
SUBSTITUTE SENATE BILL 5356

State of Washington

65th Legislature

2017 Regular Session

By Senate Law & Justice (originally sponsored by Senators Fain, Palumbo, Miloscia, Frockt, Bailey, Rolfes, Angel, Keiser, Conway, Pedersen, and Wilson)

READ FIRST TIME 02/17/17.

1 AN ACT Relating to the humane treatment of dogs; reenacting and
2 amending RCW 16.52.011; adding a new section to chapter 16.52 RCW;
3 and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.52
6 RCW to read as follows:

7 (1) Any dog that is restrained outside by a tether must only be
8 restrained for a period of time that is not reckless and in
9 compliance with this section.

10 (a) The dog shall not be tethered in a manner that results, or
11 could reasonably result, in the dog becoming frequently entangled on
12 the restraint or another object.

13 (b) If there are multiple dogs tethered, each dog must be on a
14 separate tether and not secured to the same fixed point.

15 (c) The tether must allow the dog to sit, lie down, and stand
16 comfortably without the restraint becoming taut and allow the dog a
17 range of movement.

18 (d) A dog shall not be tethered if it is ill, suffering from a
19 debilitating disease, injured, in distress, in the advanced stages of
20 pregnancy, or under six months of age.

1 (e) A tethered dog must have access to clean water and necessary
2 shelter that is safe and protective while tethered. The shelter and
3 water vessel must be constructed or attached in such a way that the
4 dog cannot knock over the shelter or water vessel.

5 (f) A dog shall not be tethered in a manner that results in the
6 dog being left in unsafe or unsanitary conditions or that forces the
7 dog to stand, sit, or lie down in its own excrement or urine.

8 (g) A dog shall not be tethered by means of a choke, pinch, slip,
9 halter, or prong-type collar, or by any means other than with a
10 properly fitted buckle-type collar or harness that provides enough
11 room between the collar or harness and the dog's throat to allow
12 normal breathing and swallowing.

13 (h) The weight of the tether shall not unreasonably inhibit the
14 free movement of the dog within the area allowed by the length of the
15 tether.

16 (i) The dog shall not be tethered in a manner that causes the dog
17 injury or pain.

18 (2) The provisions of subsection (1)(a) through (d) of this
19 section do not apply to a dog that is:

20 (a) Tethered while it is receiving medical care or treatment
21 under the supervision of a licensed veterinarian or is being groomed;

22 (b) Participating temporarily in an exhibition, show, contest, or
23 other event in which the skill, breeding, or stamina of the dog is
24 judged or examined;

25 (c) Being kept temporarily at a camping or recreation area;

26 (d) Being cared for temporarily after having been picked up as a
27 stray or as part of a rescue operation;

28 (e) Being transported in a motor vehicle or temporarily
29 restrained or tied after being unloaded from a motor vehicle;

30 (f) Being trained or used by a federal, state, or local law
31 enforcement agency or military or national guard unit; or

32 (g) In the physical presence of the person who owns, keeps, or
33 controls the dog.

34 (3) Each incident involving a violation of this section is a
35 separate offense. A person who violates this section is subject to
36 the following penalties:

37 (a) A first offense shall result in a correction warning being
38 issued requiring the offense to be corrected by the person who owns,
39 keeps, or controls the dog within seven days after the date of the
40 warning being issued in lieu of an infraction unless the offense

1 poses an imminent risk to the health or safety of the dog or the dog
2 has been injured as a result of the offense.

3 (b) A second offense is a class 2 civil infraction under RCW
4 7.80.120(1)(b).

5 (c) A third or subsequent offense is a class 1 civil infraction
6 under RCW 7.80.120(1)(a).

7 **Sec. 2.** RCW 16.52.011 and 2015 c 235 s 2 are each reenacted and
8 amended to read as follows:

9 (1) Principles of liability as defined in chapter 9A.08 RCW apply
10 to this chapter.

11 (2) The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (a) "Abandons" means the knowing or reckless desertion of an
14 animal by its owner or the causing of the animal to be deserted by
15 its owner, in any place, without making provisions for the animal's
16 adequate care.

17 (b) "Animal" means any nonhuman mammal, bird, reptile, or
18 amphibian.

19 (c) "Animal care and control agency" means any city or county
20 animal control agency or authority authorized to enforce city or
21 county municipal ordinances regulating the care, control, licensing,
22 or treatment of animals within the city or county, and any
23 corporation organized under RCW 16.52.020 that contracts with a city
24 or county to enforce the city or county ordinances governing animal
25 care and control.

26 (d) "Animal control officer" means any individual employed,
27 contracted, or appointed pursuant to RCW 16.52.025 by an animal care
28 and control agency or humane society to aid in the enforcement of
29 ordinances or laws regulating the care and control of animals. For
30 purposes of this chapter, the term "animal control officer" shall be
31 interpreted to include "humane officer" as defined in ~~((g))~~ (h) of
32 this subsection and RCW 16.52.025.

33 (e) "Dog" means an animal of the species *Canis lupus familiaris*.

34 (f) "Euthanasia" means the humane destruction of an animal
35 accomplished by a method that involves instantaneous unconsciousness
36 and immediate death, or by a method that causes painless loss of
37 consciousness, and death during the loss of consciousness.

38 ~~((f))~~ (g) "Food" means food or feed appropriate to the species
39 for which it is intended.

1 ~~((g))~~ (h) "Humane officer" means any individual employed,
2 contracted, or appointed by an animal care and control agency or
3 humane society as authorized under RCW 16.52.025.

4 ~~((h))~~ (i) "Law enforcement agency" means a general authority
5 Washington law enforcement agency as defined in RCW 10.93.020.

6 ~~((i))~~ (j) "Livestock" includes, but is not limited to, horses,
7 mules, cattle, sheep, swine, goats, and bison.

8 ~~((j))~~ (k) "Malice" has the same meaning as provided in RCW
9 9A.04.110, but applied to acts against animals.

10 ~~((k))~~ (l) "Necessary food" means the provision at suitable
11 intervals of wholesome foodstuff suitable for the animal's age,
12 species, and condition, and that is sufficient to provide a
13 reasonable level of nutrition for the animal and is easily accessible
14 to the animal or as directed by a veterinarian for medical reasons.

15 ~~((l))~~ (m) "Necessary shelter" means a structure sufficient to
16 protect a dog from wind, rain, snow, cold, heat, or sun that has
17 bedding to permit a dog to remain dry and reasonably clean and
18 maintain a normal body temperature.

19 (n) "Necessary water" means water that is in sufficient quantity
20 and of appropriate quality for the species for which it is intended
21 and that is accessible to the animal or as directed by a veterinarian
22 for medical reasons.

23 ~~((m))~~ (o) "Owner" means a person who has a right, claim, title,
24 legal share, or right of possession to an animal or a person having
25 lawful control, custody, or possession of an animal.

26 ~~((n))~~ (p) "Person" means individuals, corporations,
27 partnerships, associations, or other legal entities, and agents of
28 those entities.

29 ~~((o))~~ (q) "Similar animal" means: (i) For a mammal, another
30 animal that is in the same taxonomic order; or (ii) for an animal
31 that is not a mammal, another animal that is in the same taxonomic
32 class.

33 ~~((p))~~ (r) "Substantial bodily harm" means substantial bodily
34 harm as defined in RCW 9A.04.110.

35 (s) "Tether" means: (i) To restrain an animal by tying or
36 securing the animal to any object or structure; and (ii) a device
37 including, but not limited to, a chain, rope, cable, cord, tie-out,
38 pulley, or trolley system for restraining an animal.

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