and cats in the state.	72
§68-8-109.	Observation period by confinement or quarantine - Investigation.	72
§68-8-110.	Offense of hiding or concealing animal in violation of this chapter.	73
§68-8-111.	Liability for rabies program.	73
§68-8-112.	Rules and regulations.	73
§68-8-113.	Violations.	73
§70-2-214.	Training of hunting dogs - License requirements - Regulation of field trials - Penalty for violations.	73
§70-4-112.	Hunting and chasing coons regulated - Training season - Violations – Penalties.	74
§70-4-122.	Coon dog training.	74
§ 70-7-102.	Landowners duty of care.	76
§ 70-7-105.	Waiver of landowner's duty of care.	76
APPENDIX ONE: Resources Selected National Organizations		80
APPENDIX TWO: Where We Have Been & Where We Are Going		84
Animal Fighting in the Volunteer State		84

§4-3-610. Assistance in acquiring dogs for detection of drugs.

- (a) The state of Tennessee, acting through the commissioner and department of correction, is authorized to assist counties and municipalities in acquiring dogs trained to detect marijuana and other illicit substances for use in jails and workhouses for the purposes set out in §41-1-118.
- (b) Sheriffs, police chiefs and other local law enforcement officials are encouraged to utilize the dogs provided for in subsection (a).

§4-5-208. Emergency rules.

- (a) An agency may, upon stating its reasons in writing for making such findings, proceed without prior notice or hearing to adopt an emergency rule, if the agency finds that:
 - (1) An immediate danger to the public health, safety or welfare exists, and the nature of this danger is such that the use of any other form of rulemaking authorized by this chapter would not adequately protect the public;
 - (2) The rule only delays the effective date of another rule that is not yet effective;
 - (3) It is required by the Constitution, or court order;
 - (4) It is required by an agency of the federal government and adoption of the rule through ordinary rulemaking procedures described in this chapter might jeopardize the loss of a federal program or funds; or
 - (5) The agency is required by an enactment of the general assembly to implement rules within a prescribed period of time that precludes utilization of rulemaking procedures described elsewhere in this chapter for the promulgation of permanent rules.
- (b) Such emergency rule shall become effective immediately, unless otherwise stated in the rule, upon a copy of such rule and a copy of the written statement of the reasons for the rule being filed with the secretary of state. The emergency rule may be effective for a period of not longer than one hundred eighty (180) days. An agency shall not adopt the same or a substantially similar emergency rule within one (1) calendar year from its first adoption, unless the agency clearly establishes that it could not reasonably be foreseen during the initial one hundred eighty-day period that such emergency would continue or would likely recur during the next nine (9) months. The adoption of the same or substantially similar rule through ordinary rulemaking procedures authorized by this chapter shall not be precluded by this section.
- (c) The agency shall take steps to make emergency rules known to persons who will be affected by such rules. The secretary of state shall post the emergency rule filing to the administrative register web site within two (2) business days of filing. An emergency rule filing shall remain on the administrative register website until the filing expires. The secretary of state shall update relevant rules to reflect the filing and the expiration of emergency rules.
- (d) In any action contesting a rule adopted in reliance upon this section, the burden of persuasion shall be upon the agency to demonstrate that the rule meets the criteria established by this section.
- (e) An agency's finding of an emergency pursuant to this section shall not be based upon the agency's failure to timely process and file rules through the normal rulemaking process.

§4-7-106. Enforcement of animal disease laws.

- (a) The Tennessee highway patrol is granted the further authority, and it is its duty, to enforce title 44, chapter 2, part 1, relative to the prevention of the spread of

communicable diseases among domestic animals and protection to the livestock industry.

- (b) The Tennessee highway patrol is granted the same authority and police power to enforce title 44, chapter 2 as is vested in the commissioner of agriculture and in the state veterinarian by title 44, chapter 2.
- (c) Any fines assessed and collected under title 44, chapter 2, part 1 in arrests made by the Tennessee highway patrol shall be divided, one half (1/2) to the department of agriculture and one half (1/2) to the Tennessee highway patrol.

§4-7-115. Use of dogs to detect drugs.

The Tennessee highway patrol is authorized to utilize dogs trained to detect marijuana and other illicit substances in its work, as may be desirable and appropriate.

§5-1-120. Power to regulate stray animals.

Counties, by resolution of their respective legislative bodies, may license and regulate dogs and cats, establish and operate shelters and other animal control facilities, and regulate, capture, impound and dispose of stray dogs, stray cats and other stray animals.

§5-9-110. Animal welfare.

The several counties of the state, after the affirmative vote on reference of the question to the people, shall be empowered to levy a tax and provide for the administration of its proceeds for the purpose of securing humane treatment of animals therein that are not subject to the state game and fish laws.

§6-2-201. General powers.

Every municipality incorporated under this charter may:

- (30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

§6-19-101. General powers.

Every city incorporated under chapters 18-22 of this title may:

- (12) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those in the city. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises. When an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but not longer. The board of commissioners may prescribe in each grant of a franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened after the grant of the franchise;
- (21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;
- (29) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction;

- (31) Regulate, tax, license or suppress the keeping or going at large of animals within the city, impound the same and, in default of redemption, to sell or kill the same;

§ 6-54-135. Allowing pet dogs in outdoor dining areas at restaurant

- (a) For purposes of this section, "pet dog" means a dog other than a service or guide dog assisting a handicapped person.
- (b) Notwithstanding any other prohibition to the contrary, certain jurisdictions, as provided in subsection (c), may, by ordinance, or a county with a population of at least one hundred thousand (100,000), according to the 2000 federal census or any subsequent census, may, by resolution, authorize the presence of pet dogs in outdoor dining areas of restaurants, if the ordinance provides for adequate controls to ensure compliance with the Tennessee Food, Drug and Cosmetic Act, compiled in Title 53, Chapter 1, and any other applicable statutes and ordinances. An ordinance enacted under this section shall provide for a permitting process to authorize individual restaurants to permit dogs as provided in this section and to charge applicants and authorized restaurants a reasonable permit fee as the ordinance may establish. Additionally, any such ordinance shall provide that:
- (1) No pet dog shall be present in the interior of any restaurant or in any area where food is prepared;
 - (2) The restaurant shall have the right to refuse to serve the owner of a pet dog if the owner fails to exercise reasonable control over the pet dog or the pet dog is otherwise behaving in a manner that compromises or threatens to compromise the health or safety of any person present in the restaurant;
 - (3) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling a pet dog. Employees shall be prohibited from touching, petting, or otherwise handling pet dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment;
 - (4) Employees and patrons shall be instructed that they shall not allow pet dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations;
 - (5) Patrons shall keep their pet dogs on a leash at all times and keep their pet dogs under reasonable control;
 - (6) Pet dogs shall not be allowed on chairs, tables, or other furnishings;
 - (7) Accidents involving pet dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area;
 - (8) A sign or signs reminding employees and patrons of the applicable rules shall be posted on the premises in a manner and place as determined by the local permitting authority; and
 - (9) Pet dogs shall not be permitted to travel through indoor or nondesignated portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food establishment shall not require entrance into or passage through any indoor area of the food establishment.
- (c)
- (1) This section shall apply in a municipality with a population of at least one hundred thousand (100,000), according to the 2000 federal census or any subsequent census.

- (2) This section shall also apply in a county with a population of at least one hundred thousand (100,000), according to the 2000 federal census or any subsequent census.
- (3) This section shall also apply in counties having a population, according to the 2000 federal census or any subsequent census, of:

not less than	nor more than
5,500	5,600
11,369	11,450
14,300	14,400
16,600	16,700
38,200	38,300
39,200	39,300
48,000	48,100
56,700	56,800
71,100	71,200
105,800	105,900

§7-51-1401. Chapter definitions

- (5) "Bestiality" means sexual activity, actual or simulated, between a human being and an animal;
- (8) "Sadism" means sexual gratification achieved through, or the association of sexual activity with, the infliction of physical pain, suffering, humiliation, torture or death upon another person or animal;
- (9) "Sexually-oriented material" means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, that depicts sexual activity, actual or simulated, involving human beings or human beings and animals, that exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or that exhibits human male genitals in a discernibly turgid state, even if completely covered;...

§ 7-63-101. Municipal violations – citation or complaint in lieu of arrest

When any person violates any traffic, or other ordinance, law or regulation of any municipal, metropolitan or city government in the presence of a:

- (1) Law enforcement officer of such government;
- (2) Member of the fire department or building department who is designated as a special police officer of the municipality; or
- (3) Transit inspector employed by a public transportation system or transit authority organized pursuant to chapter 56, part 1 of this title;

such officer or inspector may issue, in lieu of arresting the offender and having a warrant issued for the offense, a citation or complaint for such offense. A copy of such citation, which shall contain the offense charged and the time and place when such offender is to appear in court, shall be given to the offender.

§7-63-201. Sanitation, litter control and animal control - Issuance of summons – copies.

Notwithstanding §7-63-101, any municipal, metropolitan or city government may designate by ordinance or resolution certain municipal enforcement officers in the areas of sanitation, litter control, and animal control who may not arrest or issue citations in lieu of arrests pursuant to part 1 of this chapter, but who, upon witnessing a violation of

any ordinance, law or regulation of that municipal, metropolitan or city government, may issue an ordinance summons, leaving a copy with the offender, showing the offense charged and the time and place when such offender is to appear in court.

§7-81-207. Powers of assembly.

The town assembly of each of the towns has powers by ordinance to:

- (6) Prohibit the running at large of animals within the corporate limits, whether the owners of the animals reside within the corporate limits or not;
- (7) Prohibit the keeping of hogs or other animals in pens or in enclosures that may become offensive or injurious to the health of the inhabitants;

§8-50-103. Employment of the disabled -- Discrimination prohibited -- Penalty -- Complaint.

(a) This section and § 8-50-104 shall be known and may be cited as the "Tennessee Disability Act".

(b) There shall be no discrimination in the hiring, firing and other terms and conditions of employment of the state of Tennessee or any department, agency, institution or political subdivision of the state, or of any private employer, against any applicant for employment based solely upon any physical, mental or visual disability of the applicant, unless such disability to some degree prevents the applicant from performing the duties required by the employment sought or impairs the performance of the work involved. Furthermore, no blind person shall be discriminated against in any such employment practices because such person uses a guide dog. A violation of this subsection (b) is a Class C misdemeanor.

(c)

(1) Any person claiming to be aggrieved by a discriminatory practice prohibited by this section may file with the Tennessee human rights commission a written sworn complaint stating that a discriminatory practice has been committed, setting forth the facts sufficient to enable the commission to identify the persons charged.

(2) Upon receipt of such complaint, the commission shall follow the procedure and exercise the powers and duties provided in §§ 4-21-302 -- 4-21-311, and the person shall have all rights provided therein.

§9-8-307. Jurisdiction -- Claims -- Waiver of actions -- Standard for tort liability -- Damages -- Immunities -- Definitions -- Transfer of claims.

(a)

(1) The commission or each commissioner sitting individually has exclusive jurisdiction to determine all monetary claims against the state based on the acts or omissions of "state employees," as defined in §8-42-101(3), falling within one (1) or more of the following categories:

- (G) Negligent care, custody or control of animals. Damages are not recoverable under this section for damages caused by wild animals;

§12-4-702. Definitions

As used in this part, unless the context otherwise requires:

(4) "Property" means anything of value, including, but not limited to, real estate, tangible and intangible personal property, contract rights, choses-in- action and other interests in or claims to wealth, admission or transportation tickets, captured or

domestic animals, electric or other power and signatures which purport to create, maintain or extinguish any legal obligation;

§35-15-408. Trust for care of animal.

- (a) A trust may be created to provide for the care of an animal alive during the settlor's lifetime. The trust terminates upon the death of the animal or, if the trust was created to provide for the care of more than one (1) animal alive during the settlor's lifetime, upon the death of the last surviving animal. The trust may not be enforced for more than ninety (90) years.
- (b) A trust authorized by this section may be enforced by a person appointed in the terms of the trust or, if no person is so appointed, by a person appointed by the court. A person having an interest in the welfare of the animal may request the court to appoint a person to enforce the trust or to remove a person appointed.
- (c) Property of a trust authorized by this section may be applied only to its intended use, except to the extent the court determines that the value of the trust property exceeds the amount required for the intended use. Except as otherwise provided in the terms of the trust, property not required for the intended use must be distributed to the settlor, if then living, otherwise to the settlor's successors in interest.

§36-3-601. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Abuse" means inflicting, or attempting to inflict, physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, malicious damage to the personal property of the abused party, including inflicting, or attempting to inflict, physical injury on any animal owned, possessed, leased, kept, or held by an adult or minor, or placing an adult or minor in fear of physical harm to any animal owned, possessed, leased, kept, or held by the adult or minor;
- (2) "Adult" means any person eighteen (18) years of age or older, or who is otherwise emancipated;
- (3)
 - (A) "Court," in counties having a population of not less than two hundred thousand (200,000) nor more than eight hundred thousand (800,000), according to the 1980 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters;
 - (B) Notwithstanding the provisions of subdivision (3)(A), "court," in counties with a metropolitan form of government with a population of more than one hundred thousand (100,000), according to the 1990 federal census or any subsequent federal census, means any court of record with jurisdiction over domestic relation matters and the general sessions court. In such county having a metropolitan form of government, a judicial commissioner may issue an ex parte order of protection. Nothing in this definition may be construed to grant jurisdiction to the general sessions court for matters relating to child custody, visitation, or support;
 - (C) "Court," in all other counties, means any court of record with jurisdiction over domestic relation matters or the general sessions court;
 - (D) "Court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing ex parte orders of protection when a judge of one of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available;

- (E) In counties having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, "court" means any court of record with jurisdiction over domestic relations matters or the general sessions criminal court. In such counties, "court" also includes judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing any order of protection pursuant to this part when a judge of one (1) of the courts listed in subdivisions (3)(A), (3)(B) or (3)(C) is not available. Nothing in this definition may be construed to grant jurisdiction to the general sessions court, both criminal and civil, for matters relating to child custody, visitation, or support;
- (F) Any appeal from a final ruling on an order of protection by a general sessions court or by any official authorized to issue an order of protection under this subdivision (3) shall be to the circuit or chancery court of the county. Such appeal shall be filed within ten (10) days and shall be heard de novo;
- (4) "Domestic abuse" means committing abuse against a victim, as defined in subdivision (5);
- (5) "Domestic abuse victim" means any person who falls within the following categories:
- (A) Adults or minors who are current or former spouses;
 - (B) Adults or minors who live together or who have lived together;
 - (C) Adults or minors who are currently dating or who have dated, or who are currently having or have had a sexual relationship, defined as frequent, intimate associations primarily characterized by the expectation of affectionate or sexual involvement independent of financial considerations. As used in this subdivision (5)(C) 'dating' and 'dated' do not include fraternization between two (2) individuals in a business or social context;
 - (D) Adults or minors related by blood or adoption;
 - (E) Adults or minors who are related or were formerly related by a legally recognized marriage; or
 - (F) Adult or minor children of a person in a relationship that is described in the criteria listed above in subdivisions (5)(A)-(E);
- (6) "Firearm" means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;
- (7) "Petitioner" means the person alleging domestic abuse, sexual assault or stalking in a petition for an order for protection;
- (8) "Preferred response" means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest;
- (9) "Respondent" means the person alleged to have abused, stalked or sexually assaulted another in a petition for an order for protection;
- (10) "Sexual assault victim" means any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of any form of rape, as defined in §§ 39-13-502, 39-13-503, 39-13-506 or 39-13-522, or sexual battery, as defined in §§ 39-13-504, 39-13-505, or 39-13-527;
- (11) "Stalking victim" means any person, regardless of the relationship with the perpetrator, who has been subjected to, threatened with, or placed in fear of the offense of stalking, as defined in § 39-17-315;
- (12) "Weapon" means a firearm or a device listed in § 39-17-1302(a)(1)-(7).

§36-3-606. Scope of protection order.

- (a) A protection order granted under this part to protect the petitioner from domestic abuse, stalking or sexual assault may include, but is not limited to:
- (1) Directing the respondent to refrain from committing domestic abuse, stalking or sexual assault or threatening to commit domestic abuse, stalking or sexual assault against the petitioner or the petitioner's minor children;
 - (2) Prohibiting the respondent from coming about the petitioner for any purpose, from telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;
 - (3) Prohibiting the respondent from stalking the petitioner, as defined in § 39-17-315;
 - (4) Granting to the petitioner possession of the residence or household to the exclusion of the respondent by evicting the respondent, by restoring possession to the petitioner, or by both;
 - (5) Directing the respondent to provide suitable alternate housing for the petitioner when the respondent is the sole owner or lessee of the residence or household;
 - (6) Awarding temporary custody of, or establishing temporary visitation rights with regard to, any minor children born to or adopted by the parties;
 - (7) Awarding financial support to the petitioner and such persons as the respondent has a duty to support. Except in cases of paternity, the court shall not have the authority to order financial support unless the petitioner and respondent are legally married. Such order may be enforced pursuant to chapter 5 of this title;
 - (8) Directing the respondent to attend available counseling programs that address violence and control issues or substance abuse problems. A violation of a protection order or part of such order that directs counseling pursuant to this subpart may be punished as criminal or civil contempt. The provisions of § 36-3-610(a) apply with respect to a non-lawyer general sessions judge who holds a person in criminal contempt for violating this subdivision (a)(8); or
 - (9) Directing the care, custody, or control of any animal owned, possessed, leased, kept, or held by either party or a minor residing in the household. In no instance shall such animal be placed in the care, custody, or control of the respondent but shall instead be placed in the care, custody or control of the petitioner or in an appropriate animal foster situation.
- (b) Relief granted pursuant to subdivisions (a)(4)-(8) shall be ordered only after the petitioner and respondent have been given an opportunity to be heard by the court.
- (c) Any order of protection issued under this part shall include the statement of the maximum penalty that may be imposed pursuant to § 36-3-610 for violating such order.
- (d) No order of protection made under this part shall in any manner affect title to any real property.
- (e) If the petitioner is a victim as defined in § 36-3-601(11)(C), the provisions of subdivisions (a)(4) and (5) shall not apply to such petitioner.
- (f) An order of protection issued pursuant to this part shall be valid and enforceable in any county of this state.
- (g) An order of protection issued pursuant to this part that fully complies with the provisions of 18 U.S.C. § 922(g)(8), shall contain the disclosures set out in § 36-3-625(a).

§37-1-702. Authority to establish teen court - Procedure for participation - Determining factors for participation - Authority of teen court.

- (c) In choosing cases to be referred to the teen court for disposition, the juvenile court shall determine that:
- (1) The offense underlying the juvenile petition was one (1) of the following:
 - (F) Cruelty to animals, §39-14-202;

§38-1-401. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Animal" means a domesticated living creature or a wild creature previously captured;
- (2) "Cruelty", "abuse", and "neglect" mean every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted;
- (3) "Reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts, that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect animal cruelty, abuse, or neglect; and
- (4) "Owner" means any person who is the legal owner, keeper, harbinger, possessor, or the actual custodian of an animal. "Owner" includes corporations as well as individuals.

38-1-402. Duty to report cruelty, abuse or neglect — No duty to investigate — Confidentiality.

- (a) Any state, county or municipal employee of a child or adult protective services agency, while acting in a professional capacity or within the scope of employment, who has knowledge of or observes an animal that the person knows or reasonably suspects has been the victim of cruelty, abuse, or neglect, shall report the known or reasonably suspected animal cruelty, abuse, or neglect to the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county.
- (b) The report required under subsection (a) may be made within two (2) working days of receiving the information concerning the animal, by facsimile transmission of a written report presented in the form described in § 38-1-403, or by telephone, if all of the information that is required to be provided pursuant to § 38-1-403 is furnished. In cases where an immediate response may be necessary in order to protect the health and safety of the animal or others, the report may be made by telephone as soon as possible.
- (c) Unless a duty exists under current law, nothing in this section shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect.
- (d) Nothing in this part shall expand or limit confidentiality requirements under existing law relative to child or adult protective services. The name of any employee of a child or adult protective services agency who reports known or reasonably suspected animal cruelty, abuse or neglect shall remain confidential.

38-1-403. Reporting form — Telephone reports — Single report if cruelty, abuse or neglect witnessed by more than one person — No impact on accepted hunting, fishing, livestock and veterinarian practices.

- (a) If not made by telephone, reports made pursuant to § 38-1-402 (a) may be made on a preprinted form prepared by the entity or entities that investigate reports of animal cruelty, abuse, and neglect in that county, that includes the definitions contained in § 38-1-401 and a space for the reporter to include each of the following:

- (1) The reporter's name and title;
 - (2) The reporter's business address and telephone number;
 - (3) The name, if known, of the animal's owner or custodian;
 - (4) The location of the animal and the premises on which the known or reasonably suspected animal cruelty, abuse, or neglect took place;
 - (5) A description of the location of the animal and the premises;
 - (6) The type and numbers of animals involved;
 - (7) A description of the animal and its condition; and
 - (8) The date, time, and a description of the observation or incident that led the reporter to suspect animal cruelty, abuse, or neglect and any other information the reporter believes may be relevant.
- (b) Any employee making a report or telephone call pursuant to this part shall make all reasonable efforts to include the information delineated in subsection (a). Nothing in this section shall be construed to impose a duty to investigate known or reasonably suspected animal cruelty, abuse, or neglect.
- (c) When two (2) or more employees of a state, county or municipal child or adult protective services agency are present and jointly have knowledge of known or reasonably suspected animal cruelty, abuse, or neglect, and where there is agreement among them, by mutual agreement, a report may be made by one (1) person. Any reporter who has knowledge that the person designated to report has failed to do so may thereafter make the report.
- (d)
- (1) Nothing in this part shall be construed as prohibiting legal hunting and fishing activities.
 - (2) Nothing in this part shall be construed as prohibiting the owner of livestock as defined in § 39-14-201, or someone acting with the consent of the owner of livestock, from engaging in usual and customary practices that are accepted by colleges of agriculture or veterinary medicine with respect to livestock, nor shall any provision of this part be construed as requiring the reporting of those practices.
 - (3) Nothing in this part shall be construed to apply to a veterinarian or veterinary technician engaged in accepted veterinary practices.

§38-6-108. Use of dogs to detect marijuana

The Tennessee bureau of investigation is authorized to utilize dogs trained to detect marijuana and other illicit substances in its work, as may be desirable and appropriate.

§39-11-106. Title definitions.

- (a) As used in this title, unless the context requires otherwise:
- (1) "Benefit" means anything reasonably regarded as economic gain, enhancement or advantage, including benefit to any other person in whose welfare the beneficiary is interested;
 - (2) "Bodily injury" includes a cut, abrasion, bruise, burn or disfigurement, and physical pain or temporary illness or impairment of the function of a bodily member, organ, or mental faculty;
 - (3) "Coercion" means a threat, however communicated, to:
 - (A) Commit any offense;
 - (B) Wrongfully accuse any person of any offense;
 - (C) Expose any person to hatred, contempt or ridicule;
 - (D) Harm the credit or business repute of any person; or

- (E) Take or withhold action as a public servant or cause a public servant to take or withhold action;
- (4) “Criminal negligence” refers to a person who acts with criminal negligence with respect to the circumstances surrounding that person’s conduct or the result of that conduct when the person ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the accused person’s standpoint;
- (5) “Deadly weapon” means:
 - (A) A firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury; or
 - (B) Anything that in the manner of its use or intended use is capable of causing death or serious bodily injury;
- (6)
 - (A) “Deception” means that a person knowingly:
 - (i) Creates or reinforces a false impression by words or conduct, including false impressions of fact, law, value or intention or other state of mind that the person does not believe to be true;
 - (ii) Prevents another from acquiring information which would likely affect the other’s judgment in the transaction;
 - (iii) Fails to correct a false impression of law or fact the person knows to be false and:
 - a. The person created; or
 - b. Knows is likely to influence another;
 - (iv) Fails to disclose a lien, security interest, adverse claim or other legal impediment to the enjoyment of the property, whether the impediment is or is not valid, or is or is not a matter of public record;
 - (v) Employs any other scheme to defraud; or
 - (vi)
 - a. Promises performance that at the time the person knew the person did not have the ability to perform or that the person does not intend to perform or knows will not be performed, except mere failure to perform is insufficient to establish that the person did not intend to perform or knew the promise would not be performed;
 - b. Promising performance includes issuing a check or similar sight order for the payment of money or use of a credit or debit card when the person knows the check, sight order, or credit or debit slip will not be honored for any reason;
 - (B) “Deception” does not include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed;
- (7) “Defendant” means a person accused of an offense under this title and includes any person who aids or abets the commission of such offense;
- (8) “Deprive” means to:
 - (A) Withhold property from the owner permanently or for such a period of time as to substantially diminish the value or enjoyment of the property to the owner;
 - (B) Withhold property or cause it to be withheld for the purpose of restoring it only upon payment of a reward or other compensation; or
 - (C) Dispose of property or use it or transfer any interest in it under circumstances that make its restoration unlikely;

- (9) “Effective consent” means assent in fact, whether express or apparent, including assent by one legally authorized to act for another. Consent is not effective when:
- (A) Induced by deception or coercion;
 - (B) Given by a person the defendant knows is not authorized to act as an agent;
 - (C) Given by a person who, by reason of youth, mental disease or defect, or intoxication, is known by the defendant to be unable to make reasonable decisions regarding the subject matter; or
 - (D) Given solely to detect the commission of an offense;
- (10) “Emancipated minor” means any minor who is or has been married, or has by court order or otherwise been freed from the care, custody and control of the minor’s parents;
- (11) “Firearm” means any weapon designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use;
- (12) “Force” means compulsion by the use of physical power or violence and shall be broadly construed to accomplish the purposes of this title;
- (13) “Fraud” means as used in normal parlance and includes, but is not limited to, deceit, trickery, misrepresentation and subterfuge, and shall be broadly construed to accomplish the purposes of this title;
- (14) “Government” means the state or any political subdivision of the state, and includes any branch or agency of the state, a county, municipality or other political subdivision;
- (15) “Governmental record” means anything:
- (A) Belonging to, received or kept by the government for information; or
 - (B) Required by law to be kept by others for information of the government;
- (16) “Handgun” means any firearm with a barrel length of less than twelve inches (12”) that is designed, made or adapted to be fired with one (1) hand;
- (17) “Harm” means anything reasonably regarded as loss, disadvantage or injury, including harm to another person in whose welfare the person affected is interested;
- (18) “Intentional” means a person that acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person’s conscious objective or desire to engage in the conduct or cause the result;
- (19) “Jail” includes workhouse and “workhouse” includes jail, whenever the context so requires or will permit;
- (20) “Knowing” means that a person acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person’s conduct when the person is aware that the conduct is reasonably certain to cause the result;
- (21) “Law enforcement officer” means an officer, employee or agent of government who has a duty imposed by law to:
- (A) Maintain public order; or
 - (B) Make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; and
 - (C) Investigate the commission or suspected commission of offenses;
- (22) “Legal privilege” means a particular or peculiar benefit or advantage created by law;
- (23) “Minor” means any person under eighteen (18) years of age;
- (24)

- (A) "Obtain" means to:
Bring about a transfer or purported transfer of property or of a legally recognized interest in the property, whether to the defendant or another; or
Secure the performance of service;
- (B) "Obtain" includes, but is not limited to, the taking, carrying away or the sale, conveyance or transfer of title to or interest in or possession of property, and includes, but is not limited to, conduct known as larceny, larceny by trick, larceny by conversion, embezzlement, extortion or obtaining property by false pretenses;
- (25) "Official proceeding" means any type of administrative, executive, legislative or judicial proceeding that may be conducted before a public servant authorized by law to take statements under oath;
- (26) "Owner" means a person, other than the defendant, who has possession of or any interest other than a mortgage, deed of trust or security interest in property, even though that possession or interest is unlawful and without whose consent the defendant has no authority to exert control over the property;
- (27) "Person" includes the singular and the plural and means and includes any individual, firm, partnership, copartnership, association, corporation, governmental subdivision or agency, or other organization or other legal entity, or any agent or servant thereof;
- (28) "Property" means anything of value, including, but not limited to, money, real estate, tangible or intangible personal property, including anything severed from land, library material, contract rights, choses-in-action, interests in or claims to wealth, credit, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power. Commodities of a public nature, such as gas, electricity, steam, water, cable television and telephone service constitute property, but the supplying of such a commodity to premises from an outside source by means of wires, pipes, conduits or other equipment is deemed a rendition of service rather than a sale or delivery of property;
- (29) "Public place" means a place to which the public or a group of persons has access and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence. An act is deemed to occur in a public place if it produces its offensive or proscribed consequences in a public place;
- (30) "Public servant" means:
- (A) Any public officer or employee of the state or of any political subdivision of the state or of any governmental instrumentality within the state including, but not limited to, law enforcement officers;
- (B) Any person exercising the functions of any such public officer or employee;
- (C) Any person participating as an adviser, consultant or otherwise performing a governmental function, but not including witnesses or jurors; or
- (D) Any person elected, appointed or designated to become a public servant although not yet occupying that position;
- (31) "Reckless" means that a person who acts recklessly with respect to circumstances surrounding the conduct or the result of the conduct when the person is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the

standard of care that an ordinary person would exercise under all the circumstances as viewed from the accused person's standpoint;

(32)

(A) “Recorded device” means the tangible medium upon which sounds or images are recorded or otherwise stored;

(B) “Recorded device” includes any original phonograph record, disc, tape, audio, or videocassette, wire, film or other medium now known or later developed on which sounds or images are or can be recorded or otherwise stored, or any copy or reproduction which duplicates, in whole or in part, the original;

(33) “Security officer/guard” means an individual employed to perform any function of a security officer/guard and security officer/guard patrol service as set forth in title 62, chapter 35;

(34) “Serious bodily injury” means bodily injury that involves:

(A) A substantial risk of death;

(B) Protracted unconsciousness;

(C) Extreme physical pain;

(D) Protracted or obvious disfigurement;

(E) Protracted loss or substantial impairment of a function of a bodily member, organ or mental faculty; or

(F) A broken bone of a child who is eight (8) years of age or less;

(35) “Services” includes labor, skill, professional service, transportation, telephone, mail, gas, electricity, steam, water, cable television or other public services, accommodations in hotels, restaurants or elsewhere, admissions to exhibitions, use of vehicles or other movable property; and

(36) “Value:”

(A) Subject to the additional criteria of subdivisions (a)(36)(B)-(D), “value” under this title means:

i. The fair market value of the property or service at the time and place of the offense; or

ii. If the fair market value of the property cannot be ascertained, the cost of replacing the property within a reasonable time after the offense;

(B) The value of documents, other than those having a readily ascertainable fair market value, means:

i. The amount due and collectible at maturity less any part that has been satisfied, if the document constitutes evidence of a debt; or

ii. The greatest amount of economic loss that the owner might reasonably suffer by virtue of loss of the document, if the document is other than evidence of a debt;

(C) If property or service has value that cannot be ascertained by the criteria set forth in subdivisions (a)(36)(A) and (B), the property or service is deemed to have a value of less than fifty dollars (\$ 50.00); and

(D) If the defendant gave consideration for or had a legal interest in the property or service that is the object of the offense, the amount of consideration or value of the interest shall be deducted from the value of the property or service ascertained under subdivision (a)(36)(A), (B) or (C) to determine value.

(b) The definition of a term in subsection (a) applies to each grammatical variation of the term.

§39-11-616. Use of device to protect property.

- (a) The justification afforded by §§39-11-614 and 39-11-615 [regarding the protection of one's own real or private property and/or that of a third person when it is reasonably believed the force is immediately necessary to prevent or terminate the other's trespass on the land or unlawful interference with the property when a person who has been unlawfully dispossessed of real or personal property is justified in threatening or using force against the other when and to the degree it is reasonably believed the force is immediately necessary to reenter the land or recover the property if the person threatens or uses the force immediately or in fresh pursuit after the dispossession; and where the person reasonably believes the other had no claim of right when the other dispossessed the person; and where the other accomplished the dispossession by threatening or using force against the person] extends to the use of a device for the purpose of protecting property only if:
- (1) The device is not designed to cause or known to create a substantial risk of causing death or serious bodily harm;
 - (2) The use of the particular device to protect the property from entry or trespass is reasonable under the circumstances as the person believes them to be; and
 - (3) The device is one customarily used for such a purpose or reasonable care is taken to make known to probable intruders the fact that it is used.
- (b) Nothing in this section shall affect the law regarding the use of animals to protect property or persons.

§39-13-804. Intentional release of dangerous chemical or hazardous material with intent of causing harm

- (a) The intentional release of a dangerous chemical or hazardous material utilized in a lawful industrial or commercial process shall be considered use of a weapon of mass destruction when a person knowingly utilizes these agents with intent and for the purpose of causing harm to persons either directly or indirectly through harm to animals or the environment. The release of dangerous chemicals or hazardous materials for any purpose shall remain subject to regulation under federal and state environmental laws.
- (b) The lawful use of chemicals for legitimate mineral extraction, industrial, agricultural, commercial, or private purposes (such as gasoline used to power engines or propane used for heating or cooking) is not proscribed by this part.
- (c) No university, research institution, private company, individual, hospital, or other health care facility shall be subject to this part for actions taken in furtherance of objectives undertaken for a lawful purpose provided that such actions are taken in connection with scientific or public health research or are necessary for therapeutic or clinical purposes and, as required, are licensed or registered with the centers for disease control and prevention pursuant to the Code of Federal Regulations (CFR) or other applicable authorities.

§ 39-14-103. Theft of property

A person commits theft of property if, with intent to deprive the owner of property, the person knowingly obtains or exercises control over the property without the owner's effective consent.

§ 39-14-105. Grading of Theft

Theft of property or services is:

- (1) A Class A misdemeanor if the value of the property or services obtained is five hundred dollars (\$500) or less;

- (2) A Class E felony if the value of the property or services obtained is more than five hundred dollars (\$500) but less than one thousand dollars (\$1,000);
- (3) A Class D felony if the value of the property or services obtained is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000);
- (4) A Class C felony if the value of the property or services obtained is ten thousand dollars (\$10,000) or more but less than sixty thousand dollars (\$60,000); and
- (5) A Class B felony if the value of the property or services obtained is sixty thousand dollars (\$60,000) or more.

§39-14-201. Definitions for animal offenses

As used in this part, unless the context otherwise requires:

- (1) "Animal" means a domesticated living creature or a wild creature previously captured;
- (2) "Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;
- (3) "Non-livestock animal" means a pet normally maintained in or near the household or households of its owner or owners, other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including but not limited to, pet rabbits, a pet chick, duck, or pot bellied pig that is not classified as "livestock" pursuant to this part; and
- (4) "Torture" means every act, omission, or neglect whereby unreasonable physical pain, suffering, or death is caused or permitted, but nothing in this part shall be construed as prohibiting the shooting of birds or game for the purpose of human food or the use of animate targets by incorporated gun clubs.

§39-14-202. Cruelty to animals

(a) A person commits an offense who intentionally or knowingly:

- (1) Tortures, maims or grossly overworks an animal;
- (2) Fails unreasonably to provide necessary food, water, care or shelter for an animal in the person's custody;
- (3) Abandons unreasonably an animal in the person's custody;
- (4) Transports or confines an animal in a cruel manner; or
- (5) Inflicts burns, cuts, lacerations, or other injuries or pain, by any method, including blistering compounds, to the legs or hooves of horses in order to make them sore for any purpose including, but not limited to, competition in horse shows and similar events.

(b) A person commits an offense who knowingly ties, tethers, or restrains a dog in a manner that results in the dog suffering bodily injury as defined in § 39-11-106(2).

(c) It is a defense to prosecution under this section that the person was engaged in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.

(d) Whenever any person is taken into custody by any officer for violation of subdivision (a)(4), the officer may take charge of the vehicle or conveyance, and its contents, used by the person to transport the animal. The officer shall deposit these items in a safe place for custody. Any necessary expense incurred for taking charge of and sustaining the same shall be a lien thereon, to be paid before the same can lawfully be recovered; or the expenses, or any part thereof, remaining unpaid may be recovered by the person incurring the same of the owners of the animal in an action therefor.

- (e) In addition to the penalty imposed in subsection (g), the court making the sentencing determination for a person convicted under this section shall order the person convicted to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction. Custody shall be given to a humane society incorporated under the laws of this state. The court may prohibit the person convicted from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as necessary for the protection of the animals.
- (f)
- (1) Nothing in this section shall be construed as prohibiting the owner of a farm animal or someone acting with the consent of the owner of that animal from engaging in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to that animal.
 - (2) It is an offense for a person other than a law enforcement officer acting with probable cause to knowingly interfere with the performance of any agricultural practices permitted by subdivision (f)(1).
 - (3) An offense under subdivision (f)(2) is a Class B misdemeanor.
- (g)
- (1) Cruelty to animals is a Class A misdemeanor.
 - (2) A second or subsequent conviction for cruelty to animals is a Class E felony.
 - (3) Violation of any prohibition or restriction imposed by the sentencing court pursuant to subdivision (e) is a Class A misdemeanor.

§39-14-203. Fighting or baiting exhibitions

- (a) It is unlawful for any person to:
- (1) Own, possess, keep, use or train any bull, bear, dog, cock, swine or other animal, for the purpose of fighting, baiting or injuring another such animal, for amusement, sport or gain;
 - (2) Cause, for amusement, sport or gain, any animal referenced in subdivision (a)(1) to fight, bait or injure another animal, or each other;
 - (3) Permit any acts stated in subdivisions (a)(1) and (2) to be done on any premises under the person's charge or control, or aid or abet those acts; or
 - (4) Be knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition for the fighting, baiting or injuring of any animal, with the intent to be present at the exhibition, fighting, baiting or injuring.
- (b) It is the legislative intent that the provisions of this section shall not apply to the training or use of hunting dogs for sport or to the training or use of dogs for law enforcement purposes.
- (c)
- (1) Except for any offense involving a cock, an offense under subdivisions (a)(1)-(3) is a Class E felony.
 - (2) An offense involving a cock under subdivisions (a)(1)-(3) is a Class A misdemeanor.
- (d)
- (1) An offense under subdivision (a)(4) is a Class B misdemeanor if the person is a spectator at a dog fight.
 - (2) Any other violation of subdivision (a)(4) is a Class C misdemeanor.
- (e) It is not an offense to own, possess or keep cocks, or aid or abet the ownership, possession or keeping of cocks, for the sole purpose of selling or transporting cocks to a location in which possession or keeping of cocks is legal.

§39-14-205. Intentional killing of animal.

(a)

(1)

(A) It is an offense to knowingly and unlawfully kill the animal of another without the owner's effective consent.

(B) A violation of subdivision (a)(1)(A) is theft of property, graded according to the value of the animal, and punished in accordance with § 39-14-105.

(2) In determining the value of a police dog, fire dog, search and rescue dog, guide dog or police horse under § 39-14-105, the court shall consider the value of the police dog, fire dog, search and rescue dog, service animal or police horse as both the cost of the animal and any specialized training such animal received.

(b) A person is justified in killing the animal of another if the person acted under a reasonable belief that the animal was creating an imminent danger of death or serious bodily injury to that person or another or an imminent danger of death to an animal owned by that person. A person is not justified in killing the animal of another if at the time of the killing the person is trespassing upon the property of the owner of the animal. The justification for killing the animal of another authorized by this subsection (b) shall not apply to a person who, while engaging in or attempting to escape from criminal conduct, kills a police dog that is acting in its official capacity. In that case the provisions of subsection (a) shall apply to the person.

§39-14-207. Feeding of impounded animals - Care provided by humane society - Recovery of expenses.

(a) In case any impounded animal is without necessary food and water for more than twelve (12) successive hours, it is lawful for any person, as often as necessary, to enter any place in which any animal is so confined, and to supply it with necessary food and water so long as it remains so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected from the owner or keeper of the animal. The animal shall not be exempt from levy and sale upon execution issued upon a judgment therefore.

(b) In case any animal is injured, diseased, suffering from the elements, or malnourished, and is found at large by any agent of any humane society chartered by the state, the agent may cause adequate veterinary treatment or shelter or nourishment to be furnished to the animal. The society shall have a right of action against the owner of the animal for all necessary and reasonable expenses so incurred. Within forty-eight (48) hours after taking custody of the animal, the society shall make reasonable efforts to notify the owner of the animal's whereabouts and condition. Nothing in this subsection (b) shall affect the right of action of the veterinarian or furnisher of goods or services against the person or persons with whom such veterinarian or furnisher of goods or services contracted for payment of charges. Any such right of action by a humane society may be voided by an owner who elects to forfeit the animal to the society rather than pay for the goods or services rendered.

§39-14-208. Actions deemed theft of guide dogs.

A person who intentionally or knowingly unlawfully injures the guide dog of another and, thereby, permanently deprives the owner of the use of the guide dog's services commits theft of that animal and shall be punished under § 39-14-105. In determining the value of the guide dog for purposes of § 39-14-105, the court shall consider the value of the guide dog as both the cost of the dog as well as the cost of any specialized training the guide dog received.

§39-14-210. Societies for prevention of cruelty to animals -- Power of governmental agencies working with victimized animals.

- (a) The agents of any society which is incorporated for the prevention of cruelty to animals, upon being appointed thereto by the president of such a society in any county, may, within that county, make arrests, and bring before any court thereof offenders found violating the provisions of this part with regard to non-livestock animals.
- (b) Any officers, agents, or members of such society may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in that person's presence. Any person who interferes with or obstructs any officer, agent, or member in the discharge of this duty commits a Class C misdemeanor.
- (c) Any agent or officer of a society may lawfully destroy, or cause to be destroyed, any animal found abandoned or otherwise:
 - (1) Which is not properly cared for, appearing, in the judgment of two (2) reputable citizens, who are experts, called to view the same in the agent's or officer's presence, to be glandered, injured or diseased past humane recovery; or
 - (2) After a holding period of not less than seventy-two (72) hours and after having made a reasonable effort to locate and notify the owners, for the purpose of animal population control.
- (d) All fines, penalties and forfeitures imposed and collected in any county, under provisions relating to or in any way affecting animals, shall inure to the society in aid of the purpose for which it was incorporated, and no injunction shall be granted against the society or attorney or its officers or agents, except upon motion, after due notice and hearing.
- (e) Any humane society chartered by the state, into whose custody shall lawfully come any animal, shall have a lien on that animal for the reasonable value of the goods and services necessarily rendered by, or at the instance of, the society to that animal.
- (f) Custody of any animal victimized under this part shall be placed with any humane society chartered by the state immediately upon arrest of the person alleged to have violated this part. The humane society shall assist the animal and preserve evidence for prosecution.
- (g) Any governmental animal control agency or any humane society, chartered by this state, into whose custody any animal victimized under this part is placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security. However, if the court determines that a person from whom the posting of security has been requested is indigent pursuant to title 40, chapter 14, part 2, the court may suspend the posting of any security pending the disposition of the criminal charges. Any such security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency or the humane society in caring and providing for the animal pending disposition of the criminal charges. Reasonable expenses include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal. The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection (g), then the governmental animal control agency or the humane society may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of criminal charges. If the person from whom the

animal is seized is the owner of the animal and such person has not posted the security ordered pursuant to this subsection within fifteen (15) business days following the issuance of a security order, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency or humane society for disposition in accordance with reasonable practices for the humane treatment of animals. However, if the person from whom the animal was seized is not the owner of the animal and such person has not posted the court-ordered security within fifteen (15) days, the court shall order the governmental animal control agency or the humane society to make all reasonable efforts to determine who the owner of the animal is and to notify such owner of the pending proceeding. No animal shall be deemed to have been abandoned and forfeited to the governmental animal control agency or humane society until reasonable attempts to determine and notify the owner have been made. If the owner of the animal cannot be located after reasonable efforts or the owner is located and notified but does not post, within ten (10) business days, the court-ordered security plus the costs reasonably incurred by the governmental animal control agency or humane society for housing and caring for the animal since its seizure, the animal shall be deemed to have been abandoned and shall be forfeited to the governmental animal control agency or humane society for disposition in accordance with reasonable practices for the humane treatment of animals. Nothing in this subsection (g) shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a governmental animal control agency or to a humane society, chartered by the state, in lieu of posting security. Any such voluntary relinquishment has no effect on the outcome of the criminal charges.

§39-14-212. Aggravated cruelty to animals - Definitions - Construction – Penalty.

- (a) A person commits aggravated cruelty to animals when, with aggravated cruelty and with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal.
- (b) For purposes of this section:
 - (1) "Aggravated cruelty" means conduct which is done or carried out in a depraved and sadistic manner and which tortures or maims an animal including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;
 - (2) "Companion animal" means any non-livestock animal as defined in §39-14-201(3);
 - (3) "Elderly" means any person sixty-five (65) years of age or older; and
 - (4) "Minor" means any person under eighteen (18) years of age.
- (c) The provisions of subsection (a) shall not be construed to prohibit or interfere with the following endeavors:
 - (1) The provisions of this section shall not be construed to change, modify, or amend any provision of title 70, involving fish and wildlife;
 - (2) The provisions of this section do not apply to activities or conduct that are prohibited by §39-14-203;
 - (3) The provisions of this section do not apply to equine animals or to animals defined as livestock by the provisions of §39-14-201;
 - (4) Dispatching an animal in any manner absent of aggravated cruelty;
 - (5) Engaging in lawful hunting, trapping, or fishing activities, including activities commonly associated with the hunting of small game as defined in §70-1-101(a)(34);

- (6) Dispatching rabid or diseased animals;
 - (7) Dispatching animals posing a clear and immediate threat to human safety;
 - (8) Performing or conducting bona fide scientific tests, experiments or investigations within or for a bona fide research laboratory, facility or institution;
 - (9) Performing accepted veterinary medical practices or treatments;
 - (10) Dispatching animals in accordance with §44-17-403(e);
 - (11) Engaging, with the consent of the owner of a farm animal, in usual and customary practices which are accepted by colleges of agriculture or veterinary medicine with respect to such animal;
 - (12) Dispatching wild or abandoned animals on a farm or residential real property; or
 - (13) Applying methods and equipment used to train animals.
- (d) Aggravated cruelty to animals is a Class E felony.
- (e) In addition to the penalty imposed by subsection (d), the sentencing court may order the defendant to surrender custody and forfeit all companion animals as defined in subdivision (b)(2), and may award custody of such animals to the agency presenting the case. The court may prohibit the defendant from having custody of other animals for any period of time the court determines to be reasonable, or impose any other reasonable restrictions on the person's custody of animals as is necessary for the protection of the animals.
- (f) In addition to the penalty imposed by subsection (d), the court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. If the defendant is indigent, the court may, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.
- (g) If a defendant convicted of a violation of this section resides in a household with minor children or elderly individuals, the court may, within fifteen (15) days, send notification of the conviction to the appropriate protective agencies.
- (h) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the impounding officer or agency for all costs of impoundment from the time of seizure to the time of proper disposition of the case.
- (i)
- (1) In addition to the penalty imposed by subsection (d), the defendant may be held liable to the owner of the animal for damages.
- (j) If a juvenile is found to be within the court's jurisdiction, for conduct that, if committed by an adult, would be a criminal violation involving cruelty to animals or would be a criminal violation involving arson, then the court may order that the juvenile be evaluated to determine the need for psychiatric or psychological treatment. If the court determines that psychiatric or psychological treatment is appropriate for that juvenile, then the court may order that treatment.
- (k) This section does not preclude the court from entering any other order of disposition allowed under this chapter.

§39-14-213. Removal of transmitting collars or microchip implants from dogs.

- (a) A person who removes from a dog an electronic or radio transmitting collar or microchip implant without the permission of the owner of the dog and with the intent to prevent or hinder the owner from locating the dog commits a Class B misdemeanor, punishable by fine only; provided, however, that, if the dog wearing an electronic or radio transmitting collar or microchip implant is lost or killed as the proximate result of the removal of the collar or implant, the person commits a Class A misdemeanor, punishable by fine only.

- (b) Upon conviction for a violation of this section, the court shall order that the violator pay as restitution to the owner the actual value of a dog lost or killed as a result of the removal of an electronic or radio transmitting collar or microchip implant from the dog by the violator. The court may also order the violator to pay as restitution to the owner any breeding revenues forfeited due to the loss or death of a dog.

39-14-214. Criminal offenses against animals.

- (a) A person commits an offense who knowingly:
- (1) Engages in any sexual conduct or sexual contact with an animal;
 - (2) Causes, aids, or abets another person to engage in any sexual conduct or sexual contact with an animal;
 - (3) Permits any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control;
 - (4) Engages in, organizes, promotes, conducts, advertises, aids, abets, participates in as an observer, or performs any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or
 - (5) Photographs or films, for purposes of sexual gratification, a person engaged in a sexual act or sexual contact with an animal.
- (b) A violation of this section is a class E felony.
- (c) In addition to the penalty imposed in subsection (b) of this section, the court may order that the convicted person do any of the following:
- (1) Not harbor or own animals or reside in any household where animals are present;
 - (2) Participate in appropriate counseling at the defendant's expense; or
 - (3) Reimburse the animal shelter or humane society for any reasonable costs incurred for the care and maintenance of any animals taken to the animal shelter or humane society as a result of conduct proscribed in subsection (a) of this section.
- (d) Nothing in this section may be considered to prohibit accepted animal husbandry practices or accepted veterinary medical practices.
- (e) If the court has reasonable grounds to believe that a violation of this section has occurred, the court may order the seizure of all animals involved in the alleged violation as a condition of bond of a person charged with a violation.
- (f) For purposes of this section:
- (1) "Animal" has the same meaning as the term is defined in § 63-12-103;
 - (2) "Photographs" or "films" means the making of a photograph, motion picture film, videotape, digital image, or any other recording, sale, or transmission of the image; and
 - (3) "Sexual activity" means physical sexual contact between the person and the animal.

§ 39-14-215. Immunity-- Emergency-- Non-Livestock.

- (a) For purposes of this section:
- (1) "Animal control agency" means a county or municipal animal shelter, dog pound, or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, that temporarily houses stray, unwanted or injured animals;
 - (2) "Emergency" means a natural disaster, including earthquake, fire, flood, or storm; a hazardous chemical or substance incident; a vehicular collision with an

animal, or other transportation accident where an animal is injured or in need of assistance to protect its health or life;

- (3) "Emergency care" means medical and other health treatment, services, or accommodations that is provided to an injured or ill animal for a medical condition or injury of such a nature that the failure to render immediate care would reasonably likely result in the deterioration of a sick or injured animal's condition or in the animal's death;
- (4) "Livestock" means all equine as well as animals which are being raised primarily for use as food or fiber for human utilization or consumption including, but not limited to, cattle, sheep, swine, goats, and poultry;
- (5) "Non-livestock animal" means a pet normally maintained in or near the household or households of its owner or owners, other domesticated animal, previously captured wildlife, an exotic animal, or any other pet, including, but not limited to, pet rabbits, a pet chick, duck, or pot-bellied pig that is not classified as "livestock" pursuant to this part;
- (6) "Running at large" means that a non-livestock animal goes uncontrolled by the animal's owner upon the premises of another without the consent of the owner of the premises, or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street, or any other place open to the public generally; and
- (7) "Stray animal" means that a non-livestock animal is roaming with no physical restraint without an identification tag, collar, or chip and that has no record of ownership.

(b)

- (1) Any person who in good faith and without compensation for services provides, renders, or obtains emergency care for a non-livestock animal that is running at large, abandoned, injured or in distress due to an emergency, or for a stray non-livestock animal, shall not be subject to civil liability for any injuries or harm to such animal resulting from the rendering or obtaining of emergency care, or any act or failure to act to provide or arrange for further emergency care for such animal, if such person's actions do not constitute malice, gross negligence, or criminal misconduct.

(2)

- (A)** If a person fails to take reasonable steps to locate the owner of such animal prior to rendering or obtaining emergency care, then subdivision (b)(1) shall not apply.
- (B)** Taking reasonable steps to locate the owner of such animal includes:
 - (i) Attempting to contact the owner using any notification information located on identification tag, collar, or chip; and
 - (ii)
 - (a)** Providing notice to an appropriate animal shelter, dog pound, animal control agency or humane shelter operated by the municipality, county, or other governmental agency located where the person resides that the animal is in the custody of the person. The person shall also notify an appropriate shelter in the location where the person took custody of the animal, if the location is outside of the municipality or county where the person resides.
 - (b)** The person shall give to the shelter or shelters such person's contact information.
- (C)** This subdivision (b)(2) shall not apply if the animal is determined by a licensed veterinarian to:

- (i) Need immediate emergency care to alleviate pain or save the life of the animal; or
 - (ii) Exhibit visible signs of recent abuse as described in § 39-14-202.
- (c) Notwithstanding § 63-12-142, a licensed veterinarian, or ancillary veterinary personnel employed by and working under the direct supervision of a licensed veterinarian, who, in good faith, at the request of someone other than the owner renders:
 - (1) Emergency care to an ill or injured non-livestock animal is not liable to the owner of the animal for any civil damages arising from the treatment provided to the animal except in cases of malice, gross negligence, or criminal misconduct; or
 - (2) Treatment other than emergency care to a non-livestock animal is not liable to the owner of the animal for any civil damages arising from the treatment provided to the animal except in cases of malice, gross negligence, or criminal misconduct, only if the person requesting the treatment certifies in writing to the veterinarian, or ancillary veterinary personnel, that such person has taken reasonable steps to locate the owner as provided in subdivision (b)(2).
- (d) An animal control agency or an employee of an animal control agency acting within the scope of such employment, who, in good faith, takes into its custody and cares for a stray or abandoned non-livestock animal, or a non-livestock animal running at large for which reasonable steps to locate the owner of such animal are taken, that has been delivered to such agency or employee by an individual or group of individuals not affiliated with the agency, shall not be subject to civil liability for its care of such animal if the agency or employee's actions do not constitute malice, gross negligence or criminal misconduct.
- (e) Except as provided in subsection (c), this section shall not in any way limit the application of, or supersede, § 44-17-203, § 44-17-403(e) or § 63-12-142.

§39-14-801. Short title.

This part shall be known and may be cited as the "Tennessee Farm Animal and Research Facilities Protection Act."

§39-14-802. Part definitions.

As used in this part, unless the context otherwise requires:

- (1) "Actor" means a person accused of any of the offenses defined in this part;
- (2) "Animal" means any warm-blooded or cold-blooded animal or insect which is being used in food or fiber production, agriculture, research, testing, or education, including, but not limited to, hogs, equines, mules, cattle, sheep, goats, dogs, rabbits, poultry, fish, and bees. "Animal" does not include any animal held primarily as a pet;
- (3) "Animal facility" means any vehicle, building, structure, pasture, paddock, pond, impoundment, or premises where an animal is kept, handled, housed, exhibited, bred, or offered for sale and any office, building, or structure where records or documents relating to an animal or to animal research, testing, production, or education are maintained;
- (4) "Commissioner" means the commissioner of agriculture;
- (5) "Consent" means assent in fact, whether express or implied, by the owner or by a person legally authorized to act for the owner which is not:
 - (A) Induced by force, threat, false pretenses, or fraud;
 - (B) Given by a person the actor knows, or should have known, is not legally authorized to act for the owner;

- (C) Given by a person who by reason of youth, mental disease or defect, if intoxication is known, or should have been known, by the actor to be unable to make reasonable decisions; or
- (D) Given solely to detect the commission of an offense;
- (6) “Deprive” means unlawfully to withhold from the owner, interfere with the possession of, free, or dispose of an animal or other property;
- (7) “Owner” means a person who has title to the property, lawful possession of the property, or a greater right to possession of the property than the actor;
- (8) “Person” means any individual, corporation, association, nonprofit corporation, joint-stock company, firm, trust, partnership, two (2) or more persons having a joint or common interest, or other legal entity;
- (9) “Possession” means actual care, custody, control, or management;
- (10) “Property” means any real or personal property and includes any document, record, research data, paper, or computer storage medium; and
- (11) “State” means the state of Tennessee.

§39-14-803. Offenses.

- (a) A person commits an offense if, without the consent of the owner, the person acquires or otherwise exercises control over an animal facility, an animal from an animal facility, or other property from an animal facility with the intent to deprive the owner of such facility, animal, or property and to disrupt the enterprise conducted at the animal facility.
- (b) A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility and the damage or loss thereto exceeds five hundred dollars (\$ 500).
- (c)
 - (1) A person commits an offense if, without the consent of the owner, the person damages or destroys an animal facility or damages, frees, or destroys any animal or property in or on an animal facility and the damage or loss thereto is five hundred dollars (\$ 500) or less, or enters or remains on an animal facility with the intent to disrupt or damage the enterprise conducted at the animal facility, and the person:
 - (A) Had notice that the entry was forbidden;
 - (B) Knew or should have known that the animal facility was or had closed to the public; or
 - (C) Received notice to depart but failed to do so.
 - (2) For purposes of this subsection (c), “notice” means:
 - (A) Oral or written communication by the owner or someone with actual or apparent authority to act for the owner;
 - (B) The presence of fencing or other type of enclosure or barrier designed to exclude intruders or to contain animals; or
 - (C) A sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.
- (d) This part does not apply to, affect, or otherwise prohibit actions taken by the department of agriculture, any other federal, state, or local department or agency, or any official, employee or agent thereof while in the exercise or performance of any power or duty imposed by law or by rule and regulation.

§39-14-804. Penalties.

- (1) A person found to be in violation of any of the offenses defined in §39-14-803(a) and (b) commits a Class C felony.
- (2) Any person violating §39-14-803(c) commits a Class B misdemeanor.

§ 39-17-1363. Potentially Vicious Dog – Violent Felony.

(a) For purposes of this section:

(1) “Potentially vicious dog” means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

(A) When unprovoked and off the property of the owner or keeper of the dog, inflicts a bite causing bodily injury, as defined in § 39-11-106, to a person or domestic animal; or

(B) When unprovoked and off the property of the owner or keeper of the dog, on two (2) or more separate occasions, chases, menaces or approaches a person or domestic animal in an aggressive manner or apparent attitude of attack; and

(2) “Vicious dog” means any dog that without provocation and off the property of the owner or keeper of the dog, has attacked a person causing death or serious bodily injury, as defined by § 39-11-106, to such person; and

(3) “Violent felony” means:

(A) Any felony involving the use or attempted use of force, violence or a deadly weapon;

(B) A violation of §§ 39-17-417, 39-17-433 or 39-17-435; or

(C) A violation of §§ 39-14-203(a)(1)—(3), 39-14-205, 39-14-212 or 39-14-214.

(b) It is an offense for any person convicted of a violent felony to knowingly own, possess, have custody or control of a potentially vicious dog or a vicious dog for a period of ten (10) years after such person has been released from custody following completion of sentence or is no longer under active probation, community correction or parole supervision for such violent felony, whichever date is later.

(c) It is an offense for any person convicted of a violent felony to own, possess, have custody or control of a dog that:

(1) Is not micro chipped for permanent identification; and

(2) Is not spayed or neutered and is older than twelve (12) weeks of age.

(d) A violation of this section is a Class A misdemeanor.

(e)

(1) It is an affirmative defense to prosecution under subsection (c), which must be proven by a preponderance of the evidence, that the dog in question is microchipped and neutered or spayed, or that the dog in question was microchipped and neutered or spayed within thirty (30) days of the defendant being charged with a violation of this section.

(2) Medical records from, or a certificate by, a person who is licensed by the person’s state of residence as a doctor of veterinary medicine, whose license is in good standing and who has personally examined, inserted a microchip in, or operated upon the dog, indicating that the dog in question has been microchipped or spayed or neutered, shall be sufficient evidence that the dog in question has been microchipped or spayed or neutered.

(3) If the dog in question is microchipped by a different doctor than the doctor who spayed or neutered the dog, medical records or a certificate indicating that both procedures have been performed are required for purposes of this defense.

- (f) The provisions of this section shall only apply if a person's conviction for a violent felony occurs on or after July 1, 2010.

§40-13-104. Prosecutor not required.

A prosecutor is dispensed with, and the district attorney general may file bills of indictment, officially, and without a prosecutor marked on the same, in the following cases:

- (4) Upon a charge of gaming;
- (20) Upon an indictment for disturbing or obstructing a public officer in discharge of official duties;
- (21) Upon a charge for violating the game and fish laws;
- (25) Any other cases provided by law.

§ 40-35-111. Authorized sentences; prison terms or fines; reports.

- (a) A sentence for a felony is a determinate sentence.
- (b) The authorized terms of imprisonment and fines for felonies are:
 - (1) Class A felony, not less than fifteen (15) nor more than sixty (60) years. In addition, the jury may assess a fine not to exceed fifty thousand dollars (\$50,000), unless otherwise provided by statute;
 - (2) Class B felony, not less than eight (8) nor more than thirty (30) years. In addition, the jury may assess a fine not to exceed twenty-five thousand dollars (\$25,000), unless otherwise provided by statute;
 - (3) Class C felony, not less than three (3) years nor more than fifteen (15) years. In addition, the jury may assess a fine not to exceed ten thousand dollars (\$10,000), unless otherwise provided by statute;
 - (4) Class D felony, not less than two (2) years nor more than twelve (12) years. In addition, the jury may assess a fine not to exceed five thousand dollars (\$5,000), unless otherwise provided by statute; and
 - (5) Class E felony, not less than one (1) year nor more than six (6) years. In addition, the jury may assess a fine not to exceed three thousand dollars (\$3,000), unless otherwise provided by statute.
- (c) A sentence to pay a fine, when imposed on a corporation for an offense defined in title 39 or for any offense defined in any other title for which no special corporate fine is specified, is a sentence to pay an amount, not to exceed:
 - (1) Three hundred fifty thousand dollars (\$350,000) for a Class A felony;
 - (2) Three hundred thousand dollars (\$300,000) for a Class B felony;
 - (3) Two hundred fifty thousand dollars (\$250,000) for a Class C felony;
 - (4) One hundred twenty-five thousand dollars (\$125,000) for a Class D felony; and
 - (5) Fifty thousand dollars (\$50,000) for a Class E felony.

If a special fine for a corporation is expressly specified in the statute which defines an offense, the fine fixed shall be within the limits specified in the statute.

- (d) A sentence for a misdemeanor is a determinate sentence.
- (e) The authorized terms of imprisonment and fines for misdemeanors are:
 - (1) Class A misdemeanor, not greater than eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars (\$2,500), or both, unless otherwise provided by statute;

- (2) Class B misdemeanor, not greater than six (6) months or a fine not to exceed five hundred dollars (\$500), or both, unless otherwise provided by statute; and
- (3) Class C misdemeanor, not greater than thirty (30) days or a fine not to exceed fifty dollars (\$50.00), or both, unless otherwise provided by statute.
- (f) In order to furnish the general assembly with information necessary to make an informed determination as to whether the increase in the cost of living and changes in income for residents of Tennessee has resulted in the minimum and maximum authorized fine ranges no longer being commensurate with the amount of fine deserved for the offense committed, every five (5) years, on or before January 15, the fiscal review committee shall report to the chief clerks of the senate and house of representatives of the general assembly the percentage of change in the average consumer price index (all items-city average) as published by the United States department of labor, bureau of labor statistics and shall inform the general assembly what the statutory minimum and maximum authorized fine for each offense classification would be if adjusted to reflect the compounded cost-of-living increases during the five-year period.

§40-35-118. Classification of prior felony offenses.

For the purpose of determining the classification of felony offenses in Title 39 committed prior to November 1, 1989, the following classifications shall be used:

Code Section	Offense	Class
39-3-125	Stealing livestock	D
39-3-129	Receiving stolen livestock	D
39-3-102	Unlawful killing of horses, cattle, or sheep	E
39-3-105	Animal fighting other than cocks	E
39-3-913	Selling animal under false representation of pedigree	E

§41-1-102. Administration of correctional system - Personnel - Searches of employees for contraband.

(d)

- (1) Periodic routine searches for contraband shall be made of all employees of the department prior to the entrance of such persons inside the confines of a state correctional facility. Such searches may be accomplished through the use of dogs trained to detect controlled substances, by the use of a magnetometer or similar device, by a pat-down search by a person of the same sex, and by an examination of the contents of pockets, bags, purses, packages or other containers. Such searches shall be conducted uniformly or by systematic random selection.

§41-1-118. Dogs for detecting drugs.

- (a) The commissioner of correction may maintain at least one (1) dog trained to detect marijuana and other illicit substances at each correctional facility in the commissioner's charge, but where more than one (1) correctional facility is located within a county, the commissioner may maintain one (1) dog to serve in the several facilities if this appears to the commissioner to be adequate to locate and detect such substances.
- (b) These dogs may be used on a regular basis, or at irregular times and intervals, to survey inmates and areas inhabited or frequented by inmates in order to locate and detect marijuana and other illicit substances. The dogs may also be used to check

persons entering into correctional facilities or their grounds to detect the introduction of marijuana and other illicit substances.

§44-2-101. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

- (1) “Animal” or “animals” means all domestic animals including, but not limited to, cattle, bison, all equidae, sheep, goats, swine, dogs, cats, all avian species and all Class III animals as established by §70-4-403;
- (2) “Commissioner” means the Tennessee Commissioner of Agriculture;
- (3) “Department” means the Tennessee Department of Agriculture;
- (4) “Disease” means any communicable disease deemed appropriate for regulatory control measures by the state veterinarian;
- (5) “Person” means an individual, corporation, partnership and any association of two (2) or more persons having a joint or common interest; and
- (6) “USDA” means the United States department of agriculture.

§44-2-102. Supervisory powers.

The Commissioner and the state veterinarian shall have the general supervision of all animals within or that may be in transit through the state, and they are empowered to:

- (1) Establish a quarantine against any animal or animals within or entering the state;
- (2) Enter any premises in which animals are likely kept for the purpose of examining, inspecting or testing for the purpose of disease control;
- (3) Prohibit or regulate the importation of animals into this state whenever it is necessary to protect the health of animals in Tennessee;
- (4) Order tests or vaccinations of animals within the state or imported into the state for the purpose of protecting the health of animals in Tennessee;
- (5) Order the destruction and sanitary disposition of any animal, whenever, in the opinion of the state veterinarian, the interests of the state are best served by the destruction of such animal. Such destruction may be ordered only for control of any animal disease for which the state has a control program, or for any animal disease not known to exist in the United States;
- (6) Order the sanitary disposition of any dead animal. The owner of such animal shall be liable for its disposition;
- (7) Stop and inspect or examine vehicles likely to be hauling animals for the purposes of disease control and determining compliance with this chapter;
- (8) Order the cleaning and disinfection of any premises, vehicle or equipment for the purpose of animal disease control;
- (9) Promulgate in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules and regulations necessary to carry out the provisions of this chapter;
- (10) Impose in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, civil penalties of up to one thousand dollars (\$1,000) for each violation of the provisions of this chapter or the rules and regulations promulgated under this chapter;
- (11) Cooperate with the government of the United States and may designate employees of USDA as agents of the department in carrying out the purposes of this chapter;
- (12) Call upon other law enforcement agencies for assistance when the public safety and welfare is threatened; and
- (13) File suit in a court of competent jurisdiction for the purpose of enjoining the further violation of the provisions of this chapter.

§44-2-103. Prohibited acts.

It is unlawful for any person to:

- (1) Willfully hinder, obstruct, disregard or evade any quarantine or order the commissioner or state veterinarian may issue under the provisions of this chapter;
- (2) Distribute, sell or use any veterinary vaccine, antiserum, or diagnostic antigen or other veterinary biologic products unless licensed by the USDA and permitted by the department;
- (3) Refuse to allow the commissioner or the state veterinarian or any person acting under their authority to inspect or examine any animal reported or suspected to be infected with any communicable disease, or for the owner of such animals to fail to present them for testing or to fail to render reasonable assistance in testing of such animals;
- (4) Knowingly sell, trade or import into this state any animal or animals infected with a communicable disease; or
- (5) Violate any rule or regulation promulgated pursuant to this chapter.

§44-2-104. Penalties.

A violation of this chapter is a Class A misdemeanor.

§44-2-105. Indemnity for destroyed animals.

The commissioner through rules and regulations may establish procedures for the payment of indemnities for animals destroyed under authority of this chapter. Indemnity under this section is not intended to be a full reimbursement but a partial compensation based on, but not limited to, the value of the animal and the availability of funds for that purpose. Indemnification may be disallowed in cases where the owner is in violation of this chapter.

§44-2-106. Federally accredited veterinarians - Inspections, vaccinations and tests.

Veterinarians accredited under the provisions of Title 9 of the Code of Federal Regulations and licensed by the state board of veterinary medical examiners may be authorized to make necessary inspections, vaccinations, and tests required by this chapter or its regulations.

§44-7-101. Marks and brands of animals running at large.

Any person owning any cattle, hogs, sheep or goats, horses or other animals, running at large, shall have an earmark or brand different from those of that person's neighbors.

§44-7-102. Recording marks and brands.

Such marks or brands shall be recorded in the office of the county clerk of the county in which such animals run; but the same brand or marks shall not be recorded to more than one (1) person in the same county.

§44-7-103. Priority of marks and brands

When a dispute occurs in regard to a brand or mark, the person first recording the same is entitled thereto.

§44-8-408. Dogs not allowed at large -- Exception -- Penalties.

- (a) As used in this section, "owner" means a person who, at the time of the offense, regularly harbors, keeps or exercises control over the dog, but does not include a

person who, at the time of the offense, is temporarily harboring, keeping or exercising control over the dog.

- (b) The owner of a dog commits an offense if that dog goes uncontrolled by the owner upon the premises of another without the consent of the owner of such premises, or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street or any other place open to the public generally.
- (c) It is an exception to the application of this section that:
 - (1) The dog was on a hunt or chase;
 - (2) The dog was on the way to or from a hunt or chase;
 - (3) The dog was guarding or driving stock or on the way to guard or drive stock;
 - (4) The dog was being moved from one place to another by the owner of the dog;
 - (5) The dog is a police or military dog, the injury occurred during the course of the dog's official duties and the person injured was a party to, a participant in or suspected of being a party to or participant in the act or conduct that prompted the police or military to utilize the services of the dog;
 - (6) The violation of subsection (b) occurred while the injured person was on the private property of the dog's owner with the intent to engage in unlawful activity while on such property;
 - (7) The violation of subsection (b) occurred while the dog was protecting the dog's owner or other innocent party from attack by the injured person or an animal owned by the injured person;
 - (8) The violation of subsection (b) occurred while the dog was securely confined in a kennel, crate or other enclosure; or
 - (9) The violation of subsection (b) occurred as a result of the injured person, disturbing, harassing, assaulting or otherwise provoking the dog.
- (d) The exception to the application of this section provided in subsection (d)(1)-(4) shall not apply unless the owner in violation of subsection (b) pays or tenders payment for all damages caused by the dog to the injured party within thirty (30) days of such damage being caused.
- (e) It is not a defense to prosecution for a violation of subsection (b) and punished pursuant to subsection (c)(1), (2) or (3) that the dog owner exercised reasonable care in attempting to confine or control the dog.
- (f) It is an affirmative defense to prosecution for a violation of subsection (b) and punished pursuant to subsection (c)(4) or (5) that the dog owner exercised reasonable care in attempting to confine or control the dog.
- (g)
 - (1) A violation of this section is a Class C misdemeanor punishable by fine only.
 - (2) A violation of this section is a Class B misdemeanor punishable by fine only if the dog running at large causes damage to the property of another.
 - (3) A violation of this section is a Class A misdemeanor punishable by fine only if the dog running at large causes bodily injury, as defined by § 39-11-106, to another.
 - (4) A violation of this section is a Class E felony if the dog running at large causes serious bodily injury, as defined by § 39-11-106, to another.
 - (5) A violation of this section is a Class D felony if the dog running at large causes the death of another.
- (h) Notwithstanding subsection (g), a violation of this section shall be punished as provided in subsection (i) if the violation involves:
 - (1) A dog that was trained to fight, attack or kill or had been used to fight; or
 - (2) The owner of the dog violating this section knew of the dangerous nature of the dog and, prior to the violation of this section, the dog had bitten one (1) or more people that resulted in serious bodily injury or death.

- (i) A violation of this section, where one (1) or more of the factors set out in subsection (h) are present, shall be punished as follows:
- (1) A Class C misdemeanor if the dog running at large does not cause property damage, injury or death;
 - (2) A Class A misdemeanor if the dog running at large causes damage to the property of another;
 - (3) A Class E felony if the dog running at large causes bodily injury to another;
 - (4) A Class D felony if the dog running at large causes serious bodily injury to another; and
 - (5) A Class C felony if the dog running at large causes the death of another.

§44-8-410. Bitches to be confined while proud.

Every owner of a bitch is required to confine the same for twenty-four (24) days during the time the bitch is proud [in heat].

§44-8-411. No liability for killing proud bitch at large.

Any person crippling, killing, or in any way destroying a proud bitch that is running at large shall not be held liable for the damages due to such killing or destruction.

§44-8-412. Violation of § 44-8-410 a misdemeanor.

Any violation of §44-8-410 is a Class C misdemeanor.

§44-8-413. Civil liability for injury caused by dogs.

(a)

- (1) The owner of a dog has a duty to keep that dog under reasonable control at all times, and to keep that dog from running at large. A person who breaches that duty is subject to civil liability for any damages suffered by a person who is injured by the dog while in a public place or lawfully in or on the private property of another.
- (2) The owner may be held liable regardless of whether the dog has shown any dangerous propensities or whether the dog's owner knew or should have known of the dog's dangerous propensities.

(b) Subsection (a) shall not be construed to impose liability upon the owner of the dog if:

- (1) The dog is a police or military dog, the injury occurred during the course of the dog's official duties and the person injured was a party to, a participant in or suspected of being a party to or participant in the act or conduct that prompted the police or military to utilize the services of the dog;
- (2) The injured person was trespassing upon the private, nonresidential property of the dog's owner;
- (3) The injury occurred while the dog was protecting the dog's owner or other innocent party from attack by the injured person or a dog owned by the injured person;
- (4) The injury occurred while the dog was securely confined in a kennel, crate or other enclosure; or
- (5) The injury occurred as a result of the injured person enticing, disturbing, alarming, harassing, or otherwise provoking the dog.

(c)

- (1) If a dog causes damage to a person while the person is on residential, farm or other noncommercial property, and the dog's owner is the owner of the property, or is on the property by permission of the owner or as a lawful tenant or lessee, in any civil action based upon such damages brought against the

owner of the dog, the claimant shall be required to establish that the dog's owner knew or should have known of the dog's dangerous propensities.

- (2) The element of proof required by subdivision (c)(1) shall be in addition to any other elements the claimant may be required to prove in order to establish a claim under the prevailing Tennessee law of premises liability or comparative fault.
- (d) The statute of limitations for an action brought pursuant to this section shall be the same as provided in § 28-3-104, for personal injury actions.
- (e) As used in this section, unless the context otherwise requires:
 - (1) "Owner" means a person who, at the time of the damage caused to another, regularly harbors, keeps or exercises control over the dog, but does not include a person who, at the time of the damage, is temporarily harboring, keeping or exercising control over the dog; and
 - (2) "Running at large" means a dog goes uncontrolled by the dog's owner upon the premises of another without the consent of the owner of the premises, or other person authorized to give consent, or goes uncontrolled by the owner upon a highway, public road, street or any other place open to the public generally.

§44-17-101. Purpose of part.

The purpose of this part is to protect the owners of dogs and cats from the theft of their pets, to prevent the sale or use of dogs and cats that have been stolen, and to ensure the humane treatment of dogs and cats in commerce and those used in research facilities.

§44-17-102. Definitions.

As used in this part, unless the context otherwise requires:

- (1) "Cat" means any live cat of the species *Felis catus*;
- (2) "Commerce" means buying or selling or transporting from one (1) place to another in this state;
- (3) "Commissioner" means the commissioner of agriculture;
- (4)
 - (A) "Dealer" also means any person who, for compensation or profit, buys, sells, transports (except as a common carrier), delivers for transportation, or boards dogs or cats for research purposes, or any person who buys or sells twenty-five (25) or more dogs or cats in any one (1) calendar year for resale within the state or for transportation out of the state;
 - (B) "Dealer" also means any person who, for compensation or profit, buys from or sells to a private person at a flea market any dog or cat
- (5) "Dog" means any live dog of the species *Canis familiaris*;
- (6) "Flea market" means any assemblage of twenty (20) or more persons gathered together at regular or irregular intervals, whether in open air or under cover, for the purpose of buying, selling, or trading merchandise to and from the general public, when such buying, selling, or trading is outside of the regular business or occupation of the majority of persons so gathered, and when the majority of the persons so gathered do not pay a business privilege tax for their activities at such flea market;
- (7) "Person" means any individual, firm, corporation, partnership, association, or other legal entity; and
- (8) "Research facility" means any school, hospital, laboratory, institution, organization or person that uses or intends to use dogs or cats in research, tests, or experiments and that purchases or transports dogs or cats in commerce.

§44-17-103. Sale or transportation of dogs or cats to research facilities by dealers without license prohibited.

- (a) It is unlawful for any dealer to sell or offer to sell or transport or offer for transportation to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce any dog or cat, unless the dealer has a currently valid license from the commissioner and has complied with the rules and regulations promulgated by the commissioner pursuant to this part.
- (b) A violation of this section is a Class C misdemeanor.

§44-17-104. Applications for license – Fee.

- (a) An application for a license as a dealer shall be made to the commissioner on a form provided by the commissioner, which shall contain space for such information as the commissioner may reasonably require, including evidence of ability to comply with such standards, rules and regulations as are lawfully prescribed by the commissioner.
- (b) Each application for a license shall be accompanied by a license fee based upon the following:
 - (1) Dealer license fee to sell dogs or cats to research facilities--two hundred and fifty dollars (\$250.00);
 - (2) Dealer license fee (wholesale) to sell dogs or cats for resale--one hundred and twenty-five dollars (\$125.00);
 - (3) Dealer license fee (retail) to buy dogs or cats for resale to be assessed as follows:
 - (A) Transactions of up to 50 animals per year--one hundred and twenty-five dollars (\$125.00);
 - (B) Transactions of 51 to 150 animals per year--two hundred and fifty dollars (\$250.00);
 - (C) Transactions of 151 to 300 animals per year--five hundred dollars (\$500.00);
 - (D) Transactions of 301 to 500 animals per year--seven hundred and fifty dollars (\$750.00); and
 - (E) Transactions of more than 500 animals per year--one thousand dollars (\$1,000.00); and
 - (4) Dealer license fee to transport dogs or cats in commerce--one hundred and twenty-five dollars (\$125.00).

§44-17-105. Issuance of dealer's license – Requirements.

- (a) The commissioner shall issue a license to an applicant after determining:
 - (1) The applicant or the responsible officers of the applicant are of good moral character;
 - (2) The applicant or any responsible officer of the applicant has never been convicted of cruelty to animals or of a violation of this part;
 - (3) An inspection has been made of the premises and a finding that it conforms to the provisions of this part and the rules and regulations of the commissioner, and is a suitable place in which to conduct the dealer's business; and
 - (4) The dealer's business is to be conducted in a permanent structure or building.
- (b) Each license shall be issued only for the premises and to the person or persons named in the application and shall not be transferable or assignable except with the written approval of the commissioner.
- (c) Licenses shall be posted in a conspicuous place on the licensed premises.

§44-17-106. Annual renewal of dealer's license – Fee.

A license, unless sooner suspended or revoked, shall be renewable annually upon filing by the licensee and approval by the commissioner, of an annual report upon such forms and containing such information as the commissioner may prescribe by regulation. The fee for renewal of licenses shall be based upon the following:

- (1) Dealer license fee to sell dogs or cats to research facilities--one hundred and twenty-five dollars (\$125);
- (2) Dealer license fee (wholesale) to sell dogs or cats for resale--one hundred and twenty-five dollars (\$125);
- (3) Dealer license fee (retail) to buy dogs or cats for resale to be assessed as follows:
 - (A) Transactions of up to 50 animals per year--one hundred and twenty-five dollars (\$125);
 - (B) Transactions of 51 to 150 animals per year--two hundred and fifty dollars (\$250);
 - (C) Transactions of 151 to 300 animals per year--five hundred dollars (\$500);
 - (D) Transactions of 301 to 500 animals per year--seven hundred and fifty dollars (\$750); and
 - (E) Transactions of more than 500 animals per year--one thousand dollars (\$1,000); and
- (4) Dealer license fee to transport dogs or cats in commerce--one hundred and twenty-five dollars (\$125).

§44-17-107. Revocation or suspension of dealer's license - Grounds - Hearing – Appeal.

- (a) The license of any dealer may be suspended or revoked by the commissioner for any of the following reasons:
 - (1) The incompetence or untrustworthiness of the licensee;
 - (2) Willful falsification of any information contained in the application;
 - (3) The conviction of the licensee or any responsible officer of the licensee of cruelty to animals or a violation of this part; or
 - (4) The nonconformance by the licensee to this part or the rules and regulations of the commissioner.
- (b) If the commissioner has reason to believe that the license of any dealer should be suspended or revoked for any of the above reasons, the commissioner shall give the dealer ten (10) days' written notice of the commissioner's intention to suspend or revoke the license of the dealer and shall give the dealer an opportunity for a hearing on the issue. The dealer may produce evidence to show cause why the license should not be revoked or suspended. If the commissioner determines that conditions exist that warrant the suspension or revocation of the license, the commissioner may suspend the license for such period of time as the commissioner may specify or may revoke it, and where appropriate, may make an order that the dealer cease and desist from continuing any violation found to have been made of this part. If the license is suspended, the dealer may apply, after ninety (90) days, for reinstatement of the license.
- (c) Any dealer aggrieved by a final order of the commissioner issued under this section may, within sixty (60) days after entry of such an order, have the order reviewed upon petition of certiorari in the chancery or circuit court of the county in which the dealer's residence or place of business is located.

§44-17-108. Semi-annual reports to commissioner.

Each dealer shall file, on forms and at such times as prescribed by the commissioner, semi-annual reports containing the following information:

- (1) The number of dogs or cats in the possession of the dealer on the date the report is filed;
- (2) The number of dogs and cats purchased during the reporting period and the names and addresses of the persons from whom they were purchased;
- (3) The number of dogs and cats sold during the reporting period and the names and addresses of the persons to whom they were sold; and
- (4) The number of dogs and cats received by the dealer during the reporting period under circumstances other than purchase and the names and addresses of the persons from whom they were obtained.

§44-17-109. Registration of research facilities with commissioner.

Every research facility shall register with the commissioner in accordance with such rules and regulations as the commissioner may prescribe.

§44-17-110. Identification of dogs and cats delivered to research facilities.

All dogs and cats delivered for transportation, transported, purchased, or sold to research facilities shall be marked or identified in such manner as the commissioner may prescribe.

§44-17-111. Records of research facilities and dealers.

Research facilities and dealers shall make and keep such records with respect to their purchase, sale, transportation, and handling of dogs and cats as the commissioner may prescribe.

§44-17-112. Sales of dogs and cats to research facilities – Restrictions.

Dogs and cats shall not be offered for sale or sold to a research facility at public auction or by weight. No research facility shall purchase dogs or cats at public auction or by weight, nor shall any research facility purchase dogs or cats except from a licensed dealer, public pound, humane society, or from a person who breeds dogs or cats for sale to a research facility.

§44-17-113. Bills of sale evidencing purchase of dogs or cats by dealers or research facilities.

- (a) The purchase of any dog or cat by a dealer or by a research facility shall be evidenced by a bill of sale signed by the seller. The bill of sale shall be in form approved by the commissioner and shall certify that the seller is the lawful owner of the dog or cat and that ownership is transferred to the dealer or research facility. The bill of sale shall make reference to the mark or identification required by §44-17-110.
- (b) The bill of sale shall bear the name, telephone number, and address of the seller, and the driver license or social security number of the seller. At the time of sale, the dealer or research facility making the purchase shall verify from the seller the seller's driver license or social security number, whichever is appropriate. The bill of sale shall also contain a description of the dog or cat sold under that bill adequate to

identify the animal. A bill of sale containing the same information shall be furnished by a dealer to any person purchasing a dog or cat at a flea market. Nothing in this subsection shall be construed as enlarging the enforcement responsibilities of the commissioner beyond that existing prior to March 17, 1978.

§44-17-114. Time dealers must hold dogs and cats after acquisition.

No dealer shall sell or otherwise dispose of any dog or cat within a period of five (5) business days after the acquisition of such animal or within such other period as may be specified by the commissioner.

§44-17-115. Authority of commissioner to inspect premises of dealers or research facilities - Inspection of conveyances - Rules and regulations regarding inspection.

- (a) The premises of any dealer or research facility shall be made available to the commissioner or the commissioner's representative for inspection at all reasonable times. The commissioner or the commissioner's representative shall make or cause to be made such inspections or investigations of such premises as considered necessary.
- (b) The commissioner or the commissioner's representative, or any legally constituted law enforcement agency, may stop any motor vehicle or other conveyance transporting dogs or cats for inspections as to the humane treatment of animals and compliance with licensing requirements of this part or for investigations in search of lost or stolen animals.
- (c) The commissioner shall issue rules and regulations requiring licensed dealers and research facilities to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.
- (d) Nothing in this part shall be construed as authorizing the commissioner to promulgate rules, regulations, or orders governing the handling, care, treatment or inspection of animals during actual research or experimentation by a research facility.

§44-17-116. Violations of provisions a misdemeanor.

- (a) A person who violates any of the provisions of this part commits a Class C misdemeanor.
- (b) After notice of any violation received from the commissioner, each day of a continuing violation constitutes a separate offense.

§44-17-117. Construction and enforcement of provisions.

When construing or enforcing the provisions of §44-17-101 - 44-17-107, the act, omission, or failure of any individual acting for or employed by a dealer or research facility, within the scope of such individual's employment or office, shall be considered to be the act, omission, or failure of the dealer or research facility as well as of the individual.

§44-17-118. Rules and regulations.

The commissioner may promulgate such rules and regulations as are reasonably necessary to implement this part.

§44-17-119. Supplemental provisions.

This part is in addition to and supplementary of title 39, chapter 14, part 2.

§44-17-120. Destruction of dog causing death or serious injury to human - Notice to dog's owner.

- (a) Any dog that attacks a human and causes death or serious bodily injury may be destroyed upon the order of the judge of the circuit court of the county wherein the attack occurred. Such orders shall be granted on the petition of the district attorney general for the county. The petition shall name the owner of the dog, and the owner shall be given notice in accordance with Rule 4.01 of the Tennessee rules of civil procedure, that if the owner does not appear before the court within five (5) days of the receipt thereof and show cause why the dog should not be destroyed, then the order shall issue and the dog shall be destroyed.
- (b) Notwithstanding subsection (a), in counties having a population in excess of eight hundred thousand (800,000), or having a metropolitan form of government and a population in excess of one hundred thousand (100,000), according to the 2000 federal census or any subsequent federal census, a municipality or county is authorized to adopt local ordinances authorizing the municipality or the county to appropriately petition in a general sessions court to provide for the disposition of dangerous dogs or dogs causing death or serious bodily injury to humans or other animals.

§44-17-121. Confiscation of animals.

Subject to this part, the commissioner has the authority to confiscate animals as may be necessary to provide for the humane treatment of such animals.

§44-17-122. Cooperation with local and federal authorities.

The commissioner may enter into cooperative agreements with local and/or federal agencies for purposes of implementing this part. When implementing the provisions for issuance of dealer licenses, the commissioner shall take into consideration other federal and/or local licensing regulations that may apply, it being the intent of the legislature not to impose duplicative licensing requirements and costs for dealers.

§44-17-201. Owners of dogs are liable for livestock killed.

Where any dog shall kill, or in any manner damage, any livestock in this state, the owner or harbinger of such dog shall be liable, in an action for damage, to the owner of such livestock.

§44-17-202. Ignorance of dog's habits is no defense.

Ignorance of the vicious habits or character of the dog on the part of its owner shall be no defense in actions arising under §44-17-201.

§44-17-203. No damages recoverable for killing or injuring such dog.

In an action for damages against a person for killing or injuring a dog, satisfactory proof that the dog had been or was killing or worrying livestock constitutes a good defense to such action.

§ 44-17-301. Title.

This part shall be known and may be cited as the "Non-livestock Animal Humane Death Act."

§44-17-302. Application.

- (a) This part shall be applicable only to public and private agencies, animal shelters and other facilities operated for the collection, care or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.
- (b) This part shall apply to any licensed veterinarian, Tennessee veterinarian medical technician, employee, volunteer, whether compensated or otherwise, or any other person acting as an agent on behalf of a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals.

§44-17-303. Methods allowed.

- (a) Sodium pentobarbital and such other agents as may be specifically approved by the rules of the board of veterinary medicine shall be the only methods used for euthanasia of non-livestock animals by public and private agencies, animal shelters and other facilities operated for the collection, care or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals. A lethal solution shall be used in the following order of preference:
 - (1) Intravenous injection by hypodermic needle;
 - (2) Intraperitoneal injection by hypodermic needle;
 - (3) Intracardial injection by hypodermic needle, but only if performed on heavily sedated, anesthetized or comatose animals; or
 - (4) Solution or powder added to food.
- (b) A non-livestock animal may be tranquilized with an approved and humane substance before any form of euthanasia involving a lethal injection if performed but the animal must be tranquilized if the euthanasia is performed by the method described in subsection (a)(3).
- (c) Succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium or potassium or any substance which acts as a neuromuscular blocking agent, or any chamber which causes a change in body oxygen may not be used on any non-livestock animal for the purpose of euthanasia. Any such chamber in use as of July 1, 2001, shall be phased out and shall not be used on or after July 1, 2002.
- (d) Euthanasia shall be performed only by a licensed veterinarian, Tennessee veterinarian medical technician or an employee or agent of a public or private agency, animal shelter or other facility operated for the collection, care and/or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals, provided that the Tennessee veterinarian medical technician, employee or agent has successfully completed a euthanasia-technician certification course. The curriculum for such course must be approved by the board of veterinary medical examiners and must include, at a minimum, knowledge of animal anatomy, behavior and physiology; animal restraint and handling as it pertains to euthanasia; the pharmacology, proper dosages, administration techniques of euthanasia solution, verification of death techniques, laws regulating the storage, security and accountability of euthanasia solutions; euthanasia technician stress management and the proper disposal of euthanized non-livestock animals.
- (e) An employee, agent or Tennessee veterinarian medical technician performing euthanasia prior to July 1, 2001, who previously passed an approved euthanasia-technician certification course will be accepted as qualified under the Non-livestock Animal Humane Death Act to perform euthanasia on non-livestock animals. Any other employee, agent or Tennessee veterinarian medical technician seeking to

perform euthanasia on non-livestock animals on or after July 1, 2001, must obtain certification prior to performing any such euthanasia.

- (f) A non-livestock animal may not be left unattended between the time euthanasia procedures are first begun and the time that death occurs, nor may its body be disposed of until a qualified person confirms death.
- (g) Notwithstanding the provisions of this section or any other law to the contrary, whenever an emergency situation exists in the field which requires the immediate euthanasia of an injured, dangerous or severely diseased non-livestock animal, a law enforcement officer, a veterinarian, or agent of a local animal control unit or the designee of such an agent may humanely destroy the non-livestock animal.
- (h) For purposes of this part, "non-livestock animal" shall have the meaning set forth in §39-14-201(3).
- (i) The attorney general may bring an action to enjoin any violation of this part.
- (j) Any person who violates this part is guilty of a Class A misdemeanor.
- (k) These provisions shall not apply to exotic animals being held under the authority of title 70, chapter 4, part 4, and Rule 1660-1-18-05 of the Official Compilation of Rules and Regulations of the State of Tennessee.

44-17-304. Minimum holding time before an animal may be euthanized -- Emergency exception.

- (a) Before any public or private agency, animal shelter or other facility operated for the collection, care or euthanasia of stray, neglected, abandoned or unwanted non-livestock animals euthanizes a non-livestock animal that the facility knows or should know, by identification or vaccination tags, personal knowledge or otherwise, has an owner, the facility shall be required to hold the animal for at least three (3) full business days from the time it is brought to the facility before the animal may be euthanized.
- (b) Subsection (a) shall not apply where an emergency situation exists that requires the immediate euthanasia of an injured, dangerous or severely diseased non-livestock animal.

§44-17-401. Electronic locating collars.

No agency or entity of state or local government shall enact, adopt, promulgate, or enforce any law, ordinance, rule, regulation, or other policy which restricts or prevents the owner of any dog from using an electronic locating collar to protect such dog from loss; except that the wildlife resources commission may limit the use of electronic locating collars through the promulgation of rules and regulations when required for the proper management of wildlife species.

§44-17-402. Retrieval of hunting dogs from federal property operated by wildlife resources agency.

If the owner or a person in control of a dog is hunting with either a firearm or a bow and arrow, and such person's dog strays onto property owned by the federal government and operated by the Tennessee wildlife resources agency, such owner or person may proceed onto such property without the person's firearm or bow and arrow. The person shall not be liable for any criminal sanction related to the pursuit of the dog. However, nothing in this section shall be construed to grant civil immunity to the owner or the person in control of the dog for any personal injury or property damage caused by the dog.

§44-17-403. Death of pet caused by negligent act of another – Damages.

(a)

(1) If a person's pet is killed or sustains injuries that result in death caused by the unlawful and intentional, or negligent, act of another or the animal of another, the trier of fact may find the individual causing the death or the owner of the animal causing the death liable for up to five thousand dollars (\$5,000) in noneconomic damages; provided, that if such death is caused by the negligent act of another, the death or fatal injury must occur on the property of the deceased pet's owner or caretaker, or while under the control and supervision of the deceased pet's owner or caretaker.

(2) If an unlawful act resulted in the death or permanent disability of a person's guide dog, then the value of the guide dog shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

(b) As used in this section, "pet" means any domesticated dog or cat normally maintained in or near the household of its owner.

(c) Limits for noneconomic damages set out in subsection (a) shall not apply to causes of action for intentional infliction of emotional distress or any other civil action other than the direct and sole loss of a pet.

(d) Noneconomic damages awarded pursuant to this section shall be limited to compensation for the loss of the reasonably expected society, companionship, love and affection of the pet.

(e) This section shall not apply to any not-for-profit entity or governmental agency, or its employees, negligently causing the death of a pet while acting on the behalf of public health or animal welfare; to any killing of a dog that has been or was killing or worrying livestock as in § 44-17-203; nor shall this section be construed to authorize any award of noneconomic damages in an action for professional negligence against a licensed veterinarian.

§44-17-404. Recovery for death or injury to guide dogs.

If a person's guide dog is killed or sustains injuries that result in death or permanent disability caused by the unlawful and intentional, or negligent, act of another or the animal of another, then the trier of fact may find the individual causing the death or the owner of the animal causing the death liable for economic damages which shall include, but shall not necessarily be limited to, both the cost of the guide dog as well as the cost of any specialized training the guide dog received.

§ 44-17-501. Short title.

This part shall be known and may be cited as "The Tennessee Spay/Neuter Law."

§44-17-502. Requirement for adoption.

(a) No person shall adopt a dog or cat from an agency, including, but not limited to, an animal shelter, dog pound, animal control agency or humane shelter operated by a municipality, county, or other governmental agency within the state, or a private organization operating a shelter from which animals are adopted or reclaimed, unless:

(1) The dog or cat has already been spayed or neutered;

(2) The dog or cat has been spayed or neutered by a licensed veterinarian while in the custody of the agency; or

- (3) The new owner signs a written agreement with the agency stating that the new owner will have the dog or cat spayed or neutered by a licensed veterinarian:
- (A) Within thirty (30) days of the date of the adoption, if such dog or cat is sexually mature; or
 - (B) Within thirty (30) days after the dog or cat reaches six (6) months of age, if the dog or cat is not sexually mature at the time of the adoption.
- (b) Nothing in this section shall preclude the spaying or neutering of a sexually immature dog or cat at the discretion of a licensed veterinarian with the consent of the new owner.

§44-17-503. Deposit.

- (a) If the dog or cat being adopted has not been spayed or neutered, the agency shall require a deposit of not less than twenty-five dollars (\$25.00) from the new owner prior to the adoption in order to ensure that the dog or cat is spayed or neutered. The new owner may request and shall receive a refund of the deposit from the agency upon providing confirmation of the spaying or neutering.
- (b) If the new owner fails to have the dog or cat spayed or neutered within the time frame established by §44-17-502, or if the spaying or neutering is timely performed, but the new owner fails to request the return of the deposit within an additional ten (10) days after the date by which the spaying or neutering is required to be performed, such deposit shall be forfeited to the agency holding the deposit and shall be used by the agency to conduct programs to spay or neuter dogs and cats in the community where the agency is located.

§44-17-504. Petition for compliance.

If a person fails to comply with the provisions of this part, the agency may file a petition with a court of competent jurisdiction seeking compliance and/or requesting return of the dog or cat to the agency from which it was adopted.

§44-17-505. Dogs or cats claimed by owner.

Nothing in this part shall be construed to authorize an agency to spay or neuter a dog or cat, if such dog or cat is being claimed by and returned to its lawful owner within seven (7) days of such dog or cat being taken into custody by the agency.

§ 44-17-601 Chemical capture of companion animals.

- (a) As used in this part, unless the context otherwise requires, "chemical capture" means the capture of a dog or cat by means of sedation using approved drugs as provided in this part and appropriate drug administering equipment.
- (b) Chemical capture by certified animal chemical capture technicians shall only be effected by use of Telazol or such other drugs as may be determined by the board of veterinary medical examiners.
- (c) Drugs used for chemical capture shall only be administered by a licensed veterinarian, a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or such other individuals qualified as certified animal chemical capture technicians as determined by the board of veterinary medical examiners pursuant to § 63-12-144.
- (d) With respect to certified animal chemical capture technicians, chemical capture shall be effected only in accordance with a written protocol and only when all other methods of capture have failed.

§ 44-17-701. Short title. [Effective January 1, 2010, through June 30, 2014. See the Compiler's Notes.]

This part shall be known and may be cited as the "Commercial Breeder Act".

NOTE: This provisions of this act shall terminate and expire on June 30, 2014. The comptroller of the treasury is urged to study the implementation and impact of the provisions of this act as it implements the licensing of commercial breeders of dogs and cats. As a part of the study, the comptroller shall examine the benefits afforded to the public by such licensing of commercial breeders, the health of dogs and cats maintained by such commercial breeders, and the impact upon the costs of dogs and cats that are sold to the public by such commercial breeders. If a study is conducted, the comptroller shall report any findings and recommendations of such study to the general assembly on or before January 15, 2014."

§ 44-17-702. Part definitions.

As used in this part, unless the context otherwise requires:

"Adult companion animal" means a dog or a cat that is over one (1) year of age or has reached sexual maturity, whichever occurs first;

- (1) "Cat" means any live cat of the species *Felis catus*;
- (2) "Commercial breeder" means any person who possesses or maintains, under his or her immediate control, twenty (20) or more unsterilized adult female dogs or cats in this state for the purpose of selling the offspring as companion animals. "Commercial breeder" does not include any person who possesses or maintains, under his or her immediate control, dogs or cats in this state:
 - (A) For the primary purpose of:
 - (i) The practice of veterinary medicine;
 - (ii) Hunting as defined in § 70-1-101(a)(19); or
 - (iii) Training and/or handling; or
 - (B) For the exclusive purpose of engaging in the business of boarding and/or grooming.
- (3) "Commissioner" means the commissioner of health;
- (4) "Companion animal" means any dog or cat as defined in this part;
- (5) "Dog" means any live dog of the species *Canis familiaris*;
- (6) "Person" means any individual, firm, corporation, partnership, association, or other legal entity; and
- (7) "Releasing agency" means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home- based rescue that releases companion animals for adoption.

§ 44-17-703. Application for license as commercial breeder — Fee.

- (a) An application for a license as a commercial breeder shall be made to the commissioner on a form provided by the commissioner, which shall contain such information as the commissioner may reasonably require.
- (b) Each application for a license shall be accompanied by a license fee established by the commissioner based upon the number of unsterilized adult female dogs or cats maintained under the applicant's immediate control in this state for the purpose of selling their offspring as companion animals.

§ 44-17-704. Requirements for licensure — License not transferrable or assignable — Posting of license — Use of license number — Disclaimer.

- (a) The commissioner shall issue a license to an applicant after determining:
 - (1) Through an inspection, that the premises are suitable as a facility for commercial breeding and finding that the premises conform to this part and the rules and regulations promulgated pursuant to this part;
 - (2) The applicant has a valid sales tax registration number and is in good standing with the Tennessee department of revenue;
 - (3) The applicant has never been convicted of a violation of §39-14-212, at any time, or convicted of any other criminal offense involving an animal as set out in title 39, chapter 14, part 2, for a period of ten (10) years immediately preceding the date of the application; and
 - (4) The applicant does not operate or maintain a controlling interest in any releasing agency.
- (b) Each license shall be issued only for the premises and to the person or persons named in the application and shall not be transferable or assignable.
- (c) Licenses shall be posted in a conspicuous place on the licensed premises.
- (d) License numbers shall be included on all of the licensee's invoices, advertisements or promotions that pertain to a companion animal, including but not limited to, newspapers, Internet, radio, or flyers.
- (e) Any written materials that pertain to a companion animal, including but not limited to, the license and the companion animal's bill of sale, shall include in bold print the statement: **This license does not certify that the companion animal being sold has been examined by or is under the care of a licensed veterinarian.**

§ 44-17-705. Renewal of license.

- (a) A license, unless sooner suspended or revoked, shall be renewable annually upon application and payment of the renewal fee by the licensee provided such licensee has complied with the requirements of this part as confirmed by an annual inspection conducted by the commissioner.
- (b) Each fee for renewal of a license shall be based upon the number of unsterilized adult female dogs or cats maintained under the licensee's immediate control in this state for the purpose of selling their offspring as companion animals.

§ 44-17-706. Reasons commissioner may refuse to issue or renew a license, may revoke or suspend a license or impose other discipline — Penalties — Appeal of order — Injunctive relief — Payment of costs of investigation and prosecution.

- (a) The commissioner may refuse to issue or renew, revoke, or suspend a license of any commercial breeder or impose any other lawful discipline against a licensee for any of the following reasons:
 - (1) A violation by the licensee of the Tennessee Consumer Protection Act of 1977, codified in title 47, chapter 18, part 1, that relates to the operation of dog kennels or commercial dog breeding;
 - (2) Willful falsification of material information contained in the application;
 - (3) The licensee's conviction, or that of any responsible officer of the licensee, for any criminal offense involving an animal set out in title 39, chapter 14, part 2, within the previous ten (10) years; or

- (4) The licensee's nonconformance with this part or the rules and regulations of the commissioner of agriculture promulgated pursuant title 44, chapter 17 or the commissioner of health pursuant to § 44-17-713. When the commissioner of health promulgates rules pursuant to §44-17-713, such rules shall govern the regulation of this part.
- (b) In addition to or in lieu of any other disciplinary actions, the commissioner may impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation; each day of continued violation constitutes a separate violation.
- (c) Any commercial breeder aggrieved by a final order of the commissioner issued under this section may appeal such order in accordance with the Uniform Administrative Procedures Act, codified in title 4, chapter 5.
- (d) The commissioner is authorized to apply to courts of competent jurisdiction for writs of injunction for the enforcement of this part. It is the duty of the several district attorneys general to represent the commissioner when called upon to do so.
- (e) If the commissioner imposes discipline on a licensee or unlicensed person in a disciplinary contested case proceeding, the licensee or unlicensed person may be required to pay the actual and reasonable costs of the investigation and prosecution of the case.

§ 44-17-707. Annual report to commissioner.

Each commercial breeder shall file, on forms and at such times as prescribed by the commissioner, an annual report containing the following information:

- (1) The number of dogs or cats in the possession of the commercial breeder on the date the report is filed;
- (2) The number of dogs or cats sold during the reporting period;
- (3) The number of dogs and cats bought during the reporting period; and
- (4) The number of dogs and cats received by the commercial breeder during the reporting period under circumstances other than purchase.

§ 44-17-708. Inspections.

- (a) The premises of any commercial breeder shall be made available to the commissioner or the commissioner's representative for inspection during normal business hours. The commissioner or the commissioner's representative shall make or cause to be made such inspections or investigations of the premises and records as considered necessary. The commissioner's representative shall not be permitted to inspect the premises of a commercial breeder pursuant to this subsection unless such representative is a state employee.
- (b)
 - (1) If an inspection reveals a violation of this part or departmental rules promulgated to implement this part, the commissioner shall give the commercial breeder a detailed list of the violations found during the inspection.
 - (2) The commercial breeder shall have thirty (30) days from the date of the inspection to correct all violations contained on the list provided by the commissioner.
 - (3) At the end the thirty (30) day period, the commercial breeder shall notify the department in writing of the actions taken to correct such violations. The premises of the commercial breeder may be re-inspected to determine compliance with this part or applicable rules and regulations. If all violations contained on the list have been corrected and no other violations found, no further action shall be taken against the commercial breeder with regard to those violations.

- (4) If at the re-inspection, the commissioner finds that the commercial breeder has not corrected all violations on the list, the commissioner may assess a civil penalty of fifty dollars (\$50) up to one thousand dollars (\$1,000) per violation of this part or the rules promulgated hereunder.

§ 44-17-709. Notification of local law enforcement by commissioner of animal offenses.

The commissioner shall notify the applicable local law enforcement agency if an inspection reveals, or there is credible evidence to believe, a violation of title 39, chapter 14, part 2, exists on the premises.

§ 44-17-710. Violations — Penalties.

- (a) It is a violation of this part for any commercial breeder to advertise, sell, or offer to sell, any companion animal unless the commercial breeder has a valid license from the commissioner.
- (b) The commissioner may assess a civil penalty of fifty dollars (\$50) up to one thousand dollars (\$1,000) per violation of this section. Each day of continued violation constitutes a separate violation.

§ 44-17-711. Injunctive relief for violating part or rules and regulations.

- (a) If the commissioner has reason to believe that a person has caused or is causing a violation of this part or the rules and regulations promulgated under this part, then the commissioner may initiate proceedings in either the chancery court of Davidson County or the chancery court of the county where the violation is occurring for injunctive relief to prevent the continuance of the violation or to correct the conditions resulting in, or about to result in, the violation. Such injunction shall also prohibit the sale of companion animals by such person until the person is in compliance with this part or the rules and regulations promulgated under this part.

§ 44-17-712. Commissioner not authorized to confiscate animals.

No provision of this part authorizes the commissioner to confiscate cats or dogs in the possession of, or maintained by, a commercial breeder. If it comes to the attention of the commissioner that a violation of title 39, chapter 14, part 2, is occurring on the property of a commercial breeder, then the commissioner shall follow the procedure set out in §44-17-709.

§ 44-17-713. Rules and regulations.

The commissioner may promulgate such rules and regulations as are reasonably necessary to implement this part including, but not limited to, requiring criminal background checks. Such rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

§ 44-17-714. Reimbursement for costs — Posting of security.

Any person who possesses or maintains twenty (20) or more adult female dogs or cats in this state for the purpose of selling their offspring as companion animals, whether licensed pursuant to this part or unlicensed, who is in violation of the provisions of this part or any rule promulgated pursuant to this part shall be required to reimburse any municipal, county or state government for any costs reasonably and necessarily

incurred in transporting, treating, feeding, maintaining or otherwise caring for any dog or cat possessed or maintained in violation of this part. Any security posted pursuant to §39-14-210, may be used to reimburse the applicable governmental entity or entities for costs incurred pursuant to this part but the reimbursement required shall not be limited to the amount of posted security.

§ 44-17-715. Commercial Breeder Act enforcement and recovery account.

- (a) There is hereby established within the general fund, a commercial breeder act enforcement and recovery account, hereinafter the “account”. All fees received for licenses issued or renewed and all civil penalties collected under the provisions of this part shall be deposited into the account, together with all amounts collected from commercial breeders pursuant to Title 67, Chapter 6, Part 2.
- (b) Moneys within the account shall be invested by the state treasurer in accordance with the provisions of this Section 9-4-603 for the sole benefit of the account and any amounts remaining in the account at the end of the fiscal year shall remain available in subsequent fiscal years.
- (c) In accordance with rules of the commissioner and applicable provisions of the general appropriation act, monies in the account shall be used:
 - (1) First, to pay for the cost of administering the provisions of this part; and
 - (2) Second, subject to the availability of funds, to pay any state or local government agency for its unreimbursed direct costs of transporting, care or feeding of any companion animals actually incurred solely as a result of a notification received under the provisions of § 44-17-709. It is hereby declared to be the legislative intent that to the extent practical, state and local agencies will enter into partnerships with releasing agencies to provide, at the releasing agencies’ expense, for the transporting, care or feeding of any companion animals resulting from a notification received under the provisions of §44-17-709.

§ 47-18-130. Violations by commercial breeders.

- (a) Notwithstanding any other law, and to be construed as supplementary to any other law, the following shall constitute a separate violation of this part [the Tennessee Consumer Protection Act]:
 - (1) Each companion animal sold, offered for sale, or advertised while the commercial breeder is unlicensed or has had such license suspended or revoked; or
 - (2) Each unfair or deceptive statement, material omission, or action taken by a commercial breeder.
- (b) Any commercial breeder who commits a violation of this section shall be subject to a remedial civil penalty for each separate violation not to exceed one thousand dollars (\$1,000).
- (c) Upon reason to believe that a commercial breeder is selling dogs or cats without the license required by title 44, chapter 17, part 7, the attorney general and reporter, after consultation with the director of the division of consumer affairs, may issue a pre-filing request for consumer protection information in accordance with §47-18-106. Should a person deny the representative access to the premises, the attorney general and reporter shall petition, without cost or bond, any circuit or chancery court of competent jurisdiction for an order granting access to such premises and records. The provisions of this part shall apply to the issuance of such request.

§49-6-4208. Use of animals

To facilitate a search which is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but such animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

§55-4-290. Animal friendly – Animal population control endowment fund

- (a) Owners or lessees of motor vehicles who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in §55-4-203, shall be issued an “Animal Friendly” new specialty earmarked license plate for a motor vehicle authorized by §55-4-210(c).
- (b) The new specialty earmarked plates provided for in this section shall contain an appropriate image, design or logo that depicts an animal or animals and indicates support for animal welfare.
- (c)
 - (1)
 - (A) The funds produced from the sale of “Animal Friendly” new specialty earmarked license plates, pursuant to §55-4-215 shall be deposited in a special fund in the general fund to be used exclusively for grants to non-profit organizations or governmental agencies to provide low-cost spaying and neutering of unsterilized animals to prevent and/or reduce animal overpopulation as well as funding to defray costs incurred by the department of agriculture associated with the licensing of dog and cat dealers pursuant to title 44, chapter 17, part 1, not to exceed eighty thousand dollars (\$80,000) per year and not to be available to the department for such purposes after July 1, 2004. It is the intent of the general assembly that the department sustain a grant program to spay and neuter clinics in fiscal years 2003 and 2004 that at least approximates the level of grant allocations in fiscal year 2002 subject to satisfactory qualifications of the respective applicants.
 - (B) During the first fiscal year in which revenues derived from the fees collected pursuant to title 44, chapter 17, part 1, exceed one hundred thirty thousand dollars (\$130,000), the department of agriculture shall allocate all the revenues in excess of one hundred thirty thousand dollars (\$130,000) to the animal population control endowment fund. The department of agriculture shall continue the procedure outlined in the preceding sentence during subsequent fiscal years until such time as the department has made reimbursements to the animal population control endowment fund in a total amount of one hundred sixty thousand dollars (\$160,000). The commissioner of agriculture is authorized to make grants to eligible organizations to operate animal sterilization programs from moneys available in the special fund.
 - (2) There is established a general fund reserve to be allocated by the general appropriations act which shall be known as the “animal population control endowment fund.” Moneys from the fund may be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from

such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

- (3) All revenues produced from the sale and renewal of the new specialty earmarked plates authorized by this section shall be allocated in accordance with the provisions of §55-4-215.

§55-8-179. Use of raised identifying cane or blaze orange dog leash restricted to blind or deaf persons -- Penalty.

- (a) No person, unless totally or partially blind or otherwise incapacitated, while on any public street or thoroughfare shall carry in any raised or extended position any cane or similar walking stick colored white or white tipped with red.
- (b) No person, unless totally or partially deaf, shall carry, hold, or use on any street, highway, or in any other public place, a leash blaze orange in color on any dog accompanying such person.
- (c) A violation of this section is a Class C misdemeanor.

§55-8-180. Pedestrians led by guide dog or carrying identifying cane given right of way – Penalty.

- (a) Whenever any pedestrian guided by a guide dog or dog on a blaze orange leash, or carrying in any raised or extended position a cane or similar stick white in color or white tipped with red, shall undertake to cross any public street or thoroughfare in this state, the driver of each and every vehicle approaching such pedestrian carrying the cane or stick or conducted by such dog shall bring such vehicle to a complete stop and before proceeding shall take all precautions necessary to avoid injuring the pedestrian; provided, that nothing in this section shall be construed as making any person totally or partially blind or otherwise incapacitated guilty of contributory negligence in undertaking to cross any street or thoroughfare without being guided by a trained dog or carrying a cane or stick of the type specified in subsection (a).
- (b) A violation of this section is a Class C misdemeanor.

§56-7-2101. “Pet” defined.

As used in this part, “pet” means any domesticated animal normally maintained in or near the household of its owner.

§56-7-2102. Policies or contracts.

Any insurer writing any coverage to which this title applies may offer group or individual policies or contracts that provide benefits for hospital and medical services for pets; provided, that these services are provided by a veterinarian licensed pursuant to title 63, chapter 12, or by the laws of any other state. The policy or contract may provide for exclusions or deductibles, or both.

§56-7-2103. Disclosure.

All policies issued pursuant to this part shall clearly disclose on the face of the policy:

- (1) The annual premium for the policy; and
- (2) The benefits provided by the policy.

§62-7-112. Guide dogs to be admitted – Penalties.

(a)

(1)

(A) No proprietor, employee or other person in charge of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating house, barber shop, billiard parlor, store, public conveyance on land or water, theater, motion picture house, public educational institution or elevator, shall refuse to permit a blind, physically disabled or deaf or hard of hearing person to enter such place or to make use of the accommodations therein provided, when such accommodations are available for the reason that such blind, physically disabled or deaf or hard of hearing person is being led or accompanied by a dog guide; provided, that such dog guide, when led or accompanied by a blind person or physically disabled person, is wearing a harness and is held on a leash by the blind or physically disabled person, or when led or accompanied by a deaf or hard of hearing person, is held on a leash by the deaf or hard of hearing person; and provided further, that such blind or deaf or hard of hearing person or physically disabled person shall first have presented for inspection credentials issued by an accredited school for training dog guides.

(B)

(i) No proprietor, employee or other person in charge of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating house, barber shop, billiard parlor, store, public conveyance on land or water, theater, motion picture house, public educational institution or elevator, shall refuse to permit a dog guide trainer to enter such place or to make use of the accommodations therein provided, when such accommodations are available for the reason that the dog guide trainer is being led or accompanied by a dog guide in training; provided, that such dog guide in training, when led or accompanied by a dog guide trainer, is wearing a harness and is held on a leash by the dog guide trainer, or when led or accompanied by a dog guide trainer, is held on a leash by the dog guide trainer; and provided further, that the dog guide trainer shall first have presented for inspection credentials issued by an accredited school for training dog guides.

(ii) For purposes of this section, “dog guide in training” shall include dogs being raised for an accredited school for training dog guides; provided, however, that a dog being raised for such purpose is:

(a) Being held on a leash and is under the control of its raiser or trainer who shall have available for inspection credentials from the accredited school for which the dog is being raised; and

(b) Wearing a collar, leash, or other appropriate apparel or device that identifies such dog with the accredited school for which it is being raised.

“Dog guide in training” shall also include the socialization process that occurs with such dog’s trainer or raiser prior to the dog’s advanced training; provided, that such socialization process is under the authorization of an accredited school.

(2)

(A) In the case of deaf or hard of hearing persons, in lieu of credentials from an accredited school for training dog guides, the deaf or hard of hearing person may apply at the Tennessee Council for the Deaf and Hard of Hearing

(TCDHH) for credentials. The application shall be accompanied by affidavits from the owner or owners and from someone involved in training the dog, stating that the dog for which the license is sought has been trained to aid the deaf or hard of hearing. Forms for affidavits required under this subsection (a) shall be made available by TCDHH. After receiving these affidavits, TCDHH shall issue appropriate credentials certifying the dog as a guide dog for the deaf or hard of hearing person.

(B) The TCDHH shall promulgate rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to establish uniform criteria to govern application for and issuance of credentials by the TCDHH for such dog guides for deaf or hard of hearing persons.

(b) A violation of this section is a Class C misdemeanor.

§63-12-103. Chapter definitions.

As used in this chapter:

- (1) "Animal" means any animal other than man, and includes fowl, birds, reptiles and fish, wild or domestic, living or dead;
- (2) "Board" means the board of veterinary medical examiners;
- (3) "Certified animal control agency" means a county or municipal animal shelter, dog pound, or animal control agency, private humane society, state, county or municipal law enforcement agency, or any combination thereof, that temporarily houses stray, unwanted or injured animals and that is certified pursuant to the provisions of this chapter;
- (4) "Certified animal euthanasia technician" means a person employed by a certified animal control agency who is authorized by the board to humanely euthanize animals by administering such drugs as are designated by the board for such use.
- (5) "Complainant" means the board or any other person who initiates a proceeding;
- (6) "License" means any permit, approval, registration or certificate issued by the board;
- (7) "Licensed veterinarian" means a person who is validly and currently licensed to practice veterinary medicine in this state;
- (8) "Licensed veterinary technician" means a person who has successfully completed the examination requirements prescribed by the board and has been issued a license;
- (9) "Practice of veterinary medicine" means to:
 - (A) Diagnose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode, including:
 - (i) The prescription, dispensing, administration or application of any drug, medicine, biologic, apparatus, anesthetic, or other therapeutic or diagnostic substance or medical or surgical, including cosmetic, technique;
 - (ii) The use of complementary, alternative, and integrative therapies;
 - (iii) The use of any manual, mechanical, biological, or chemical procedure for the testing of pregnancy, or for the management or treatment of sterility or infertility;
 - (iv) The rendering of advice or recommendation by any means including telephonic and other electronic communications with regard to subdivisions (a)(A)(i)-(iii);
 - (v) The collection of blood or other samples for the purpose of diagnosing disease or other conditions. This shall not apply to:

- (a) Any unlicensed personnel employed by the United States department of agriculture or the Tennessee department of agriculture who are engaged in animal disease control programs, or who perform laboratory examinations. This section does not prohibit extension personnel or vocational agriculture teachers from doing educational work that is considered normal to their profession in their government positions; or
- (vi) The removal of an embryo from livestock or companion animal for the purpose of transplanting such embryo into another female animal or for the purpose of cryopre serving such embryo;
- (B) Represent, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subdivision (9)(A); and
- (C) Use any title, words, abbreviation, or letters in a manner or under circumstances that induce the belief that the person using them is qualified to do any act described in subdivision (9)(A). Such use shall be prima facie evidence of the intention to represent oneself as engaged in the practice of veterinary medicine.
- (10) "Preceptor" means a person who is a last year student duly enrolled and in good standing in a recognized college of veterinary medicine. Such person's presence in a practice may be as part of a formal preceptorship program of the person college or as an informal arrangement between the person and a veterinarian licensed by the board. The preceptor must be under direct supervision of such licensed veterinarian;
- (11) "Responsible supervision" or words of similar purport means the control, direction and regulation by a licensed veterinarian of the duties involving veterinary services that such veterinarian delegates to such veterinarian's personnel;
- (12) "School of veterinary medicine" means any veterinary school or college, department of a university or college, legally organized, whose course of study in the art and science of veterinary medicine conforms to the standards required for accreditation by the American Veterinary Medical Association and approved by the board;
- (13) "Temporary license" means temporary permission to practice veterinary medicine issued pursuant to this chapter;
- (14) "Unprofessional or unethical conduct," among other things, means any conduct of a character likely to deceive or defraud the public, objectionable advertising, obtaining any fee or compensation by fraud or misrepresentation, sharing office space with any person illegally practicing veterinary medicine, employing either directly or indirectly any unlicensed person to practice veterinary medicine or render any veterinary service except as provided in this chapter, or the violation of any rule adopted by the board, which shall provide a code of professional ethics to be followed and carried out by persons licensed under this chapter;
- (15) "Veterinarian" means a person who has received a doctor's of veterinary medicine degree or its equivalent from an approved school or college of veterinary medicine;
- (16) "Veterinary facility" means:
 - (A) Animal medical center - A veterinary or animal medical center means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;

- (B) Clinics - A veterinary or animal clinic means a facility in which the practice conducted is essentially an out-patient type of practice;
- (C) Hospital - A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;
- (D) Mobile facility - A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations; and
- (E) Office - A veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients;
- (17) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry and all other branches or specialties of veterinary medicine; and
- (18) "Veterinary technician" means a person who is a graduate of a veterinary technology program accredited by the American Veterinary Medical Association.
- (19) "Consultation" means when a licensed veterinarian receives advice in person, telephonically, electronically, or by any other method of communication, from a veterinarian licensed in this or any other state, or other person whose expertise, in the opinion of the licensed veterinarian, would benefit a patient. Under all circumstances, the responsibility for the welfare of the patient remains with the licensed veterinarian receiving consultation; and
- (20) "Veterinarian-client-patient relationship" means:
 - (A) The veterinarian has assumed responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, has obtained informed consent, and the client has agreed to follow the veterinarian's instructions;
 - (B) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal;
 - (C) The veterinarian has seen the animal within the last twelve (12) months or is personally acquainted with the keeping and care of the animal, either by virtue of an examination of the animal or by medically appropriate visits to the premises where the animals are maintained within the last twelve (12) months;
 - (D) The veterinarian is readily available or has arranged for emergency coverage for follow-up evaluation in the event of adverse reactions or the failure of the treatment regimen;
 - (E) The veterinarian must maintain medical records as required by the board of veterinary medical examiners; and
 - (F) The veterinarian-client-patient relationship cannot be established or maintained solely by telephone or other electronic means.

§63-12-139. Premises permits.

- (a) Any person who owns or operates any veterinary facility, including mobile clinics, or any other premises where a licensed veterinarian practices or where the practice of veterinary medicine occurs, shall apply for and secure a premises permit from the board prior to the commencement of any services which would subject the provider of those services to licensure under this chapter. Any premises in operation on January 1, 1997, shall register with the board by filling out an application as required by the board.
- (b) Any premises at which veterinary services are provided and not owned or leased by a licensed veterinarian on January 1, 1997, shall be inspected prior to the opening of such premises. Upon receipt of the application and payment of the application and inspection fee established by the board, the board shall cause such premises to be inspected by an authorized agent of the board within thirty (30) days of receipt of the

application. Any premises in which a licensed veterinarian operates a practice on January 1, 1997, shall be granted a temporary permit upon submission of the registration required by subsection (a), which temporary permit shall remain in effect until the premises are inspected by the board. Any premises for which a permit has been granted on or after January 1, 1997, shall be inspected by the board within sixty (60) days of any change of ownership or legal responsibility for the premises. If the board is unable to complete any inspection of the premises within the thirty (30) or sixty (60) day time periods prescribed in this subsection (b), it shall issue a temporary premises permit which shall remain in effect until the inspection required by this section is completed.

- (c) A premises permit shall be issued if the premises meet minimum standards established by board rules and regulations as to sanitary conditions and physical plant. In lieu of the above procedures, the board may issue a premises permit upon certification by the applicant that the premises have been inspected and accredited by a recognized organization, the standards of which are found by the board to meet or exceed the minimum standards established by board rules and regulations. All veterinary facilities located in retail establishments shall have an entrance into the permitted premises that is directly on a public street or public parking area and such entrance shall be separate from the entrance used by regular retail customers. For purposes of this chapter, "retail establishment" means any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center. The costs of any inspection undertaken by the board shall be set by the board and paid, in advance, by the applicant, in addition to the fee established by the board for the premises permit.
- (d) Each application for a premises permit submitted by a person not licensed under this chapter shall state the name and address of the licensed veterinarian who will be responsible for the provision of veterinary medicine on the premises. The supervising veterinarian shall be licensed in Tennessee. The applicant shall also include the name or names and address or addresses of the licensee or licensees who will be on-site when veterinary medical services are provided. The applicant shall affirm that no veterinary medical services shall be provided without the physical presence of a veterinarian licensed in Tennessee. An application for a premises permit submitted pursuant to this subsection (d) may be denied if any veterinarian submitted by the applicant has been previously disciplined by the board. The holder of a premises permit shall notify the board of any change of ownership or legal responsibility for premises for which a permit has been issued, any change as to the supervising veterinarian for the premises, and any change as to the licensed veterinarian(s) who will be employed to provide veterinary medical services at the premises at least thirty (30) days prior to the effective date of the change unless the change arises from unforeseen circumstances, in which case notice shall be given within five (5) days of the effective date of the change.
- (e) The board shall deny any application for a premises permit if the inspection reveals that the premises do not meet the minimum standards established by the board. The applicant shall pay the inspection fee for each additional reinspection required to determine whether any deficiencies found by the board have been brought into compliance with the minimum standards established by board rules and regulations as to sanitary conditions and physical plant.
- (f) Any practitioner who provides veterinary services on a house-call basis and does not maintain a veterinary facility for the receipt of patients shall not be required to secure

a premises permit, but must provide for appropriate equipment and facilities as established by the board.

- (g) Any practitioner who provides veterinary services solely to agricultural animals and does not maintain a veterinary facility for the receipt of patients shall not be required to obtain a premises permit, but must provide for appropriate equipment and facilities as established by the board.
- (h) Mobile large and small animal veterinary clinics operating in more than one (1) location and examining and/or treating animals belonging to multiple clients whose animals are not permanently housed or boarded at that location(s) shall have a premises permit for the mobile facilities that are utilized unless exempted by state or local public health officials. Such mobile clinics shall also specify the locations at which such mobile clinics will operate. Such information shall be considered as part of the application for a premises permit. Any change in the locations at which the mobile clinics will operate shall be reported to the board at least thirty (30) days in advance of the effective date of the change.
- (i) The following are exempt from this section:
 - (1) A veterinary facility owned by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
 - (2) A veterinary facility operated by an official agency of the federal or state government; and
 - (3) A licensed research facility.
- (j) The board shall be authorized to employ such persons who may be required, in its discretion, to inspect premises under the jurisdiction of the board. The board shall establish a fee schedule for inspections required under this chapter. An applicant for a premises permit shall remit to the board an application fee which shall be equal to the license fee required of licensed veterinarians. A licensed veterinarian or an applicant for licensure as a veterinarian shall not be required to submit an additional fee for a premises permit but shall be required to submit the required inspection fee, if such licensed veterinarian or applicant also submits an application for a premises permit.

§63-12-140. Operation without permit prohibited – Penalty.

- (a) It is an offense to knowingly operate a veterinary facility in this state without a premises permit.
- (b) A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.

§63-12-141. Euthanasia of animals – Certificate – Fees – Penalty.

- (a) The board of veterinary medical examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any animal control agency that it determines to be qualified, a certificate authorizing the agency to apply to the federal drug enforcement agency, including any successor entity, for a restricted controlled substance registration certificate for the purchase, possession and use of sodium pentobarbital or other drugs as authorized by the board for administration by a certified animal euthanasia technician to euthanize injured, sick or abandoned animals. It is a Class B misdemeanor for any person or entity to use or imply that such person or entity has been granted a certificate as a certified animal control agency unless a certificate has been granted under the provisions of this title.

- (b) The board, upon submission of a complete application and payment of a fee established by the board, shall issue to any person who it determines to be qualified, a certificate for such person to function as a certified animal euthanasia technician. It is a Class B misdemeanor for any person or entity to use or imply that such person or entity has been granted a certificate as a certified animal euthanasia technician unless a certificate has been granted under the provisions of this title.
- (c) Euthanasia of animals. Euthanasia of animals in a certified animal control agency may only be performed by a licensed veterinarian, including a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal euthanasia technician as provided by law. A certified animal control agency which employs a certified animal euthanasia technician may purchase, possess and administer sodium pentobarbital or such other drug which the board may approve for the euthanasia of animals. Sodium pentobarbital and such other drugs approved by the board shall be the only drugs used for the euthanasia of animals in a certified animal control agency.
- (d) Renewal of Certification. Certified animal control agencies and certified animal euthanasia technicians shall be required to renew their certificates at such intervals, upon such conditions and upon the payment of such fees as may be established by the board.

§63-12-142. Immunity for certain emergency treatment.

Any licensed veterinarian, or ancillary veterinary personnel employed by and working under the direct supervision of a licensed veterinarian, who, in good faith, at such person's own initiative, renders emergency treatment to an ill or injured animal gratuitously and without making charge for such treatment, is not liable to the owner of the animal for any civil damages arising from the treatment provided to the animal except in cases of gross negligence. If the licensed veterinarian, or ancillary veterinary personnel acting under the direct supervision of a licensed veterinarian, performs euthanasia on an animal it is presumed that it was a humane act necessary to relieve pain and suffering.

§ 63-12-144. Certificate authorizing chemical capture of animals by certified animal chemical capture technicians -- Protocol -- Offense -- Certification course.

- (a)
 - (1) The board of veterinary medical examiners, upon submission of a complete application and payment of a fee established by the board, shall issue to any governmental animal control agency that the board determines to be qualified and that has a valid premises permit issued by the board, a certificate authorizing chemical capture of animals under this section by certified animal chemical capture technicians.
 - (2) The agencies shall submit, as part of the application, a written protocol for chemical capture of animals by certified animal chemical capture technicians to the board for approval. The protocol shall include, at a minimum, the procedure for removing the dart from a captured animal, first aid care of the dart wound, the procedure for providing veterinary care to the animal immediately upon capture, the appropriate location and handling of the animal during recovery from anesthesia, and the supervisory structure regarding who makes the final decision to proceed with the chemical capture of an animal.
 - (3) It is a Class B misdemeanor for any person or entity to engage in the chemical capture of animals or imply that the person or entity has been granted a certificate

as a certified animal control agency with a premises permit unless the certificate and permit have been granted under this title.

(b)

- (1) The board, upon submission of a complete application and payment of a fee established by the board, shall issue to any person who the board determines to be qualified, a certificate for the person to function as a certified animal chemical capture technician. Applicants shall be required to have successfully completed a sixteen-hour chemical immobilization certification course. The course must be approved by the board and the curriculum of the course shall include pharmacology, proper administration, recordkeeping, chemical capture technology, animal behavior, post-immobilization procedures, proper public and personnel safety, and marksmanship training.
- (2) It is a Class B misdemeanor for any person to chemically capture animals or imply that the person has been granted a certificate as a certified animal chemical capture technician unless a certificate has been granted under this title.

(c)

- (1) The chemical capture of dogs and cats, as defined in § 44-17-601, shall only be performed by a licensed veterinarian, a licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal chemical capture technician as provided by law. Telazol and such other drugs that the board may approve shall be the only drugs used for the chemical capture of dogs and cats by a certified animal chemical capture technician.
- (d) Tranquilizer guns shall be used for the humane chemical capture of dogs and cats. Any such tranquilizer gun shall have the capability to track the darts it shoots, and shall be well maintained and kept in a high state of repair at all times.
- (e) Certified animal control agencies and certified animal chemical capture technicians shall be required to renew their certificates at such intervals, upon such conditions and upon the payment of such fees as may be established by the board.
- (f) Nothing in this part shall be construed to limit in any way the practice of a licensed veterinarian as provided by law.

§66-7-104. Physically disabled persons' access to housing accommodations.

- (a) Totally or partially blind persons and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease or compensation in this state, subject to the conditions and limitations established by law and applicable to all persons.
- (b) "Housing accommodations" means any real property or portion thereof which is used to occupy or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one (1) or more human beings, but does not include any single family residence, the occupants of which rent, lease or furnish for compensation not more than one (1) room in the residence.
- (c)
 - (1) Nothing in this section shall require any person renting, leasing, or providing for compensation any real property to modify such property in any way or manner or to provide a higher degree of care for a totally blind or partially blind person or other physically disabled person than for a person who is not blind or disabled.
 - (2)

- (A) Notwithstanding subdivision (c)(1), any person renting, leasing, or providing for compensation any real property that is three (3) or more stories tall shall give priority in access to housing units on floors one (1) and two (2) of such property to physically disabled persons whose disability would prevent such persons from having reasonable access to units located on higher floors, provided that the person shall not be required to seek out physically disabled occupants or forego occupancy for the unit for any period of time if a physically disabled occupant is not available. Nothing in this subdivision (c)(2) shall prevent the lessor from using or applying other factors in determining whether or not to rent to a disabled person.
- (B) A violation of subdivision (c)(2)(A) is a Class C misdemeanor punishable only by a fine not to exceed fifty dollars (\$50.00).
- (d) Every totally blind or partially blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations included within subsection (a) or any accommodations provided for in §§ 71-4-201, 71-4-202 and this section, and such person shall not be required to pay extra compensation for such guide dog, but shall be liable for any damages done to the premises by such animal.

§66-7-106. Leasing to blind persons.

- (a) Any legally blind person in this state whose loss of sight necessitates a dog guide for mobility purposes, which has been obtained from a recognized school of training for such purposes, may not be denied the right to lease an apartment or other types of dwellings as a consequence of having a dog guide.
- (b) Because the dog guide is essential to the mobility of its master, no deposit may be required to be paid, with respect to the dog, by the legally blind person to the owner, manager, landlord or agent of any such attendance.
- (c) No restrictions may be imposed upon the legally blind person regarding the whereabouts of the animal so long as its master is in attendance.
- (d) Any owner, manager, landlord or agent who refuses to lease living space to any legally blind person because of such a dog guide, or violates a provision of this section, commits a Class C misdemeanor.

§68-1-101. Department organized into divisions.

The department of health shall be organized into the following divisions:

- (7) The division of rabies control, the head of which shall be the director of rabies control;

§68-1-201. Power to quarantine.

- (a) The commissioner has the power to:
 - (1) Declare quarantine whenever, in the commissioner's judgment, the welfare of the public requires it; and
 - (2) Prescribe such rules and regulations as may be deemed proper for the prevention of the introduction of yellow fever, cholera and other epidemic diseases into the state.
- (b)
 - (1) Whenever yellow fever, cholera, smallpox or other epidemic diseases appear in any locality within the state, and information thereof is brought to the knowledge of the department, the commissioner shall prepare and carry into effect such rules and regulations as, in the commissioner's judgment, will, with the least inconvenience to commerce and travel, prevent the spread of the disease.

- (2) Whenever the commissioner determines that an influenza outbreak may pose a threat of an epidemic, the commissioner shall prepare and carry into effect rules and regulations that, in the commissioner's judgment, will, with the least inconvenience to commerce and travel, prevent the spread of the disease.

§68-2-603. Establishment of county health department – County health director– County health officer.

(a)

- (1) Each county shall establish a county health department which shall be headed by, and under the immediate direction of, a county health director.
 - (2) The county health director shall be appointed by the commissioner of health or by the commissioner's designee, act as the administrative officer of the county health department, take actions and make determinations necessary to properly execute the state department of health's programs, and adequately enforce the rules and regulations established by the commissioner and the county board of health
 - (3) The county health director shall be a health professional who possesses the necessary education and experience in public health administration as determined by the state department of health and approved by the department of personnel.
 - (4) The county health director shall have compensation paid, all or in part, by the state department of health.
 - (5) If the county health director is a qualified physician, such county health director may also serve as a county health officer.
 - (6) If the commissioner appoints a county health director pursuant to this subsection (a), the appointment shall be made by the commissioner in concurrence with the county mayor of the county for which the appointment is made
- (d) Any person who undertakes to hold the position of county health officer without being qualified as above provided commits a Class C misdemeanor.

(e)

- (2) In the absence of an epidemic or immediate threat of an epidemic, any person who shall file with the county board of health a signed, written statement that a specific regulation pertaining to personal medical treatment conflicts with the person's religious tenets and practices, affirmed under penalty of perjury, shall be exempted from the regulation.

§68-8-101. Short title.

This chapter shall be known and may be cited as the "Tennessee Anti-Rabies Law".

§68-8-102. Chapter definitions.

As used in this chapter, unless the context otherwise requires:

- (1) "Cat" means all domesticated members of the feline family;
- (2) "Commissioner" means the commissioner of health or a duly authorized representative;
- (3) "Compendium or rabies compendium" means the most recent issue of the national "Compendium of Animal Rabies Prevention and Control" published by the Association of State Public Health Veterinarians;
- (4) "Confinement" means housed in a building, pen or by some other suitable escape-proof method or enclosure or being leashed;
- (5) "Department" means the Tennessee department of health;
- (6) "Dog" means all domesticated members of the canine family;

- (7) "Hybrid animal" means the offspring of wild animals crossbred to domestic dogs or cats or any of their progeny for which the owner has records substantiating that their genetic heritage consists of twenty-five percent (25%) or more from wild animals. Crossbred dogs or cats with less than twenty-five percent (25%) documented genetic heritage from wild animals will be considered as domestic dogs or cats for purposes of this chapter;
- (8) "Observation period" means the time following a bite incident during which the biting animal's health status must be monitored;
- (9) "Owner" means any person having a right or property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in such person's care or acts as its custodian, or who permits a dog or cat to remain on or about any premises;
- (10) "Peace officer" means animal control officer, police, rabies control officer, sheriff, wildlife officer, or similar duly appointed law enforcement officer of the state or any political subdivision thereof, authorized by the Constitution, statutes, charter, or ordinances to enforce statutory, rule, charter or ordinance violations. It does not include employees of the department assigned to implement the provisions of this chapter;
- (11) "Quarantine" means a state of strictly enforced isolation from other animals or the public imposed to prevent the spread of disease;
- (12) "Shelter" means animal or humane shelter, dog pound or animal pound;
- (13) "Vaccination" means the injection of a rabies vaccine for animals, which meets the standards prescribed by both the United States Department of Agriculture (USDA) license granted to the vaccine for interstate sale and by the department; and
- (14) "Veterinarian" means any individual licensed by the state board of veterinary medical examiners to practice veterinary medicine in this state.

§68-8-103. Vaccination of animals - Certificate and tags - Frequency.

- (a) It is unlawful for any person to own, keep or harbor any dog or cat six (6) months of age or older that has not been vaccinated against rabies as required by this chapter, or the rules and regulations promulgated pursuant to this chapter.
- (b) Dogs and cats may be vaccinated as early as three (3) months of age or at an age as specified by the vaccine's United States department of agriculture (USDA) license, but will be considered as noncompliant with this section if over six (6) months of age.
- (c) Ferrets, certain livestock, hybrid animals and other animals may be vaccinated for rabies if a vaccine is legally available for that species. Routine rabies vaccination of animals other than dogs or cats is not required unless deemed necessary by the commissioner or by emergency rules of the department.
- (d) All rabies vaccinations of dogs and cats as required by this chapter shall be administered only by or under the supervision of a veterinarian.
- (e) Evidence of such vaccination shall consist of a certificate that contains the owner's name and address, date of vaccination, date the dog or cat should be revaccinated, description and sex of the dog or cat vaccinated, number of the vaccination tag issued when applicable, manufacturer and lot number of vaccine administered, and the name and signature of the supervising veterinarian. If the vaccination is given at an animal control facility or shelter, then the certificate shall contain the name and signature of the person administering the vaccine as well as that of the supervising veterinarian.

- (f) The vaccination certificate shall be prepared in one (1) of the following manners, unless otherwise provided for by rule:
 - (1) Paper forms in triplicate; the original shall be given to the owner, the first copy provided to and retained by the department, and the veterinarian administering or supervising the administration of the vaccine shall retain the second copy; or
 - (2) Computer printout or electronic format, such that the owner, the department and the veterinarian administering the vaccine obtain a copy of the information provided for in subsection (e).
- (g) The rabies certificate form and rabies tags shall be provided by the department.
- (h) A licensed veterinarian may provide and use an alternative tag and certificate providing that the requirements in subsections (e) and (f) are met.
- (i) Nothing in this section shall be construed to require more frequent rabies vaccinations or a greater number of rabies vaccinations than are required by the rabies compendium.

§68-8-104. Registration of cats and dogs - Fees - Rabies control program - Vaccination required for registration.

- (a) In addition to but not as a substitute for or in any way detracting from the vaccination requirements of this chapter, authorization is granted for the adoption of local laws or ordinances to require the registration of dogs or cats in counties or municipalities.
- (b) Any local laws or ordinances implementing animal registration shall include methods for the collection of registration fees and shall require the expenditure of these funds to establish and maintain a rabies control program, also commonly known as an animal control program. In addition to various animal control activities, the rabies control program shall ensure that dogs and cats are properly vaccinated in accordance with this chapter and that biting animals or rabies suspects are observed or confined in accordance with this chapter and rules of the department.
- (c) No dog or cat registration certificate shall be issued unless an unexpired certificate of rabies vaccination is exhibited.
- (d) All fees collected for registration shall become part of the county or municipality rabies control fund and shall be disbursed by the appropriate trustee in a manner prescribed by the local legislative body for the sole purpose of the payment of salaries, for the establishment and operation of an animal shelter, for the establishment and operation of an animal control program, or for other expenses incidental to the enforcement of this chapter in the jurisdiction to which the registration requirement applies.
- (e) Any funds remaining at the end of any fiscal year shall be carried over to the next fiscal year, and its expenditure authorized by the local legislative body only for the purpose of rabies and animal control.

§68-8-105. Exempt programs.

- (a) Any county or municipality maintaining a program for the control of rabies shall be exempt from the operation of this chapter so long as such rabies program meets the minimum requirements of this chapter.
- (b) This chapter shall not apply to any county that now has or hereafter may enact private laws governing the control of rabies in that county, that meet the minimum requirements of this chapter.

§68-8-106. Rabies tag.

- (a) The person or facility administering the vaccine shall issue a rabies tag for every dog vaccinated for rabies and the identification numbers on the tag shall be recorded on the rabies certificate.
- (b) Cats may be, but are not required, to be issued a rabies tag.
- (c) Every dog owner shall attach a metal tag or other evidence of rabies vaccination to a collar, which shall be worn at all times by the dog vaccinated; provided, that the collar may be removed in the case of hunting dogs while in chase or returning from the chase. Nothing in this section shall be construed as permitting the use of an unvaccinated dog for any purpose.

§68-8-107. Seizure of dogs running at large - Notification of seized animals - Redemption by owner - Vaccination requirement.

- (a) Any dog found running at large may be seized by any peace officer and placed in an animal shelter in counties or cities where an animal shelter or pound is available.
- (b) If the dog or cat is wearing a rabies vaccination tag or other identification, all reasonable effort shall be made to locate and notify the owners who shall be required to appear within five (5) days and redeem the animal by paying a pound fee as set by the city or county legislative body. A failure to pay the pound fee, or have the animal vaccinated if proof of current vaccination is not produced prior to release, shall require the animal to be adopted or destroyed.
- (c) If any dog or cat is not wearing a vaccination tag or other identification, the animal may be adopted or destroyed, unless legally claimed by the owner within three (3) days.
- (d) No dog or cat three (3) months of age or older shall be released from a shelter without having proof of current vaccination or until it has been vaccinated and, where applicable, a tag issued.
- (e) A county may allow by local ordinance the adoption of a dog or cat three (3) months of age or older without a vaccination as long as procedures are established to ensure that the animal is vaccinated for rabies within seventy-two (72) hours of release from the shelter.

§68-8-108. Transportation of dogs and cats in the state.

This chapter shall not prohibit the transportation of dogs or cats in the state; provided, that the dogs or cats are securely confined or kept on a leash while being transported in the state.

§68-8-109. Observation period by confinement or quarantine - Investigation.

- (a) If any animal has bitten any person, is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the animal may be required to be placed under an observation period either by confinement or by quarantine for a period of time deemed necessary by the commissioner or rules of the department.
- (b) The act of investigating the bite or rabies exposure and placing the animal under observation by confinement or quarantine shall be accomplished either by the department or by the animal control program, in either the county or municipality wherein either the animal owner or the person bitten resides, in consultation with the department.

- (c) The confinement, quarantine or other disposition of the animal shall follow the current recommendations in the national rabies compendium unless more specific guidelines are designated by duly promulgated rules of the department or as deemed necessary by the commissioner to protect the public's health.
- (d) The observation period by confinement or quarantine may occur at the animal owner's home at the discretion of the department or the animal control program.

§68-8-110. Offense of hiding or concealing animal in violation of this chapter.

It is an offense for any person to hide, conceal, aid, or assist in hiding or concealing any animal owned, kept or harbored in violation of § 68-8-103 or § 68-8-109. An offense under this section is punishable as a Class C misdemeanor.

§68-8-111. Liability for rabies program.

Any licensed veterinarian who provides services to vaccinate animals against rabies at a community clinic that is sponsored by a county health department or municipality in accordance with this chapter, shall not by such participation assume any responsibility or liability for the supervision of the site or location where the rabies program is conducted. Such responsibility and liability shall be borne by the sponsoring county or municipality.

§68-8-112. Rules and regulations.

- (a) The commissioner of health shall have the authority to promulgate such rules and regulations as may be deemed necessary for the proper enforcement of the provisions of this chapter.
- (b) The commissioner in adopting rules may rely in whole or in part on guidance or standards contained in the rabies compendium or issued by the United States department of agriculture.
- (c) The rules deemed necessary by the commissioner to effectuate the provisions of this chapter are of such importance to the welfare of the citizens of this state that they may be promulgated as public necessity rules.

§68-8-113. Violations.

Any person failing to meet any requirements or violating any of the provisions of this chapter commits a Class C misdemeanor with each violation being a separate offense.

§70-2-214. Training of hunting dogs - License requirements - Regulation of field trials - Penalty for violations.

- (a) Any resident or nonresident who trains hunting dogs in this state shall purchase the appropriate hunting license except when such person is competing in recognized field trials.
- (b) Raccoon dog field trials, retriever dog field trials, bird dog field trials, rabbit dog field trials, and foxhound field trials will be permitted only under rules and regulations promulgated by the wildlife resources commission. The wildlife resources commission is authorized to make all such rules or regulations, or both in connection with the field trials as it may deem necessary to carry out the provisions of this section.
- (c) Any violation of the provisions of this section, or any violation of any rule or regulation promulgated by the wildlife resources commission pursuant to the provisions of this section, is a Class C misdemeanor and, upon conviction of the

violation, shall be punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

§70-4-112. Hunting and chasing coons regulated - Training season - Violations – Penalties.

(a)

(1) It is lawful for any person to chase coons with dogs at any season of the year, but no coon shall be killed or taken except during open season for killing or taking of coons, as may be prescribed by the wildlife resources commission or other body possessing the power to regulate open and closed seasons for game. No person chasing coons with dogs shall use or carry any firearms, axes or climbing instruments except during such open season as may be proclaimed as set forth in this subdivision (a)(1). No coon shall be shot at any time in the year either from a boat or any type of motor vehicle.

(2)

(A) Notwithstanding the provisions of this section, this part or any public or private act to the contrary, in counties that are located entirely east of U. S. Highway 27, the commission shall establish a minimum training season of not less than six (6) months each year, within which period coon dogs may be trained. Such coon dog training season shall not commence earlier than June 1 of each year. Such six (6) month period need not be consecutive. Within such training season, no person chasing coons with dogs shall use or carry any firearms, axes or climbing instruments except during such open season as may be proclaimed pursuant to this section. No coon shall be killed or taken except during such open season. No coon shall be shot at any time in the year either from a boat or any type of motor vehicle. The commission shall establish a minimum coon hunting season of not less than six (6) weeks each year, which season shall not commence sooner than November 1 of each year. Such six (6) week period need not be consecutive. The commission has the authority to extend both the training season or hunting season, or both, to such additional periods of time as it deems justified based on the coon population in the area involved in any section or sections of the state.

(B) To the extent that the provisions of this subdivision (a)(2) conflict with the provisions of § 70-4-122, any public act or any private act, the provisions of this subdivision (a)(2) control and shall supersede such laws.

(b) Any person violating this section commits a Class C misdemeanor, and, in addition to the penalties prescribed by § 40-35-111 for Class C misdemeanors, is prohibited from hunting, chasing, or trapping for a period of not less than one (1) year.

§70-4-122. Coon dog training.

(a)

(1) It is unlawful for any person or firm to train coon dogs by chasing coons in West Tennessee and the following counties: Carter, Claiborne, Greene, Johnson, Sullivan, and that part of DeKalb County lying south and west of state highway No. 96 and U.S. Highway No. 70, except during the thirty (30) days immediately preceding the opening of the season under general laws of the state for hunting coons; provided, that none of the provisions of this subsection (a) shall apply to Shelby County or the counties of McNairy, Fayette, Hardeman, Decatur, Dyer, Carroll, Henry, Weakley and Chester.

(2) As used in this subsection (a), "West Tennessee" includes that portion of the state lying west of the Tennessee River where it enters the state from the states

of Alabama and Mississippi and emerges into the state of Kentucky, but "West Tennessee" does not include Benton County, Gibson County, Madison County, Henderson County or Hardin County. The provisions of this subsection (a) also apply to the following counties located in other parts of the state: Carter, Claiborne, Greene, Johnson, Morgan, Sullivan, Unicoi, and that part of DeKalb County lying south and west of state highway No. 96 and U.S. Highway No. 70.

(b)

- (1) COCKE COUNTY. It is lawful in Cocke County to have a jump-out training season during the period each year from October 9 through November 1, and notwithstanding other provisions of this section, it is lawful to train coon dogs in Cocke County at any time of the year, except during the period each year from March 1 to May 15, so long as coons are not taken except during the open season.
- (2) CROCKETT COUNTY. It is lawful at any time of the year to train coon dogs in Crockett County so long as coons are not taken except during the open season.
- (3) GIBSON COUNTY. It is lawful at any time of the year to train coon dogs in Gibson County, so long as coons are not taken except during the open season.
- (4) GRAINGER COUNTY. It is unlawful for any person or firm to train coon dogs by chasing coons in Grainger County, except during the period beginning October 1 through February 28, so long as coons are not taken except during the open season.
- (5) HANCOCK COUNTY. Notwithstanding other provisions of this section, it is lawful to train coon dogs in Hancock County at any time of the year, except during the period each year from March 1 to May 15, so long as coons are not taken except during the open season.
- (6) HAWKINS COUNTY. It is unlawful for any person or firm to train coon dogs by chasing coons in Hawkins County except during the open season.
- (7) HAYWOOD COUNTY. It is lawful at any time of the year to train coon dogs in Haywood County, so long as coons are not taken except during the open season.
- (8) HUMPHREYS COUNTY. It is lawful at any time of the year to train coon dogs in Humphreys County, so long as coons are not taken except during the open season.
- (9) JEFFERSON COUNTY. It is lawful in Jefferson County to have a jump-out training season during the period each year from October 9 through November 1, and notwithstanding other provisions of this section, it is lawful to train coon dogs in Jefferson County at any time of the year, except during the period each year from March 1 to May 15, so long as coons are not taken except during the open season.
- (10) LAKE COUNTY.
 - (A) It is unlawful for any person or firm to train coon dogs by chasing coons in Lake County except during the open season.
 - (B) This subdivision (b)(10) shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Lake County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Lake County legislative body and certified by such officer to the secretary of state.
- (11) LAUDERDALE COUNTY. It is lawful at any time of the year to train coon dogs in Lauderdale County, so long as coons are not taken except during the open season.
- (12) MORGAN COUNTY. Notwithstanding any provision of §70-4-112 to the contrary, it is lawful to train coon dogs from July 1 to the first day of the open

season for hunting coons in Morgan County, so long as coons are not taken except during the open season. It is also lawful to conduct "sanctioned coon hunts" in such county during the closed season, so long as coons are not taken during such closed season. For the purposes of this subdivision (b)(12), "sanctioned coon hunts" means chasing coons for the purpose of "treeing" only. The "sanctioned hunts" shall require the approval of a recognized Kennel Club such as the AKC, UKC, NKC or PKC.

- (13) OBION COUNTY. Notwithstanding other provisions of this section, it is lawful to train coon dogs in Obion County at any time of the year, so long as coons are not taken except during the open season.
 - (14) TIPTON COUNTY. It is lawful at any time of the year to train coon dogs in Tipton County, so long as coons are not taken except during the open season.
 - (15) UNICOI COUNTY. It is unlawful for any person or firm to train coon dogs by chasing coons in Unicoi County except during the seventy (70) days immediately prior to the season for hunting coons in such county.
 - (16) WASHINGTON COUNTY. It is unlawful for any person or firm to train coon dogs by chasing coons in Washington County except during the open season.
- (c) A person who violates this section commits a Class C misdemeanor. Nothing herein shall be construed as restricting the training of coon dogs where no element of chasing or hunting coons is involved.
- (1) "Temporary exhibitors" means those transient animal acts not permanently located within the boundaries of the state of Tennessee.

§ 70-7-102. Landowners duty of care.

- (a) The landowner, lessee, occupant, or any person in control of land or premises owes no duty of care to keep such land or premises safe for entry or use by others for such recreational activities as hunting, fishing, trapping, camping, water sports, white water rafting, canoeing, hiking, sightseeing, animal riding, bird watching, dog training, boating, caving, fruit and vegetable picking for the participant's own use, nature and historical studies and research, rock climbing, skeet and trap shooting, skiing, off-road vehicle riding, and cutting or removing wood for the participant's own use, nor shall such landowner be required to give any warning of hazardous conditions, uses of, structures, or activities on such land or premises to any person entering on such land or premises for such purposes, except as provided in § 70-7-104.
- (b) The landowner, lessee, occupant, or any person in control of land or premises owes no duty of care to keep such land or premises safe for entry or use by others for recreational non-commercial aircraft operations or recreational non-commercial ultra light vehicle operations on private airstrips except as to known hazards or defects and except as provided in § 70-7-104.

§ 70-7-105. Waiver of landowner's duty of care.

Any person eighteen (18) years of age or older entering the land of another for the purpose of camping, fishing, hunting, hiking, dog training, cutting or removing firewood, recreational non-commercial aircraft operations or recreational non-commercial ultra light vehicle operations on private airstrips, for such person's use for a consideration may waive, in writing, the landowner's duty of care to such person for injuries that arise from camping, fishing, hunting, hiking, dog training, cutting or removing firewood, recreational non-commercial aircraft operations or recreational non-commercial ultra light vehicle operations on private airstrips for such person's use, if such waiver does

not limit liability for gross negligence, or willful or wanton conduct, or for a failure to guard or warn against a dangerous condition, use, structure or activity.

APPENDICES

APPENDIX ONE: Resources

Selected National Organizations

1. American Humane Association

National Headquarters
63 Inverness Drive East Englewood, CO 80112
Phone: 800-222-4645 www.americanhumane.org

2. The American Society for the Prevention of Cruelty to Animals

424 E. 92nd St. New York, NY 10128-6804
Phone: 212-876-7700 www.aspca.org

3. The American Veterinary Medical Association

1931 N. Meacham Rd., Suite 100 Schaumburg, IL 60173-4360
Phone: 800-248-2862 www.avma.org
E-mail: avmainfo@avma.org

4. The Humane Society of the United States

2100 L St., NW Washington, DC 20037
Phone: 202-452-1100 www.hsus.org

5. National Animal Control Association

Mailing address: P.O. Box 480851 Kansas City, MO 64148
Physical Address: 101 N. Church St., Suite C Olathe, KS 66061
Phone: 913-768-1319 www.nacanet.org
E-mail: naca@nacanet.org

6. The National Audubon Society

MAIN OFFICE: National Audubon Society
225 Varick Street 7th floor New York, NY 10014
Phone: 212-979-3000 www.audubon.org

7. Michigan State University College of Law: Animal Legal & Historical Center

Michigan State University College of Law
Shaw Lane East Lansing, MI 48824-1300
www.animallaw.info
E-mail: Editor@animallaw.info

General Information Cites

- 1. AnimalLaw.com** Provides access to legislation and information about legal matters pertaining to the rights and welfare of animals. AnimalLaw.com provides information concerning general animal welfare, animal cruelty, animal control issues, laboratory animal welfare, and the use of animals in education, product testing, and laboratory research.

Phone: 800-888-6287 www.AnimalLaw.com
E-mail: webmaster@animallaw.com

2. **Pet-Abuse.com** has a matrix showing which states have and have not enacted felony laws concerning cruelty to animals. The site organizes several categories and includes links to specific states.
Mailing Address: PO Box 5 Southfields, NY 10975
Phone: 888-523-PETS www.Pet-Abuse.com
E-mail: info@pet-abuse.com
3. **The Animal Welfare Information Center** from the U.S. Department of Agriculture is an agency mandated "to provide information for improved animal care and use in research, testing, teaching, and exhibition." Among the notable information on this site is a list of federal laws and regulations related to animal welfare.
Mailing Address: Animal Welfare Information Center National Agricultural Library
10301 Baltimore Avenue, Room 410 Beltsville, MD 20705
Phone: 301-504-6212 awic.nal.usda.gov
E-mail: awic@ars.usda.gov
4. **The U.S. Department of Health and Human Services, Office of Laboratory Animal Welfare** lists policies and papers on the humane use and care of lab animals.
Phone: 301-496-7163 grants.nih.gov/grants/olaw/olaw.htm
E-mail: grantsinfo@od.nih.gov

Organizations

1. **The National Animal Interest Alliance**
It is an association of business, agricultural, scientific, and recreational interests formed to protect and promote humane practices between people and animals. The site includes information on legal and legislative resources, including a guide to developing pet-friendly ordinances.
Mailing Address: PO Box 66579 Portland, Oregon 97290-6579
Phone: 503-761-1139 www.naiaonline.org
2. **The National Association for Biomedical Research, Animal Law Section**
Animals that are used in the biomedical field are the focus of interest for the National Association for Biomedical Research, Animal Law Section. Its site provides summaries of legislation, regulations, case law, and institutional standards related to the use of animals in research and lists organizations, law school courses, and bar associations.
Mailing Address: 818 Connecticut Ave NW, Suite 200 Washington, DC 20006
Phone: 202-857-0540 www.nabranimallaw.org
3. **World Animal Net**
It works to improve the status and welfare of animals and has more than 3,000 affiliates in more than 100 countries. Its Web site provides a listing of animal protection societies with consultative status at the United Nations.
Mailing Address: 19 Chestnut Square Boston, MA 02130, USA
Phone: 617-524-3670 www.worldanimal.net
E-mail: info@worldanimal.net

4. The International Institute for Animal Law

It has worldwide interests and counts as members attorneys and judges from around the world. The institute is dedicated to creating and supporting programs that will enhance the development of laws that protect animals. The site includes an excellent bibliography.

Mailing Address: 30 North LaSalle Street, Suite 2900 Chicago, Illinois 60602

Phone: 312-917-8850 www.animallawintl.org

E-mail: IAL@AnimalLawIntl.org

5. The American Pet Products Association (APPA)

Their overview of pet product laws may be of particular interest. The APPMA was founded in 1958 as a not-for-profit association serving the interests of American pet product manufacturers and importers. The value of this Web site lies in its "Products and the Law" section, providing access to a bill tracking service (for subscribers only), laws and regulations, and a variety of other types of information.

Mailing Address: 255 Glenville Road Greenwich, CT 06831

Phone: 203-532-0000 www.americanpetproducts.org

6. The American Bar Association

It also has recognized the importance of animal law and now has a committee devoted to it. The ABA Animal Law Committee is a subgroup of the Tort, Trial and Insurance Law Section, and its Web site contains links to the committee's newsletter and legislative tracking projects.

Mailing Address: 321 North Clark Street Chicago, IL 60654-7598

Phone: 800-285-2221 www.abanet.org/tips/animal

Email: schroeders@staff.abanet.org

7. The Animal Legal Defense Fund

It formed in 1979, has an email news service for cases and articles on legal issues related to animal law.

Mailing Address: National Headquarters 170 East Cotati Avenue Cotati, CA 94931

Phone: 707-795-2533 www.aldf.org

E-mail: info@aldf.org

Animal Specific Sites

Dogs

1. Canine Legal Update & Opinions

www.k9fleck.org

It contains summaries of police dog and canine-related opinions from the U.S. Supreme Court and other state and federal courts. Entry to the site is limited to law enforcement officials.

2. The National Canine Research Council

www.nationalcanineresearchcouncil.com

It provides detailed information and statistics on human and canine behaviors that have contributed to cases of severe and fatal dog attacks. The council investigates

and analyzes the circumstances, behaviors, and environments that result in incidents of severe and fatal canine aggression.

Cats

1. The Cat Fancier's Association (CFA)

www.cfainc.org

It has a web page, *Changing Laws About Cat Ownership*, that covers feral cats, leash and limit laws (those laws or ordinances setting a limit on the number of animals allowed per household), rabies vaccinations, and more.

Mailing Address: 1805 Atlantic Avenue, P.O. Box 1005, Manasquan, NJ 08736-0805
Phone: 732-528-9797 Fax: 732-528-7391

Veterinary Practice

1. The American Veterinary Law Association

www.avmla.org

It is a national association of attorneys, veterinarians, and other individuals and organizations with an interest in veterinary medical law. The site has a useful set of links to other legal sites to keep track of the rising tide of new issues.

Mailing Address: 5 Golfview Place DeKalb, IL 60115-1854

Phone: 312-233-2760

E-mail: avmlainquiry@gmail.com

2. Net Vet: Veterinary Government & Law Resources

netvet.wustl.edu/law.htm

It is a Web page produced by Ken Boschert, a veterinarian at Washington University's Division of Comparative Medicine, located in St. Louis. Boschert has collected links to several animal- and law-related sites and updates this site regularly.

APPENDIX TWO: Where We Have Been & Where We Are Going

Animal Fighting in the Volunteer State

Bradley J. Smith, *University of Tennessee College of Law, Candidate for J.D., Class of 2010*

Brehann E. Eldridge, *Accredited Pet Trainer, University of Tennessee College of Agricultural Sciences and Natural Resources, Candidate for B.S., Animal Science, Class of 2009*

Introduction

The controversies surrounding animal fighting are in no way new to the state of Tennessee. In order to appreciate how far reaching an impact there may be, it is important to consider the history underlying this issue. Understanding exactly what animal fighting means to the people and animals involved is also imperative.

Over the next few pages, this article will attempt to shed light on animal fighting. In addition to providing background and a legal perspective, proposals will be presented for consideration in an attempt to solve Tennessee's current issues. Although many issues affecting fighting animals are the same, there are distinct issues that vary between fighting cocks and dogs. For this reason, these two common species will be presented separately at times.

Cockfighting: A Brief Explanation

Cockfighting is described by The Humane Society of the United States as "a centuries-old blood sport in which two or more specially bred birds, known as gamecocks, are placed in an enclosure to fight, for the primary purposes of gambling and entertainment."¹ The fights can last over half an hour and often result in the death of one, if not both, of the birds involved.² Even birds that are not killed in the course of the fight suffer extreme pain and injuries. Punctured lungs, broken bones, and gouged eyes are not uncommon in the ring.³ Many of these injuries are the result of gaffs, steel spikes affixed to the birds' legs to cause extra damage.⁴

The harm caused by cockfighting extends beyond the birds. Law enforcement officials have linked cockfighting rings to gambling and illegal drugs.⁵ It is especially disturbing to note that young children are often present at these fights, engendering a conception of animals as worthless and insignificant.⁶

Although cockfighting has long been part of many cultures, this cultural importance can often be overplayed. In a 1997 survey conducted in Arizona, only 34% of Anglos disagreed that "cockfighting is an important part of Hispanic culture." Conversely, 70% of Hispanics disagreed with the statement.⁷ Additionally, 95% of Hispanics polled felt that cockfighting was "cruel and inhumane."⁸ This survey demonstrates a clear misunderstanding in the cultural value of cockfighting but may also represent an inherent prejudice. Latin cultures are not the only ones with a reputation for cockfighting. Culture within the Southeastern United States also reflects the presence of such events. The most obvious sign may be the fact that the University of South Carolina still uses the gamecock as its mascot.

Cockfighting is currently a criminal offense in all 50 states and the District of Columbia. Severity of punishment differs widely from state to state. Some states provide for punishment of cockfighting, possession of birds for fighting, being present as a

spectator at a fight, and possession of implements used for cockfighting all as felonies. Other states view some of these as misdemeanors, including cockfighting itself. Hawaii, Georgia, Idaho, Mississippi, and Alabama consider cockfighting the only crime in the list above.⁹ The state of Tennessee considers cockfighting a Class A Misdemeanor, although this may soon be changing as discussed later in the article.

Dog Fighting: A Brief Explanation

Dog fighting is similar in many respects to cockfighting. Two dogs, most frequently Pit Bulls, are placed in a ring and made to fight until one is unable to continue. These fights often result in serious injury and/or death. Even if the losing dog is not killed, they are often shot or abandoned by their owners.¹⁰ Even winning dogs frequently suffer severe damage to their eyes, ears, nose, and mouth. Dogs that are seen as “useless” because of the injuries they have suffered are also shot, abandoned, or otherwise disposed of.

Like cockfighting, dog fighting is also linked to gambling rings and illegal drugs. Fights provide ample opportunity for such activities to take place in a secluded, often secretive environment. There have also been links between dog fighting and street gang activities, a major issue in large urban areas.¹¹

Although dog fighting does not share as many of the long-standing cultural influences of cockfighting, it is slowly being popularized within American pop culture. This connection seems especially true with the culture surrounding rap music. Jay-Z’s video for “99 Problems” contains images associated with dog fighting.¹² His video is not the only example. Artist DMX named his album, *Grand Champ*, in honor of fighting dogs.¹³ The cover of the album portrays a Pit Bull showing marked signs of aggression. DMX had previously pled guilty to animal cruelty charges stemming from 13 neglected Pit Bulls in his possession.¹⁴

Dog fighting is currently a felony in all 50 states and the District of Columbia. Like cockfighting, severity of punishments varies widely between individual states. Although all states treat dog fighting as a crime, being a spectator to a fight or possession of dogs meant for fighting might be a misdemeanor or legal altogether. Both Montana and Hawaii provide no punishment for being a spectator at a dog fight.¹⁵ Tennessee provides for punishment of dog fighting and possession of fighting dogs as a Class E Felony, but being a spectator is defined as merely a Class C Misdemeanor, the lowest classification in Tennessee’s statutory system.

Why Can’t We Stop Animal Fighting Now?

One of the most glaring issues in animal fighting today is the lack of prosecutions taking place in Tennessee. This is true in spite of the fact that animal fighting incidents are on the rise in rural and urban areas alike.¹⁶ There are several problems, both social and political in nature, that have contributed to this problem.

One major problem with regulation within the state of Tennessee involves the inability of humane officers to effectively carry out their duties. Although Tennessee does provide these officers with the ability to intervene in crimes and arrest perpetrators, they are made to do this without the benefit of being armed.¹⁷ As previously stated, animal fighting is linked to illegal gambling, drug distribution, and gang activity. Because of these connections, participants in animal fighting are often dangerous criminals in other respects. To deprive humane officers of the protection or force needed to affect such arrests is to effectively negate all their powers.

Another major obstacle to enforcement rests in the laws themselves. Criminal statutes relating to animal fighting vary widely from state to state. This causes not only

confusion among citizens and law enforcement officials, but it also provides criminally-minded individuals with an opportunity to circumvent unfavorable laws.

These issues frequently occur within an individual state as well. In Tennessee, dog fighting is punished as a Class E Felony.¹⁸ Sentencing guidelines provide that this sort of crime should be punished with a prison sentence of not less than 1 year.¹⁹ In contrast, cockfighting is considered a Class A Misdemeanor, one step lower in Tennessee's statutory scheme than dog fighting.²⁰ Consequently, cockfighting does not carry as harsh a punishment.²¹ Beyond this, crimes such as being a spectator at such a fight, possession of fighting animals, or possession of implements carry even lower criminal penalties.²²

These relatively low penalties pose another problem for enforcement. Large sums of money, often in the tens of thousands range, can change hands during animal fighting events.²³ Because the fines, sentences, and enforcement related to animal fighting laws are relatively low, individuals are provided with the possibility of a high reward for very little risk. Just for perspective, stealing an equivalent amount of money could be as high as a Class B Felony, some three classifications higher than the highest classification for any type of animal fighting found in Tenn. Code Ann. 39-14-203.²⁴

The Impact Does Not End With Injured Animals

The consequences of animal fighting extend beyond the physical injuries suffered by the animals. As previously cited, animal fighting rings have been linked with illegal gambling, drugs, and gang activity.²⁵ Despite the inherent evil posed by fighting animals, these effects are equally as disturbing. Fighting rings circulate large sums of money that help to fund these other illegal activities. This helps to create a subculture where violence, animal cruelty, drug use, and moral complacency are readily accepted.

Animal fighting also has other effects on the animals involved. This is seen most commonly with the Pit Bulls that are a favorite of dog fighters. Pit Bulls have suffered physical pain in the ring and severe damage to their reputation within the community. They are often thought of as overly aggressive, which has led to two distinct problems for the breed.

One serious issue with Pit Bulls, namely those who were previously fighting dogs, is that they are difficult to place for adoption with humane services. These animals have often been so rigorously trained to fight that they are rendered incapable of normal social behavior. This frequently leads to these animals being put down. This is not always the case thankfully. In the recently publicized case of Michael Vick, only one of the 47 surviving dogs was euthanized.²⁶ This was the result of the judge ruling that all the dogs should be evaluated individually, in the face of expert opinion that they should all be put down.²⁷

Another serious problem arising from dog fighting that is currently affecting Tennessee is the proposal of so-called "Dangerous Dog Laws." These laws typically ban the possession and/or breeding of a certain breed of dog, almost always including the aforementioned Pit Bull. Although these laws criminalize the possession of dogs used for fighting, they also limit the freedom of dog owners who wish to own one of the breeds merely for pleasure and companionship. It is farfetched to believe these ordinances would have any effect of dog fighting. Fighting is itself a criminal offense of a more severe nature than possession. There is also the same issue of enforcement and prosecution by the state that limits the effectiveness of current animal fighting statutes.

There may also be some disparate impact on other pet owners. Theft of dogs, cats, and other small pets is a common practice amongst dog fighters.²⁸ These animals

are used as “bait” to assist in training the dogs to kill another animal. The frequency of these financial and emotional losses is hard to estimate accurately.

What Are We Doing To Make a Change?

There are efforts being made locally and nationally to stop animal fighting. Many of the major national organizations, such as the American Society for the Prevention of Cruelty to Animals (ASPCA) and the Humane Society of the United States (HSUS), have organized programs to raise awareness of dog fighting. These organizations also provide information to people willing to volunteer their time and money to stop such atrocities. More information can be found by visiting the websites of these organizations at www.asPCA.org and www.hsus.org respectively.

On a local level, the Tennessee legislature is considering a bill that would raise cockfighting to a felony offense.²⁹ Although this increase in penalty is admirable, a closer look at the bill might reveal that it still will not meet the need. This proposed legislation merely increases fines, without providing for prison sentences in association with cockfighting.³⁰ As previously mentioned, the amount of money involved in cockfighting renders fines nearly useless, unless they are of such an extreme amount to serve as an actual deterrent.

A Final Word

Although steps have been made through education, legislations, and enforcement to limit the impact of animal fighting, there is still work to do. The ASPCA and HSUS can only do so much without the assistance of volunteers. It is important that individuals get involved if they ever hope to see these atrocious acts come to an end.

Endnotes

¹ www.hsus.org/hsus_field/animal_fighting_the_final_round/cockfighting_fact_sheet/

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ www.idausa.org/campaigns/sport/cock/cockfighting.html

⁸ *Id.*

⁹ www.hsus.org/web-files/PDF/cockfighting_statelaws.pdf

¹⁰ www.hsus.org/acf/fighting/dogfight/

¹¹ www.animalsheltering.org/resource_library/magazine_articles/jul_aug_2006/dogfighting_investigations_where_we_stand.html

¹² http://www.hsus.org/acf/news/jay-z_dogfighting.html

¹³ *Id.*

¹⁴ *Id.*

¹⁵ www.hsus.org/acf/fighting/dogfight/ranking_state_dogfighting_laws.html

¹⁶ www.hsus.org/hsus_field/animal_fighting_the_final_round/

¹⁷ Tenn. Code Ann. § 39-14-210

¹⁸ Tenn. Code Ann. § 39-14-203(c)(1)

¹⁹ Tenn. Code Ann. § 40-35-111(b)(5)

²⁰ Tenn. Code Ann. § 39-14-203(c)(2)

²¹ Tenn. Code Ann. § 40-35-111(e)(1)

²² Tenn. Code Ann. § 39-14-203

²³ www.hsus.org/hsus_field/animal_fighting_the_final_round/cockfighting_fact_sheet/

²⁴ Tenn. Code Ann. § 39-14-105

²⁵ *Supra* notes 5, 11

²⁶ *Id.*

²⁷ *O'Id.*

²⁸ *Id.*

²⁹ House Bill 2143 and State Bill 1734

³⁰ *Id.*

Order Form
Compiled and Edited Tennessee Laws
Pertaining to Animals 2010

Prices include shipping and handling.

Item	Price	Quantity	Total
Full Version (Contains all animal laws in TN)	\$30.00		
Cat/ Dog Version (Contains laws pertaining to cats, dogs, shelters in TN)	\$20.00		
Total amount enclosed = \$			

Make check or money order payable to the

University of Tennessee - CAIT

We regret that we cannot take donations by credit card.

Association (if any) _____

Name _____

Mailing Address _____

City _____ State _____ Zip _____

County _____

Phone (including area code) _____

Email address: _____

Please mail orders to:

CAIT

The University of Tennessee

College of Veterinary Medicine

2407 River Drive

A205 Veterinary Teaching Hospital

Knoxville, TN 37996



**For questions or comments,
please contact CAIT at (865) 755-2276
or email at CAIT@utk.edu
www.vet.utk.edu/cait**